



Cheviot

Learning Trust

Name of Policy	Complaints Policy and Procedure
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Responsible Body	Trust
Responsible Person	CEO
Review Committee	Board
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1. Statement of Intent

Cheviot Learning Trust is committed to ensuring that all our schools work in a productive and positive way with all parents, carers and other members of the public.

However if a parent/ carer or member of the public feels that a situation has arisen that they are dissatisfied with, then they have the right to make a complaint. The Trust aims to resolve complaints at the earliest possible stage, and informally where possible. Every complaint will be taken seriously and dealt with in a professional and in a timely manner.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Treat complainants with respect and courtesy
- Make sure any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school and Trust improvement evaluation processes

The Trust will aim to give the complainant the opportunity to complete the complaints procedure in full. To support this, we will make sure we publicise the existence of this policy and make it available on our website, and on the websites of our schools.

Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals in accordance with the Equality Act 2010.

2. Relationship with Cheviot Values

The policy must always be applied in a way that reflects the values of Cheviot Learning Trust, and the Christian ethos of our faith schools:

- **Respect** – we take the time to understand and make decisions and have due regard for the feelings, wishes and rights of others
- **Cooperation** – We nurture the relationships that we've built over many years and we know by working together we can achieve more than we can alone
- **Excellence** – we will always strive for continuous improvement and will produce the best solutions and deliver the best services possible
- **Innovation** – we're here to shape the future, which is why we all have a responsibility to be thinking about the big issues of tomorrow

3. Legislation and Guidance

This document meets the requirements set out in part 7 of the schedule to the [Education \(Independent School Standards\) Regulations 2014](#), which states that we must have and make available a written procedure to deal with complaints from parents/carers of pupils in our Trust.

It is also based on the [best practice guidance for academies complaints procedures](#) published by the Department for Education (DfE).

This policy complies with our funding agreement and articles of association.

In addition, it addresses duties set out in the [Early Years Foundation Stage statutory framework](#) with regards to dealing with complaints about the Trust's fulfilment of Early Years Foundation Stage (EYFS) requirements.

4. Scope

This procedure is for use for complaints against an individual school of the Trust, a member of staff or the Board of Trustees. There are separate arrangements, laid down by law to cover the following:

- Admissions
- Suspension and permanent exclusion
- Statutory assessments of special educational needs
- Safeguarding matters
- Whistle blowing
- Staff grievances
- Staff discipline
- Withdrawal from the curriculum (parents/carers can withdraw their child from any aspect of religious education, including the daily act of collective worship; they do not have to explain why.)

For further guidance on any of the above please refer to Appendix E.

Complaints about services provided by other providers who use Trust premises or facilities should be directed to the provider concerned.

5. Definitions

Concern: An 'expression of worry or doubt over an issue considered to be important for which reassurances are sought'.

Complaint: An 'expression of dissatisfaction however made, about actions taken or a lack of action'.

The aim of this policy is to prevent a concern becoming a complaint.

Complainant: Applies to an individual stakeholder. It may also be interpreted to encompass stakeholders whose communications and/behaviour falls under categories defined as unreasonable.

School day: A weekday during term time, when the relevant school is open, excluding weekends and Bank Holidays.

6. Policy Implementation

The CEO is responsible for ensuring that this policy is implemented in our schools. Complainants should be aware that Headteachers may refer complaints to the central team of the Trust if they consider that the complaint is of such a nature that it should be investigated independently of the school. Likewise, complaints may be retrieved and dealt with by the central team of the Trust for the same reason. Where a complaint is made directly to the central offices of the Trust, it will be logged and sent to the school.

7. Records

All complaints will be recorded by the school, including informal complaints. These will be held within Bromcom. The outcome of the complaint, whether it is held or not upheld and any action taken will also be recorded.

Records relating to individual complaints are confidential, except where the Secretary of State or a statutory body conducting an inspection requests access to them.

The School will monitor the level and the subject matter of complaints and review the outcomes on a regular basis with their School Governing Boards. The Headteacher is responsible for ensuring that monitoring of complaints takes place.

