

Woodland Academy Trust

Complaints Procedures Policy

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Woodland Academy Trust is committed to inclusion, diversity and promoting equal opportunity for all. All schools within the Trust share this commitment, providing an inclusive environment. This objective applies to all policies and procedures and the Trust will at all times adhere to the requirements of the Equalities Act 2010 and any other associated guidance.

Contents

Statement of intent	2
1. Legal framework	3
2. Definitions.....	3
3. Roles and responsibilities	5
4. Making a complaint.....	7
5. Complaints procedure	10
6. Interviewing witnesses	14
7. Recording a complaint.....	15
8. Complaints not covered by this procedure.....	16
9. Exceptional circumstances.....	17
10. Managing unreasonable requests.....	18
11. Complaints campaigns.....	20
12. Barring from the premises.....	21
13. Standard of fluency complaints	21
14. Transferring data	22
15. Availability	22
16. Reviewing the procedure.....	23
Appendix 1 - Formal Complaint Form	24
Appendix 2- Record of Meeting	28
Appendix 3 – Complaints Check List.....	30

Statement of intent

Woodland Academy Trust aims to resolve all complaints at the earliest possible stage and is dedicated to continuing to provide the highest quality of education possible throughout the procedure.

This policy has been created to handle complaints relating to any aspects of the provision of facilities or services against:

- Any member of staff.
- Any school within the trust.
- Any Local Academy Committee of the trust.
- Individual trustees or the board of trustees.
- The Trust as a whole.

It is designed to ensure that the Trust's complaints procedure is straightforward, impartial, non-adversarial, allows a full and fair investigation, respects confidentiality, and delivers an effective response and appropriate redress.

Any person, including a member of the public, is able to make a complaint about the provision of facilities or services that the school provides. This policy outlines the procedure that the complainant and school must follow.

Once a complaint has been made, it can be resolved or withdrawn at any stage.

The Headteacher of the relevant school will delegate an appropriate person to be the first point of contact during the complaint's procedure.

1. Legal framework

1.1 This policy has due regard to statutory legislation, including, but not limited to, the following:

- Education Act 2002
- Freedom of Information Act 2000
- Immigration Act 2016
- Equality Act 2010
- General Data Protection Regulation (GDPR)
- The Data Protection Act 2018
- Part 7 of The Education (Independent School Standards) Regulations 2014
- ESFA (2021) 'Best practice guidance for academies complaints procedures'
- ESFA (2022) 'Academy trust handbook 2022'

1.2. This policy also has due regard to guidance including, but not limited to, the following:

- DfE (2021) 'Best practice guidance for school complaints procedures 2020'
- ESFA (2021) 'Best practice guidance for academies complaints procedures'
- HM Government (2016) 'Code of Practice on the English language requirement for public sector workers'

1.3. This policy will be implemented in accordance with the following school policies:

- Records Management Policy
- Child Protection and Safeguarding Policy and Procedures
- Grievance Policy
- Exclusion Policy
- Whistleblowing Policy
- Admissions Policy
- Behaviour and Relationships Policy

2. Definitions

2.1. For the purpose of this policy, a "**complaint**" can be defined as 'an expression of dissatisfaction' towards the actions taken or a perceived lack of action taken.

2.2. Complaints can be resolved formally, through this procedure, or informally dependent on the complainant's choice.

- 2.3. A “**concern**” can be defined as ‘an expression of worry or doubt’ where reassurance is required.
- 2.4. Any complaint or concern will be taken seriously, whether formally or informally, and the appropriate procedures will be implemented.
- 2.5. A “**grievance**” is an issue raised by a member of staff where they feel the school has not implemented a policy or process fairly or properly. Grievances will be dealt with in line with the school’s Grievance Policy.
- 2.6. For the purpose of this policy, concerns will be classed and addressed as complaints.
- 2.7. For the purpose of this policy, “**unreasonable complaints**” include:
- Vexatious complaints:
 - Are obsessive, persistent, harassing, prolific, 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:
 - 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.
- 2.8. 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.
- 2.9. For the purpose of this policy, “**duplicate complaints**” are identical complaints received from a complainant’s spouse, partner, grandparent or child. These complaints will not be addressed again, the individual making the second complaint will be informed that the complaint has been dealt with on a local level and if they are dissatisfied with the result, they can appeal to the DfE.
- 2.10. Any new details provided by a complainant’s spouse, partner, grandparent or child, will be investigated and dealt with in line with the complaint procedure.