8. How to raise a concern or a complaint

A concern can be made in person, in writing (or email) or by telephone. They may also be made by a third party action on behalf of a complainant, as long as they have appropriate consent to do so. A formal complaint **will only be accepted** in writing or by email on the formal complaint form (see Appendix C).

If you have difficulty discussing a concern with a particular member of staff these views will be respected. In these cases you will be referred to another staff member. Similarly if the member of staff directly involved feels unable to deal with a concern the Headteacher will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

It is a precondition of the complaints procedure that reasonable attempts should be made to resolve issues on an informal basis (at stage one). The relevant senior

member of staff shall have the discretion, to be exercised reasonably, not to allow a formal complaint to be pursued where this precondition has not been met.

All complaints should be marked as **Private and Confidential**.

Complaints against school staff (except the Headteacher)	Should be made, in the first instance, to the Headteacher via the school office/ school's email address
Complaints about the Headteacher	Should be addressed to the Chief Executive Officer, and sent to: info@cheviotlt.co.uk
Complaints about the Chair of the School Governing Board, any individual governor, or the whole School Governing Board	Should be addressed to the Governance Professional of the Trust: f.ewart@cheviotlt.co.uk
Complaints about the Chair of the Board of Trustees	Should be addressed to the Governance Professional of the Trust: f.ewart@cheviotlt.co.uk a suitably skilled Trustee will investigate the complaint
Complaints about the Chief Executive Officer (CEO), Chief Finance and Operations Officer (CFOO), or a Trustee	Should be marked for the attention of the Board of Trustees and sent to the Chair of the Board: p.carvin@cheviotlt.co.uk
Complaints about the Central Team apart from CEO and CFOO	Should be addressed to the CFOO, and sent to: info@cheviotlt.co.uk

The template formal complaint form can be found at Appendix C. If the complainant does not have access to email please call 0191 232 2777 or send a hard copy, marked for the attention of the appropriate individual, to:

Cheviot Learning Trust Central Offices
Sir Bobby Robson House
Esh Plaza
Sir Bobby Robson Way
Newcastle upon Tyne
NE13 9BA

In accordance with equality law, reasonable adjustments will be considered, if required, to enable complainants to access and complete the complaints policy.

9. Anonymous Complaints

Anonymous complaints will not normally be considered. However the Headteacher and/or CEO will determine whether the complaint warrants investigation.

10. Timescales (see also appendix E)

We aim to resolve any complaint in a timely manner. Timescales for each stage of the Complaints Procedure are set out below in the relevant paragraphs. For the purposes of this policy, a “school day” is defined as a weekday during term time, when the relevant school is open. The definition of a “school day” excludes weekends and Bank Holidays. Complaints made outside of term time will be considered to have been received on the first day of school after the holiday period.

The complaint must be raised within **three months** of the incident, or where a series of associated incidents have occurred within three months of the last of these incidents. Complaints made outside of this time frame will only be considered if exceptional circumstances apply.

If other bodies are investigating aspects of the complaint, for example the police, local authority safeguarding teams or tribunals, this may impact on the Trust’s ability to adhere to the timescales within this policy resulting in the procedure being suspended until those public bodies have completed their investigation. If this happens, you will be informed of a proposed new timescale.

In exceptional circumstances, such as the full or partial closure of schools or other disruption, time scales related to responses to formal complaints in this policy may be extended. In such circumstances, new timescales will be communicated to the complainant.

11. Resolving Complaints

At each stage in the policy, the aim is always to resolve the complaint. If appropriate, it will be acknowledged that the complaint is upheld in whole or in part. In addition one or more of the following may be offered:

- An explanation
- An admission the the situation could have been handled differently or better
- An assurance that the Trust will try to ensure the event complained about will not recur
- An explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- An undertaking to review school processes in light of the complaint
- An apology

In line with DfE guidance, complainants should note that any acknowledgement by the Trust that it could have handled the situation better is not an admission of unlawful or negligent action.

12. Withdrawal of a complaint

If a complainant wants to withdraw their complaint, this should be confirmed in writing.

13. Stage One: Informal “Listen and Respond”

It is in everyone’s interest that concerns are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. To that end, staff must be aware of the procedures so they know what to do when they receive a concern.

Most concerns, where a parent/carer seeks intervention, reconsideration or some other action to be taken, can be resolved informally. Most concerns at this stage can be expressed verbally and resolved without recourse to this complaints policy.

Concerns should be raised with the appropriate person which may include the class teacher, year lead, phase lead or senior leadership of the school. The school/Trust will respect the views of a complainant who indicates that they would have difficulty discussing the concern with a particular member of staff. In these cases, the complainant should refer the concern to the Head Teacher, who may refer it to another member of staff to investigate. Similarly, if the member of staff directly involved feels too compromised to deal with the concern, the concern will be referred to another member of staff via the Head Teacher. The member of staff will consider the concern objectively and impartially.

Complainants should not approach individual governors or Trustees to raise concerns/complaints. They have no power to act on an individual basis.

At the conclusion of their investigation the appropriate person investigating the concern will provide an informal response. This may be in writing, by email or through a telephone call or face to face interview. A record of the response must be kept. The response will be provided to the complainant **within 10 school days** of the concern being raised.

If a complainant first approaches a local governor or Trustee, they should be referred to the appropriate person i.e. the member of staff concerned and identified above.

Local governors and Trustees should not act unilaterally on an individual concern/complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a committee at a later stage of the procedure.

It is hoped the majority of concerns can be resolved at this stage. If the issue remains unresolved the next step is to make a formal complaint, **within 10 days of an informal response**.

14. Stage Two: Consideration of Formal Complaint by the Trust

If the complainant feels their concern has not been resolved at the informal stage, they need to follow the formal complaint process as detailed below.

In most cases all complaints will be dealt with via the informal stage initially before progressing to the formal stage. It is acknowledged however, that on occasion, depending on the nature of the complaint, it may be appropriate to proceed straight to the formal stage, in agreement with the school and the complainant.

Formal complaints must be to the CEO via the info@cheviotlt.co.uk email box or in writing to the Cheviot Learning Trust Central Offices, marked Private and Confidential, **within 10 school days** of the outcome of Stage 1. The complainant should use the formal complaint form (see Appendix C) to provide their written complaint, and include a copy of correspondence concluding Stage 1 and give details in writing of why they are not satisfied with the outcome.

The CEO will record the date the complaint is received and will acknowledge receipt of the complaint (in writing or by email) within **five** school days.

The CEO will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. They may do this by phone or in person or they may decide that a telephone conversation will be sufficient. The CEO may delegate the investigation to another member of the senior staff or appropriate independent body, but not the decision, nor the action to be taken.

The person(s) carrying out the investigation will review the way in which the complaint has been handled and ensure that the issues have been dealt with properly and fairly. They may seek further information from the complainant or the school and will investigate the matter.

The CEO will provide a formal, written response at the conclusion of the investigation **within 20 working days** of receipt of the complaint.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate it will include details of actions the school will take to resolve the complaint.

The complaint can move to Stage 3 if the complainant remains dissatisfied by the outcome.

15. Stage Three: Consideration by a Panel

If the complainant is not satisfied with the result from Stage 2, they may choose to refer their complaint to Stage 3 of the procedure. This must be done in writing to the Chair of the Board at Cheviot Learning Trust Central Offices, Sir Bobby Robson House, Esh Plaza, Sir Bobby Robson Way, Newcastle upon Tyne, NE13 9BA **within 10 school days of the completion of Stage 2.**

At this Stage, the complaint will be considered by a panel comprising Trustees and/or members of the School Governing Board.

The Trustees/School Governing Board will consider the manner in which the complaint was addressed and decide whether it has been properly dealt with.

They will make a final decision about the case and will determine whether the complaint has received fair and proper consideration within the Trust's procedure. If they have any concerns, they may direct that further investigation takes place. The complainant will be kept informed of any delay.