2.11. Anonymous concerns or complaints will not be investigated under this procedure, unless there are exceptional circumstances.

3. Roles and responsibilities

3.1. The complainant will:

- Cooperate with the school in seeking a solution to the complaint.
- Express the complaint and their concerns in full at the earliest possible opportunity.
- Promptly respond to any requests for information or meetings.
- Ask for assistance as needed.
- Treat any person(s) involved in the complaint with respect.

3.2. The investigator is involved in stages one and two of the procedure. Their role includes:

- Providing a sensitive and thorough interviewing process of the complainant to establish what has happened and who is involved.
- Keeping up-to-date records throughout the procedure – these records will be kept securely on CPOMs and retained in line with the school's Records Management Policy.
- Considering all records, evidence and relevant information provided.
- Interviewing all parties that are involved in the complaint, including staff and pupils.
- Analysing all information in a comprehensive and fair manner.
- Liaising with the complainant to clarify an appropriate resolution to the problem.
- Identifying and recommending solutions and courses of actions to take.
- Being mindful of timescales and ensuring all parties involved are aware of these timescales.
- Responding to the complainant in a clear and understandable manner.
- Ensuring that all parties involved in the complaint are fully updated throughout each stage of the procedure.

- Guaranteeing that all parties involved in the procedure are aware of any relevant legislation, including the Equality Act 2010, UK GDPR, Data Protection Act 2018 and Freedom of Information Act 2000.
- Ensuring, where the complainant is dissatisfied with the response, they are allowed to escalate it to the next formal stage and are provided the opportunity to complete the complaints procedure in full.
- Being aware of issues with regards to sharing third party information.
- Understanding the complainant's need for additional support, including interpretation support, and will be aware of any issues concerning this.

3.3. The panel chair will:

- Ensure that minutes of the hearings are taken on every occasion.
- Explain the remit of the panel to the complainant.
- Ensure that all issues are addressed and that outcomes are reached based on facts and evidence.
- Help to put at ease and console individuals involved who are not used to speaking at such hearings, particularly any pupils involved.
- Conduct the hearing in an informal manner, ensuring that everyone is treated with respect and courtesy.
- Ensure that the room's layout and setting is informal and non-adversarial, yet still sets the appropriate tone.
- Confirm that no member of the panel has previously been involved in the earlier stages of the procedure or has an external interest in the outcome of the proceedings.
- Give both the complainant and the school the opportunity to state their case and seek clarity without undue interruption.
- Provide copies of any written material or evidence to everyone in attendance of the meeting, ensuring that everyone has seen the necessary material.
- Organise a short adjournment of the hearing if required.
- Continuously liaise with the clerk and complaint investigator to ensure the procedure runs smoothly.
- Help to provide the support necessary where the complainant is a child.

3.4. All panel members will be aware that:

- The review panel hearing is independent and impartial.
- No individual with prior involvement in the complaint, or the circumstances surrounding it, is permitted to sit on the panel.
- The aim of the panel is to achieve a reasonable resolution and, ultimately, attain reconciliation between the parties involved.
- Reconciliation between the school and complainant is not always achievable, and that it may only be possible to establish facts and make recommendations to reassure the complainant that their case has been taken seriously.
- The panel can:
 - Dismiss or uphold the complaint, in whole or in part.
 - Decide on appropriate action to be taken.
 - Recommend changes that the school can make to prevent reoccurrence of the problem.
- Complainants may feel nervous or inhibited in a formal setting and, therefore, the proceedings should be as welcoming as possible.
- When a child is present at the hearing, extra care needs to be taken to ensure that the child does not feel intimidated, as well as ensuring the child's view is represented equally.

3.5. The panel clerk will:

- Continuously liaise with the complaint investigator
- Record the proceedings.
- Set the date, time and venue of all hearings, ensuring that this is appropriate, convenient and accessible to all parties involved.
- Collate all written material or evidence involved and send it to the parties involved in timely advance of the hearing.
- Greet all parties as they arrive at the hearing.
- Ensure that the minutes of the panel hearing are circulated.
- Notify the relevant parties of the panel's decision and any other actions to be taken.