Where the complaint is considered by a panel of Trustees/School Governing Board members of this will comprise of persons who have no detailed prior knowledge of the complaint, and will have no connection with the complainant. There will also be one independent person who is independent of the management or governance of the Trust.

The meeting will normally take place **within 20 school days** of the request. If the complainant rejects the offer of three proposed dates, without good reason, the meeting will be held in the complainant's absence on the basis of written submissions from both parties.

Complainants will have the opportunity to submit written evidence on the complaint prior to the meeting of the panel and also to attend, accompanied by a friend/partner if they wish, to present their case. The Headteacher or CEO will be given the same opportunities.

The complainant will be informed of the date, time and place of the meeting. The letter will also explain what will happen at the meeting. As a general rule, no new evidence or witnesses previously undisclosed should be introduced into the meetings by the complainant at this stage.

The decision of the panel will normally be communicated to the complainant **within 10 school days of the meeting.**

The decision taken at Stage 3 is final. For most complaints this decision will be the last step in the process.

Note: Where appropriate, complaints about staff conduct will not generally be handled under this complaints policy. Complainants will be advised that any staff conduct complaints will be considered under the disciplinary procedures of the Trust, but outcomes will not be shared with them.

Representatives from the media are not permitted to attend.

At least ten school days prior to the meeting the date, time and venue will be confirmed. Any written materials will be circulated to all parties **at least five school days before the date of the meeting**. The panel will not normally accept as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The meeting will be held in private. Electronic recordings of the meetings are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before recordings of meetings or conversations take place. Consent will be recorded in any minutes taken. Recordings will be managed and retained by the Trust.

The panel will consider the complaint and all the evidence presented. The panel can:

- Uphold the complaint in whole or in part
- Not uphold the complaining in whole or in part

If the complaint is upheld in whole or in part the panel will:

- Decide on the appropriate action to be taken to resolve the complaint
- Where appropriate, recommend changes to Trust or school processes or procedures to prevent similar issues in the future.

The chair of the panel will provide the complainant and the Trust/School with a full explanation of their decision and the reason(s) for it, **in writing within ten school days**.

The letter to the complainant will include details of how to contact the Department for Education (DfE) if they are dissatisfied with the way their complaint has been handled.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate it will include details of actions that will be taken to resolve the complaint.

The panel will ensure that those findings and recommendations are sent by email or otherwise delivered to the complainant and, where relevant, the person complained about.

A written record will be kept of all complaints and of whether they are resolved at the preliminary stage or proceed to a panel hearing.

16. Next Steps

If the complainant believes the Trust did not handle their complaint in accordance with the published complaints policy or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the DfE after they have completed Stage 3.

The DfE will not normally reinvestigate the substance of complaints or overturn any decisions made by the Trust. They will consider whether the Trust has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed Part 7 of the Education (Independent School Standards) Regulations 2014.

The complainant can refer their complaint to the DfE as below:

Online at –

https://form.education.gov.uk/service/Contact_the_Department_for_Education

In writing to –

School Complaints Compliance Unit
Department for Education
2nd Floor, Piccadilly Gate
Store Street
Manchester
M1 2WD

By telephone to –

0370 000 2288

Further advice is available at <https://www.gov.uk/complain-about-school>

17. Managing Unreasonable Complaints

If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. **Please see Appendix D** for further details of how such complaints will be dealt with and examples of behaviour which will not be tolerated.

18. Complaint Campaigns

Where the Trust becomes the focus of a campaign and receives a large volume of complaints all based on the same subject, particularly if these complaints come from complainants unconnected with the Trust, the Trust may respond by:

- Sending a consistent response to all complainants
- Publishing a single response on the Trust website.

If complainants are not satisfied with the Trust's response, or wish to pursue the complaint further, the normal procedures will apply. If the Trust receives a large number of complaints about the same subject from complainants who are connected to the Trust (e.g. parents), each complainant will receive an individual response.

19. Expectations

What can you expect from us?

Anyone who raises informal or formal concerns, issues or complaints can expect us to:

- follow the Trust's complaints procedure;
- be available for consultation within a reasonable time limit, bearing in mind the needs of pupils at the school and the nature of the complaint;
- respond with courtesy and respect;
- attempt to resolve concerns using reasonable means in line with the Trust's complaints procedure, other policies and practice and in line with guidance from the Trust in accordance with the Secretary of State's legislation and guidance for academies; and
- keep those involved informed of progress towards a resolution

What we expect of you

We expect anyone who wishes to raise concerns to:

- try to resolve the concern informally with a member of school staff, or Trust central office
- treat all staff with courtesy and respect;
- respect the needs of pupils and staff;
- never to use violence (including threats of violence) towards people or property;
- recognise the time constraints under which members of staff work and allow a reasonable time to respond to a complaint;
- recognise that some problems may not be resolved in a short time;
- follow the Trust's complaints procedure;
- speak politely and respectfully using appropriate language and avoid any aggression or verbal abuse, including name-calling;
- raise concerns/complaints in an appropriate place and at an appropriate time (for example not in front of other parents or pupils and not in an open public space);

- be prepared to work towards a resolution and in partnership

20. Learning Lessons

The Executive Team will review any underlying issues raised by complaints with the Headteacher, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school/Trust can make to its procedures or practice to help prevent similar events in the future.

The Board of Trustees will receive regular reports on the types of complaints received in each school in order to support the development of appropriate support structures, and to inform any improvements to procedures or practice.

21. Transferring Data

When a pupil changes school, the pupil's educational record will be transferred to the new school and no copies will be kept.

The Trust will hold records of complaints separate to pupil records so that access to these records can be maintained.

Information that the Trust retains relating to a complaint will be stored securely and in line with its Records Management Policy.

22. Monitoring and Review

The complaints procedure will be reviewed annually, taking into account any legislative changes and the latest guidance issued by the DfE.

Responsibility for reviewing the procedure belongs to the board of trustees. All projected review dates will be adhered to.

Information gathered through reviewing the complaints procedure will be used to continuously improve and develop the process. Any changes to this policy will be communicated to all relevant stakeholders.

The monitoring and reviewing of complaints will be used to help evaluate each school's performance, and the performance of the Trust as a whole.

Roles and Responsibilities

Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality

Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
 - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
 - interviewing staff and children/young people and other people relevant to the complaint
 - consideration of records and other relevant information
 - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the head teacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems
- The head teacher or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

Complaints Co-ordinator (Trust Governance Professional)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, head teacher, CEO, Chair of Governors, Chair of Trust or the Clerk and to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
 - sharing third party information
 - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records
- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example: stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale

Clerk to the Governing Body / Trust Board

The Clerk is the contact point for the committee and should:

- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision

Panel Chair

The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR. If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting

- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk (and complaints co-ordinator, if the school has one)

Panel Member

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so. No governor / Trustee may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations
- many complainants will feel nervous and inhibited in a formal setting. Parents/carers often feel emotional when discussing an issue that affects their child
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting. Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.

The committee should respect the views of the child/young person and give them equal consideration to those of adults.

If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend. However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests

- the welfare of the child/young person is paramount

Hearing Panel Procedures

Procedures for Hearing Panel:

- The hearing is as informal as possible
- The hearing will be clerked by an independent person
- The Hearing panel will keep an open mind
- Any member of the Hearing panel must declare any conflict of interests or any prior involvement with the complaint or the circumstances surrounding it.
- The panel should be aware that parents and carers can be emotional, nervous and inhibited in a formal setting. Every effort should be made to ensure that everyone is appropriately supported and breaks are conveyed throughout the proceedings.
- The panel should nominate a chair in advance of the hearing
- Witnesses are only required to attend for the part of the hearing in which they give their evidence
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses
- The Headteacher/CEO may question both the complainant and the witnesses after each has spoken
- The Headteacher/CEO is then invited to explain the school/Trust actions and be followed by the school/Trust witnesses
- The complainant may question both the Headteacher/CEO and the witnesses after each has spoken
- The panel may ask questions at any point
- The complainant is invited to sum up
- The Headteacher/CEO is then invited to sum up
- The chair explains that both parties will hear from the panel within a set time-scale as outlined in the policy.
- Both parties leave together while the panel decides on the issues