4. Making a complaint

- Complaints are not restricted to parents of attending pupils. The school will consider all complaints, providing they are not anonymous.

- The school will ensure the complaints procedure is:
 - Easily accessible and publicised on the school's website.
 - Simple to understand and put into practice.
 - Impartial and fair to all parties involved.
 - Respectful of confidentiality duties.
 - Continuously under improvement, using information gathered during the procedure to inform the school's SLT.
 - Fairly investigated, by an independent person when necessary.
 - Used to address all issues to provide appropriate and effective responses where necessary.
- Complaints are expected to be made as soon as possible after an incident arises to amend the issue in an appropriate timescale.
- The school upholds a three-month time limit in which a complaint can be lodged regarding an incident.
- Complaints made outside this time limit will not be automatically refused and exceptions will be considered.
- In the case of any timescales changing, all parties involved will be informed of the changes in a timely manner.
- Complaints should be made using the appropriate channels of communication, including the use of the Formal Complaint Form.
- All complaints shall be considered, whether they are made in person, by telephone, in writing, electronically via email, or via a third party (such as the Citizen's Advice Bureau), providing they are not anonymous.
- A complaint can progress to the next stage of the procedure even if it is not viewed as "justified". All complainants are given the opportunity to fully complete the complaints procedure.
- Any complaint made against a member of staff will be initially dealt with by the Headteacher.
- Any complaint made against the Headteacher shall be initially dealt with by the Chair of the LAC.

- Any complaint made against the chair of the local academy committee (LAC) or any other member of the LAC should be made in writing to the clerk to the governing board. The complaint will be investigated by the Chair of the Board of Trustees (or other person appointed by the Chair for this purpose) with the timescales as laid out under Stage 2.

Complaints about Trust Staff or Trustees/LAC members:

- In the event that it is believed that a Trustee has breached the Governance code of conduct, the Chair of Trustees will make arrangements for the concern to be investigated by an appropriate member of the Trust Board. A written report of the investigation outcome will be submitted to the Chair of Trustees to determine the appropriate actions to resolve the matters raised in the complaint in accordance with the Code of Conduct and Articles of Association; with timescales as laid out in Stage 2.
- In the event that it is believed the Chair of the Board of Trustees has breached the code of conduct, the Trust Members will arrange for a Trust Member or someone independent to the Board and Trust to undertake the investigation. A written report of the investigation outcome will be submitted to the Trust Members to determine the appropriate actions to resolve the matters raised in the complaint in accordance with the Code of Conduct and Articles of Association; with timescales as laid out in stage 2.
- For complaints against the CEO, the Chair of Trustees will commission an investigation.
- For complaints against the DoE or the CFOO, the CEO will commission an investigation.
- For complaints against the central team, the DoE or CFOO will commission an investigation.
- The Clerk to Trustees will oversee any governance complaints process.
- Under some circumstances, it may be necessary to deviate from the complaint's procedure. Any deviation will be documented.
- Information about a complaint will not be disclosed to a third party without written consent from the complainant.

5. Complaints procedure

Stage one – Informal concern made to a member of staff

- A complaint may be made in person, by telephone or in writing. Please note that responses to emails will be made within 72 hours.
- The member of staff the complaint has been made against can discuss the concern with the Headteacher to seek support.
- To prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls are kept and a copy of any written response is added to the record. These notes are kept securely on CPOMs.
- If the concern is about the Headteacher, the Chair of the LAC and the Director of Education should be informed via the clerk to LAC.
- In case a complaint is made initially to a member of the LAC, the complainant should be referred to the appropriate person. The member of the LAC in question should not act alone on a complaint outside the procedure; if they do, they cannot be involved if the complaint is subject to a hearing at a later stage of the procedure.
- Within 15 school days, the complainant and the relevant member of staff should discuss the issue in a respectful and informal manner to seek a mutual resolution.
- At this stage, the complainant will be asked what they think might resolve the issue – any acknowledgement that the school could have handled the situation better is not an admission of unlawful or negligent action.
- If an appropriate resolution cannot be sought at this informal level, or if the complainant is dissatisfied with the outcome following the initial discussions, the complainant may wish to proceed to the next level of the procedure.