The safety and welfare of pupils is paramount

Formal Complaint Form

**FORMAL COMPLAINT FORM**

Your Name	
Pupil's Name	
School	
Relationship to pupil (if relevant)	
Address	
Contact Number	
Contact email address	
Details of complaint	

Actions already taken to resolve complaint	
Actions you feel may resolve your complaint	

Any attachments (please detail)	
Signature	
Date	

Unreasonably Persistent and Vexatious Complaints

The Trust is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. The Trust will not normally limit the contact complainants have with the Trust itself or any of its schools; however, the Trust does not expect staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

For the purposes of this policy, “unreasonable complaints” include:

- Vexatious complaints, which:
 - Are obsessive, persistent, harassing, prolific, or repetitious
 - Insist upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason
 - Insist upon pursuing meritorious complaints in an unreasonable manner
 - Are designed to cause disruption or annoyance
 - Demand for redress which lacks any serious purpose or value
- Serial or persistent complaints, which:
 - Are duplicated, sent by the same complainant once the initial complaint has been closed
 - Are new complaints that are submitted additionally, as part of an existing open complaint, by the same complainant

A complaint may also be regarded as unreasonable when the complainant:

- Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- Refuses to cooperate with the complaints investigation process while still wishing their complaint to be resolved
- Refuses to accept that certain issues are not within the scope of a complaints procedure
- Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice
- Introduces trivial or irrelevant information which they expect to be taken into account and commented on, or raises large numbers of detailed but unimportant questions and insists they are fully answered, often immediately and to their own timescales
- Makes unjustified complaints about staff who are trying to deal with the issues and seeks to have them replaced
- Changes the basis of the complaint as the investigation proceeds
- Repeatedly makes the same complaint despite previous investigations or responses concluding that the complaint is groundless or has been addressed

- Refuses to accept the findings of the investigation into that complaint where the Trust's complaints procedure has been fully and properly implemented and completed, including referral to the DfE
- Seeks an unrealistic outcome
- Makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the complainant:

- Acts maliciously or aggressively
- Uses threats, intimidation or violence
- Uses abusive, offensive or discriminatory language
- Knows the complaint to be false
- Uses falsified information
- Publishes unacceptable information in media such as social media websites and newspapers

The above applies regardless of the method the complaint is made, e.g. face-to-face, by telephone, in writing or electronically.

Complainants should limit the number of communications with the Trust while a complaint is being progressed. It is not helpful if repeated correspondence is sent, either by letter, phone, email or text, as it could delay the outcome being reached.

Whenever possible, the member of staff or Trustee leading the response to a complaint will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

Serial or persistent complaints will only be marked as 'serial' once the complainant has completed the complaints procedure. **It is the complaint that will be marked as 'serial'**, meaning the complainant can complain about a separate issue if necessary.

If the behaviour continues, the individual handling the complaint will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the Trust or any of its schools causing a significant level of disruption, the Trust may specify methods of communication and limit the number of contacts. Any restrictions imposed will be appropriate and proportionate. The options most likely to be considered are:

- Requesting contact in a particular form (for example, letters only)
- Requiring contact to take place with a named member of staff
- Restricting telephone calls to specific days and times; and or
- Asking the complainant to enter into an agreement about their conduct

A decision to stop responding will only be considered in circumstances where the following statements are true:

- Every reasonable step has been taken to address the complainant's concerns
- The complainant has been given a clear statement of the Trust's position and their options
- The complainant contacts the Trust or any of its schools repeatedly, making substantially the same points each time

If the above criteria are met, in making a decision to stop responding, the Trust will also consider if the complainant is often abusive or aggressive in their communication, makes insulting personal comments about or threats towards staff, or if the Trust believes their intent is to disrupt or inconvenience the Trust or its schools. However, the Board of Trustees will seek to limit any detriment to any students who attend the school, as far as is reasonable within these circumstances e.g. access to parents' evenings, newsletters and any other correspondence.

The Trust will not stop responding to a complainant on the basis that they are difficult to deal with or they ask complex questions.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of the school's staff, we will consider other options, for example reporting the matter to the police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

Complaints Policy Timescales

Stage 1: Informal	Concern raised with the school. Within 5 days, the school will acknowledge the concern Within 10 school days (from receipt of the concern) a response to the concern will be sent to the complainant.
Stage 2: Formal complaint heard by the Headteacher	Complainant writes to the Headteacher if they remain unhappy within 10 school days of receipt of the stage 1 response. Within 5 days, the school will acknowledge the complaint Within 20 school days the school will investigate and respond in writing
Stage 3: Formal complaint heard by the CEO	The complainant writes to the CEO if they remain unhappy within 10 school days of receipt of the stage 2 response. Within 5 days, the CEO will acknowledge the complaint Within 20 school days the CEO will investigate and respond in writing
Stage 4: Formal complaint hearing	Complainant writes to the Chair of the Trust to say they remain unhappy, within 10 school days of receipt of the stage 3 response. Within 5 days, the Trust will acknowledge the complaint. A hearing will be conveyed within 20 school days of receipt of the request to proceed to the hearing. 10 school days notice of the date and time of a hearing will be given to the complainant. All papers (panel pack) will be circulated to all parties at least 5 school days prior to the hearing. The outcome of the hearing will be communicated in writing within 10 school days.
The complainant may refer their complaint to the Department for Education (DfE) if they remain unhappy.	

Scope of this Complaints Policy

This policy covers all complaints about any provision of community facilities or services by the Trust, other than complaints that are dealt with under other statutory procedures, including:

Exceptions	Who to contact
Admissions to schools	Concerns about admissions should be handled through a separate process – either through the appeals process of the admission authority or via the appeals process of the Local Authority.
Matters likely to require a child protection investigation/ safeguarding	Complaints about child protection/safeguarding matters are handled under the Safeguarding and Child Protection Policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding, the Multi-Agency Safeguarding Hub (MASH), the police or the NSPCC.
Suspension/ Permanent exclusion of children from school	Further information about raising concerns about suspension/permanent exclusions can be found at: www.gov.uk/school-discipline-exclusions/exclusions
Statutory assessments of Special Educational Needs	Complaints regarding the statutory assessment of a child's special educational needs should be directed to the relevant local authority. For example, the local authority has refused to carry out an assessment; has delayed the assessment; has not yet issued the assessment findings; or you disagree with the decisions in the assessment.
Whistleblowing	The Trust has a whistleblowing procedure for all employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters directly with their employer. Referrals can be made at: www.education.gov.uk/contactus Volunteer staff who have concerns about the schools should

	complain through the complaints policy.
Staff grievances	Complaints from staff will be dealt with under the Trust's grievance procedures.
Staff conduct	Where appropriate, complaints about staff conduct will be dealt with under the Trust disciplinary procedures. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.
Withdrawal from the curriculum	Parents/carers can withdraw their child from any aspect of RE, including the daily act of collective worship (DACW). They do not have to explain why. If parents/carers are not satisfied with the handling of a request to withdraw their child from RE including the DACW, they can raise a complaint through the complaints policy. The right of withdrawal does not apply to other areas of the curriculum where religious matters may be spontaneously raised by pupils or arise in other subjects such as history or citizenship.
Complaints about services provided by other providers who may use school premises or facilities	Providers should have their own complaints procedure to deal with complaints about their service.
Complaints regarding requests for term time absence	These requests are entirely at the Headteacher's discretion. Therefore, they do not come under the remit of the Complaints Policy. https://commonslibrary.parliament.uk/holidays-during-school-term-time-england/ DfE Working together to improve school attendance https://childlawadvice.org.uk/information-pages/school-attendance-and-absence/
Complaints about the fact that a Section 547 ban has been applied	Complaints about how the ban was applied, i.e. the process, can be made, but not about the fact that a ban itself has been implemented. This is dealt with through the legal process