Stage two – Formal complaint made to the Headteacher

- The complainant needs to submit the complaint in writing and pass it to the Headteacher. If the complaint is against the Headteacher, or the Headteacher has been closely involved in stage 1, the complaint should be submitted to the clerk to LAC, and an appropriately senior member of staff will be appointed to carry out the investigation.

- Stage two of the process will be completed within 15 school days. Where the situation is recognised as complex, and it is deemed to be unable to be resolved within this timescale, the Headteacher (or chair of the LAC) will contact the complainant to inform them of the revised target date via a written notification.
- An appointment with the Headteacher should be made, as soon as reasonably practical, to clarify the concerns raised and explore the possibility of an informal resolution.
- It is possible that the complaint will be resolved through this meeting. If not, the Headteacher will arrange for the matter to be fully investigated
- Where the Headteacher has made reasonable attempts to accommodate the complainant with dates for a complaint meeting and they refuse or are unable to attend, the meeting will be convened in their absence and a conclusion will be reached in the interests of drawing the complaint to a close.
- Where there are communication difficulties, the complaint may be made in person or via telephone.
- To prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls are kept, and a copy of any written response is added to the record. These notes are kept securely on CPOMs.
- In terms of a complaint being made against a member of staff, the Headteacher will discuss the issue with the staff member in question. Where necessary, the Headteacher will conduct interviews with any relevant parties, including witnesses and pupils, and take statements from those involved.
- Once all facts are established, the Headteacher will contact the complainant to arrange a feedback meeting and then reply in writing with an explanation of the decision. The complainant will be advised of any escalation options (for example, escalation to stage three) and will be provided with details of this process. The complainant will also be provided with copies of minutes if requested, subject to any necessary redactions under the Data Protection Act 2018 and the UK GDPR.
- If the complainant is not satisfied with the outcome suggested, the procedure will progress to stage three.

Stage three – Investigation by the chair of the local academy committee

- The complainant should submit any complaint in respect of the Headteacher's investigation in writing (or via an alternative method if necessary) to the chair of the

LAC within 10 school days. This should provide details such as relevant dates, times and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.

- The chair of the LAC will carry out an investigation and consider all available evidence.
- The complainant and the Headteacher will be informed of the outcome within 20 school days of the chair of the LAC receiving the complaint. The complainant will be advised of any escalation options (for example, escalation to stage four) and will be provided with details of this process.
- If the complainant is not satisfied with the manner in which the process has been followed, considers the decision to be perverse, or believes that the chair has acted unreasonably, they may request that the local academy committee reviews the complaint (stage four).

Stage four – Complaints appeal panel (CAP)

- Following receipt of a stage three outcome, the complaint should be made in writing to the chair of the LAC within 10 school days.
- Where there are communication difficulties, the complaint may be made in person or via telephone.
- To prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls are kept, and a copy of any written response is added to the record. These notes are kept securely on CPOMs.
- Written acknowledgement of the complaint will be made within three school days. This will inform the complainant that a CAP will hear the complaint within 20 school days.
- Neither the school nor the complainant should bring legal representation to the CAP proceedings; however, there are occasions where legal representation will be necessary, for example where a school employee is a witness in a complaint, they may be entitled to bring union or legal representation.
- The chair of the LAC, or another nominated member of the LAC, will convene a CAP comprising:
 - Three people not involved in the complaint, one of whom is independent of the management and running of the school. The independent panel member will not be a member, trustee or employee

of the school. LAC members of the school are not eligible to be independent panel members.

- Where an independent panel is arranged on an ad-hoc, informal basis, local academy committee members who are suitability skilled and who can demonstrate their independence will be sourced.
- LAC members from any category of member or associate members of another LAC can be approached to take part in an independent panel.
- Five days' notice will be given to all parties attending the CAP, including the complainant.
- Prior to the hearing, the clerk will have written to the complainant informing them of how the review will be conducted. The Headteacher will also have a copy of this letter.
- At the hearing, all participants will be given the opportunity to put their case across and discuss any issues.
- The CAP will consider issues raised in the original complaint and any issues which have been highlighted during the complaint's procedure.
- The meeting should allow for:
 - The complainant to be present and accompanied at the hearing if they wish.
 - The complainant to explain their complaint and the Headteacher to explain the reasons for their decision.
 - The complainant to question the Headteacher, and vice versa, about the complaint.
 - Any evidence, including witnesses who have been prior approved by the chair of the CAP, to be questioned.
 - Members of the CAP to question both the complainant and the Headteacher.
 - Final statements to be made by both parties involved.
- The complainant and the person complained about where relevant, will receive a written response explaining the panel's findings and recommendations within 15 school days. This letter will also explain whether there are any further rights of appeal and to whom they need to be addressed.

- Where relevant, the person complained about will receive a summary of the panel's findings and recommendations. They will also receive a copy of the minutes, subject to any necessary redactions under the Data Protection Act 2018 and the UK GDPR.
- A copy of the panel's findings and recommendations will be made available for inspection on the academy premises by the board of trustees and the headteacher.

Final stage – Appeal

- If a complainant has exhausted the academy's complaints procedure, they will be advised that they can submit a complaint to the ESFA using the [Contact the Department for Education - Contact type - DFE Online Forms](#) or in writing to:

Complaints Team
 Education and Skills Funding Agency
 Cheylesmore House
 Quinton Road
 Coventry
 CV1 2WT

- The ESFA will not overturn the panel's decision or re-investigate the original complaint. The ESFA will only intervene following a complaint if it believes the school has:
 - Breached a clause in its funding agreement.
 - Failed to comply with education law or acted unreasonably when exercising related education functions.

6. Interviewing witnesses

- When interviewing pupils to gather information regarding a complaint, the interview should be conducted in the presence of another member of staff or, in the case of serious complaints, e.g., where the possibility of criminal investigation exists, in the presence of their parents.
- The school will ensure that the conduction of interviews does not prejudice an LA designated officer's (LADO), or police, investigation.
- The school understands the importance of ensuring a friendly and relaxed area which is free from intimidation.

- All pupils interviewed will be made fully aware of what the interview concerns and their right to have someone with them.
- Staff are allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager.
- The interviewer will not express opinions in words or attitude, so as to not influence the interviewee.
- The interviewee will sign a copy of the transcription of the interview.

7. Recording a complaint

- A written record shall be kept of any complaint made, whether made via phone, in person or in writing, detailing:
 - The main issues raised, the findings and any recommendations.
 - Whether the complaint was resolved following an informal route, formal route or panel hearing.
 - Actions taken by the school as a result of the complaint (regardless of whether the complaint was upheld).
- All records are made available for inspection on the school premises.
- The school holds the right to use recording devices, where appropriate, to ensure all parties involved are able to review the discussions at a later date.
- Where there are communication difficulties or disabilities, the school may provide recording devices to ensure the complainant is able to access and review the discussions at a later point.
- Recording devices will not be used without the prior consent of all parties.
- Where the school allows complainants to record meetings, the following will be considered:
 - How any decision to allow recordings may affect any third parties called to act as witnesses
 - The impact and consequences on the individuals involved in the complaint in the event that recordings are lost or leaked

- The school will not accept, as evidence, any recordings that were obtained covertly and without the informed consent of all parties being recorded.
- Details of any complaint made shall not be shared with the entire LAC. The exception to this is when a complaint is made against the whole LAC and they need to be aware of the allegations made against them, to respond to any independent investigation.
- Complainants have a right to access copies of these records under the GDPR and the Freedom of Information Act 2000.
- The school will hold all records of complaints centrally. Correspondence, statements and records relating to individual complaints are kept confidential except where the Secretary of State or a body conducting an inspection request to access them.

8. Complaints not covered by this procedure

- 8.1. Complaints regarding the following topics should be directed to the LA:
 - Statutory assessments of SEND
 - School re-organisation proposals
 - Admissions to schools
- 8.2. Complaints about child protection matters will be handled in line with the school's Child Protection and Safeguarding Policy and Procedures and in accordance with relevant statutory guidance.
- 8.3. Any child protection complaints should be directed to the LADO or the multi-agency safeguarding hub (MASH).
- 8.4. Complaints concerning admissions will be directed to the appropriate admissions authority.
- 8.5. Complaints regarding exclusions will be dealt with in accordance with procedure outlined in the Exclusion Policy.
- 8.6. The school has an internal whistleblowing procedure for all employees, including contractors and temporary staff outlined in the Whistleblowing Policy.
- 8.7. Any whistle-blowers not wishing to raise the issue with their employer will direct their complaint to the DfE.

- 8.8. Volunteers who have concerns about the school or a member of staff should make their complaint in line with this policy.
- 8.9. Staff grievances and disciplinary procedures will be dealt with in line with the Grievance Policy. In these cases, complainants will not be informed of the outcome of any investigations; however, they will be notified that the matter is being addressed.
- 8.10. This complaints procedure is not to be used when addressing any complaints made about services provided by a third party who may use the school premises or facilities. All complaints concerning this should be directed to the service provider.
- 8.11. Complaints about the content of national curriculum should be made to the DfE.
- 8.12. Complaints about how the school delivers the curriculum, including RE and RSE, will be dealt with using this complaints procedure.
- 8.13. Complaints from parents who are dissatisfied with the handling of a request to withdraw their child from RE or collective worship will be handled in line with this complaint's procedure.
- 8.14. Requests for information and issues with the school's process for dealing with FOI requests, will be dealt with in accordance with the Freedom of Information Policy.

9. Exceptional circumstances

- 9.1. The DfE expects complainants to have completed the school's complaints procedure before directing a complaint to them. The exceptions to this include when:
 - Pupils are at risk of harm.
 - Pupils are missing education.
 - A complainant is being prevented from having their complaint progress through the school's complaints procedure.
 - The DfE has evidence that the school is proposing to act or is acting unlawfully or unreasonably.
- 9.2. If a social services authority decides to investigate a situation, the Headteacher or governing board may postpone the complaints procedure.

- 9.3. Where a matter can be resolved through a legal appeal, it will not be considered as a formal complaint. The key areas are: admissions decisions, certain decisions relating to formal assessment of SEND, and decisions to permanently exclude a child.
- 9.4. If a complainant commences legal action against the school in relation to their complaint, the school will consider whether to suspend the complaints procedure, until those legal proceedings have concluded.

10. Managing unreasonable requests

- 10.1. The school is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. We will not normally limit the contact complainants have with the school; however, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.
- 10.2. 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.
- 10.3. A complaint may be regarded as unreasonable when the person making the complaint:
- 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 co-operate 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 complaint's 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 the complainant expects 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 school'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.

10.4. A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:

- Maliciously
- Aggressively
- Using threats, intimidation or violence
- Using abusive, offensive or discriminatory language
- Knowing it to be false
- Using falsified information
- By publishing unacceptable information in a variety of media such as in social media websites and newspapers

- 10.5. Complainants should limit the numbers of communications with a school 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.
- 10.6. Whenever possible, the Headteacher or chair of LAC will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.
- 10.7. If the behaviour continues, the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the school causing a significant level of disruption, the school may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after six months.

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 school's position and their options.
- The complainant contacts the school repeatedly, making substantially the same points each time.

If the above criteria are met, in making a decision to stop responding the school will also consider if the complainant is often abusive or aggressive in their communication, makes insulting personal comments about or threats towards staff, and if the school believes their intent is to disrupt or inconvenience the school.

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

- 10.8. In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the premises.

11. Complaints campaigns

- 11.1. For the purposes of this policy, "**complaints campaigns**" are where the school receives large volumes of complaints that are all based on the same subject.

- 11.2. Where the school becomes the subject of a complaints campaign from complainants who are **not** connected with the school, a standard, single response will be published on the school's website.
- 11.3. If the school receives a large number of complaints about the same subject from complainants who **are** connected to the school, e.g., parents, each complainant will receive an individual response.
- 11.4. If complainants remain dissatisfied with the school's response the complaints procedure will be followed.

12. Barring from the premises

- 12.1. School premises are private property and therefore any individual may be barred from entering the premises.
- 12.2. If an individual's behaviour is cause for concern, the Headteacher will ask the individual to leave the premises.
- 12.3. The Headteacher will notify the parties involved in writing, explaining that their implied licence for access to the premises has been temporarily revoked and why, subject to any representations that the individual may wish to make.
- 12.4. The individual involved will be given the opportunity to formally express their views regarding the decision to bar them.
- 12.5. Anyone wishing to make a complaint regarding a barring order can do so in writing, including email, to the Headteacher or chair of the LAC.

13. Standard of fluency complaints

As members of a public authority, all staff are subject to the fluency duty imposed by the Immigration Act 2016, which requires staff members to have an appropriate level of fluency in English in order to teach pupils.

The school is free to determine the level of spoken communication necessary in order for staff members to develop effective performance, but it will be matched to the demands of the role in question.

The school will be satisfied that an individual has the necessary level of fluency appropriate for the role they will be undertaking, whether this is an existing or potential new member of staff. If a member of the school community feels that a staff member has insufficient

proficiency in spoken English for the performance of their role, they are required to follow the complaints procedure.

For the purpose of this policy, a “**legitimate complaint**” is one which is about the standard of spoken English of a member of staff; complaints regarding an individual’s accent, dialect, manner or tone of communication are not considered legitimate complaints.

All legitimate complaints regarding the fluency duty will be handled in line with the processes outlined in this policy.

In addition to the processes outlined in this policy, the school will assess the merits of a legitimate complaint against the necessary standard of spoken English fluency required for the role in question. To assess the merits, the school will undertake an objective assessment against clear criteria set out in the role specification or, against the level of fluency descriptors relevant to the role in question. If the complaint is upheld, the school will consider what action is necessary to meet the fluency duty; this may include:

- Specific training
- Specific re-training
- Assessment
- Re-deployment
- Dismissal

Appropriate support will be provided to staff to ensure that they are protected from vexatious complaints and are not subjected to unnecessary fluency testing.

Records of complaints regarding fluency will be kept in accordance with the processes outlined in the [recording a complaint](#) section of this policy.

14. Transferring data

- 14.1. When a pupil changes school, the pupil’s educational record will be transferred to the new school and no copies will be kept.
- 14.2. The school will hold records of complaints separate to pupil records while a complaint is ongoing, so that access to these records can be maintained.
- 14.3. Information that the school retains relating to a complaint will be stored securely and in line with the school’s Records Management Policy (7 years).

15. Availability

- 15.1. A copy of this policy will be made available on request. It will also be published on the school website, as recommended by the ESFA.

16. Reviewing the procedure

- 16.1. The complaints procedure will be reviewed annually, taking into account the latest guidance issued by the DfE.
- 16.2. Responsibility for reviewing the procedure belongs to the Director of Education.
- 16.3. Information gathered through reviewing the complaints procedure will be used to continuously improve and develop the process.
- 16.4. The monitoring and reviewing of complaints will be used to help evaluate the school and Trust's performance.

Appendix 1 - Formal Complaint Form

If you have tried unsuccessfully to resolve your complaint and wish to take the matter further, please complete this form and send it to the Headteacher. (If your complaint is against the Headteacher, you will need to send the form to the clerk to the Local Academy Committee.)

Name of complainant	Mr / Mrs / Miss / Ms
Address	
Telephone numbers Daytime and mobile	
Name of School	
Child's name	
Child's class	

I have discussed my concern with the class teacher and/or senior leader	Yes	No
I have discussed my concern with the Headteacher	Yes	No
Date of meeting with the Headteacher		

Please describe your complaint

Please explain why you feel the Stage 1 process has not resolved your complaint to your satisfaction.

A large, empty rectangular box with a thin black border, occupying the upper half of the page. It is intended for a drawing or a detailed response.

What would you like the outcome to be?

A large, empty rectangular box with a thin black border, occupying the lower half of the page. It is intended for a drawing or a detailed response.

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Signed:	
Print Name:	
Date:	

Appendix 2- Record of Meeting

Date of meeting	
Attendees School Staff (Name and Role)	
Is this meeting being held to fulfil stage 1 of the Complaints Procedure? If so, what was the date the concern was first raised and how? E.g., letter, telephone, or email.	
1. What are the details of the concern	
2. Who was involved	
3. What does the parent want the outcome to be	
Actions for the school arising from the meeting	
Actions for the parent(s)/pupil arising from the meeting	
Is a follow-up meeting arranged, if necessary	
Any other information to note	

Signature of Parent to confirm having received these minutes	
Full name, role and signature of member of staff confirming the accuracy of the minutes	

Appendix 3 – Complaints Check List

STAGE 1		
No	Process	Completed
1	Complaint arrives in person, by telephone or in writing. E-mails should be responded to within 72 hours	
2	Add notes of meetings/calls and copy of any written response to CPOMs	
3	If complaint is about the Headteacher, the chair of the LAC and the Director of education should be informed via the Clerk to the LAC	
4	Within 15 school days , the complainant and member of staff should discuss in an informal manner and seek a mutual resolution.	
5	Log any notes of the meeting on CPOMs	
6	Add to Excel tracker in Complaints SharePoint	
7	If Complainant is satisfied – CASE CLOSED If Complainant is dissatisfied – MOVE TO STAGE 2	

STAGE 2		
No	Process	Completed
1	Complainant to submit complaint in writing and pass to the Headteacher. If it's against the Headteacher or the Headteacher was heavily involved in stage 1, send to the Clerk of the LAC.	
2	Stage two to be completed within 15 school days . Where the situation is recognised as complex, and it is deemed to be unable to be resolved within this timescale, the Headteacher (or chair of the LAC) will contact the complainant to inform them of the revised target date via a written notification.	
3	All letters, responses and any brief notes of meetings to be logged on CPOMs.	
4	Appointment to be arranged as soon as practical with Headteacher to clarify concerns raised.	
5	If resolved during the meeting – CASE CLOSED If not, Headteacher to arrange for the matter to be fully investigated	
6	In terms of a complaint being made against a member of staff, the Headteacher discusses the issue with the staff member in question. Where necessary, the Headteacher conducts interviews with any relevant parties, including witnesses and pupils, and take statements from those involved.	
7	Headteacher to contact the complainant to arrange a feedback meeting and then reply in writing with an explanation of the decision along with details of the escalation process and redacted minutes of investigation meetings.	
8	A copy of all communication to be added to CPOMs.	
9	If Complainant is satisfied – CASE CLOSED If Complainant is dissatisfied – MOVE TO STAGE 3	

STAGE 3		
No	Process	Completed
1	The complainant submits any complaint in respect of the Headteacher's investigation in writing (or via an alternative method if necessary) to the chair of the LAC within 10 school days . This should provide details such as relevant dates, times and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.	
2	The chair of the LAC carries out an investigation and considers all available evidence.	
3	The complainant and the Headteacher are informed of the outcome within 20 school days of the chair of the LAC receiving the complaint, including details for escalation and the process	
4	If Complainant is satisfied – CASE CLOSED If Complainant is dissatisfied with the process that has been followed, considers the decision to be perverse, or believes that the chair has acted unreasonably – MOVE TO STAGE 4	

STAGE 4 – Complaints Appeals Panel (CAP)		
No	Process	Completed
1	Following receipt of a stage three outcome, the complaint should be made in writing to the chair of the LAC within 10 school days	
2	All letters, responses and any brief notes of meetings to be logged on CPOMs.	
3	Written acknowledgement of the complaint will be made within 3 school days . This will inform the complainant that a CAP will hear the complaint within 20 school days .	
4	A CAP panel is convened.	
5	5 days' notice will be given to all parties attending the CAP, including the complainant	
6	Clerk writes to the complainant informing them of how the review will be conducted. The Headteacher will also have a copy of this letter.	
7	The hearing takes place	
8	The complainant and the person complained about where relevant, receive a written response explaining the panel's findings and recommendations within 15 school days . This letter also explains whether there are any further rights of appeal and to whom they need to be addressed.	
9	A copy of the panel's findings and recommendations is made available for inspection on the academy premises by the board of trustees and the headteacher.	
10	If Complainant is satisfied – CASE CLOSED If the Complainant is dissatisfied – MOVE TO STAGE 5	

STAGE 5 - Appeal

No	Process	Completed
1	<p>Complainant can submit a complaint to the ESFA. The ESFA will not overturn the panel's decision or re-investigate the original complaint. The ESFA will only intervene following a complaint if it believes the school has:</p> <ul style="list-style-type: none"><li data-bbox="331 434 895 463">• Breached a clause in its funding agreement.<li data-bbox="331 468 1145 539">• Failed to comply with education law or acted unreasonably when exercising related education functions.	