

# Complaints Policy

**History of document: To be reviewed annually and re-approved every two years, or sooner if deemed necessary.**

| Version | Author                      | Date written | Approved     | Note of Revisions  |
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| V1      | C.Burt                      | Sept. 2016   | 23 May 2017  |  |
| V2      | J.Goodwin                   | May 2019     | 21 May 2019  |  |
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| V4      | L.Claringbold               | 18 Jun. 2021 | 06 Jul. 2021 | Reviewed alongside the DfE guidance on handling school complaints.<br>A list of matters excluded from this policy included in section 3.<br>DfE policy for managing serial and unreasonable complaints appended to the document.<br>Table of expected timescales appended to the document. |
| V5      | L.Claringbold/<br>H.Boulton | 24 Mar. 2022 | 11 May 2022  | Revised to reflect the available outcomes of an investigation  |
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## 1. Background

All academies must have a complaints procedure. This must meet the standards set out in the [Education \(Independent School Standards \(England\) Regulations 2014](#) Schedule 1, Part 7, which sets out how complaints procedures should be drawn up and used effectively to handle complaints from parents of pupils.

This policy gives consideration to the current [DfE best practice guidance for academies complaints procedures](#).

## 2. Introduction

2.1. The Trust aims to provide an outstanding service to the young people and families it serves, as well as the local community it operates in. The Trust is committed to working in partnership with students, parents/carers and other concerned individuals to ensure it continues to improve and takes account of the views of all its stakeholders. However, individuals may have occasion to express concern or make a complaint. The purpose of this document is to outline how concerns and complaints should be resolved.

2.2. This complaints procedure is not limited to parents/carers of children registered at Trust schools. Any person, including members of the public, may make a complaint to the Trust, and its schools, about any provision of facilities or services we provide. Unless complaints are dealt with under separate statutory procedures, as detailed in section 3, we will use this complaints procedure.

2.3. When responding to complaints, we aim to:

- be impartial and non-adversarial
- facilitate a full and fair investigation
- treat complainants with respect
- keep complainants informed of the progress of the complaints process
- keep records pertaining to the investigation of the complaint confidential
- consider how the complaint can feed into school and trust improvement evaluation processes.

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 resolution to the complaint
- respond promptly to requests for information or meetings
- respond promptly to requests for clarification in respect of the detail of the complaint
- ask for assistance as needed
- treat all those involved in the complaint investigation process with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

### 3. Definitions and scope

- 3.1. The [DfE guidance](#) explains the difference between a concern and a complaint:

**A concern** is defined as *“an expression of worry or doubt over an issue considered to be important for which reassurances are sort.”*

**A complaint** is defined as *“an expression of dissatisfaction however made, about actions taken or a lack of action.”*

- 3.2. The Trust takes both concerns and complaints seriously and will make every effort to resolve the matter as quickly as possible. Where possible issues raised will be resolved informally, without the need to use the formal stages of the complaint procedure.
- 3.3. We understand however, that there may be occasions when complainants would like to raise their concerns formally, this policy outlines the procedure relating to handling such complaints.
- 3.4. This policy does not cover complaint procedures relating to:
- Admissions
  - Statutory assessments of special educational needs (SEN)
  - Matters likely to require a child protection investigation
  - Allegations against staff
  - Exclusions
  - Whistle-blowing
  - Staff grievances
  - Staff discipline

Please see our separate policies for procedures relating to these types of complaint.

- 3.5. A 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 occurrence. Complaints outside of this time frame may only be considered under exceptional circumstances.
- 3.6. We will not normally investigate anonymous complaints. However, in consultation with the Headteacher and Chair of Governors, the CEO and/or Chair of Trustees, will determine whether the complaint warrants an investigation.
- 3.7. We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

3.8. Who to raise a complaint to:

| <b>Complaint about:</b>   | <b>Raise with:</b>                    |
|---|---------------------------------------|
| School staff  | Headteacher                           |
| Headteacher   | Chair of Governors                    |
| Chair of Governors, an individual governor, the school's local governance committee | Clerk to Governors, via school office |
| Trust central services staff  | CEO                                   |
| Trust CEO   | Chair of Trustees                     |
| Chair of Trustees, any individual trustee or the whole Trust Board                  | Clerk to Trustees, via Trust office   |

- 3.9. For ease of use, a template complaint form is included at the end of this procedure (Appendix One). This will assist the school/Trust in understanding the complaint and how it might be resolved. If you require help in completing the form, please contact the school office. You can also ask a third-party organisation for example Citizens Advice, to help you.
- 3.10. In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaint procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.
- 3.11. In line with [Data Protection Act 2018](#) and [GDPR](#), and subject to any necessary redactions, minutes and where appropriate, other documentation that forms part of the investigation, may be shared with the complainant, and members of the complaint panel convened at formal stage 2, as deemed necessary.
- 3.12. Except in exceptional circumstances, the recording via audio or video of any meeting which forms part of the complaint procedure is not permitted. In any event, a recording will only be permitted with the consent of all those present at the meeting.

#### 4. Informal stage

- 4.1. Parents/Carers should feel free to raise their concerns with the Head of Year/Class Teacher or other appropriate member of staff either in person, by telephone or in writing. They may also be made by a third party acting on behalf of a complainant, as long as they have the appropriate consent to do so. Other parties should raise their complaint with the school/Trust office. If calling in person or telephoning, the complaint will be recorded onto the attached Complaint Form (Appendix One).
- 4.2. Complainants should not approach individual governors to raise concerns or complaints. Governors have no power to act on an individual basis and it may also prevent them from considering complaints at the Formal Stage.

- 4.3. The Trust and its schools are committed to responding as quickly as possible to any issues raised i.e. staff will listen to parents' concerns and seek to reach a speedy and satisfactory resolution.
- 4.4. Complainants will, where possible, receive a response to their concern within 3 school days. If it is not possible to meet this deadline they will be informed of when a response will be made.
- 4.5. A written record will be made, and retained, of informal complaints received and any action taken. A Complaint Form is attached to this policy (Appendix One).
- 4.6. If, after attempting to resolve the issue informally, a complainant remains dissatisfied with the outcome they will be provided with information about the formal complaint procedure (go to Formal Stage 1).

## 5. Formal stage 1

- 5.1. As laid out in clause 3.8 complaints against school staff (except the Headteacher) should be made to the Headteacher, via the school office. This should be done in writing (on the Complaint Form), although requests for reasonable adjustments to facilitate access to the process may be made. Complaints that involve or are about the Headteacher should be addressed to the Chair of Governors via the school office. Please mark them as Private and Confidential.
- 5.2. Complaints against Trust staff (except the CEO) should be made to the CEO, via the Trust office. This should be done in writing (on the Complaint Form), although requests for reasonable adjustments to facilitate access to the process may be made. Complaints that involve or are about the CEO should be addressed to the Chair of Trustees via the Trust office. Please mark them as Private and Confidential.
- 5.3. Complaints against one or more governors should be made to the Clerk to the local governance committee, via the school office. This should be done in writing (on the Complaint Form), although requests for reasonable adjustments to facilitate access to the process may be made. Please mark them as Private and Confidential.
- 5.4. Complaints against one or more trustees should be made to the Clerk to the Trust Board, via the Trust office. This should be done in writing (on the Complaint Form), although requests for reasonable adjustments to facilitate access to the process may be made. Please mark them as Private and Confidential.
- 5.5. Receipt of the complaint will be acknowledged within 3 school days and will specify how the complaint will be investigated, by whom and the timescale within which a full response will be made.
- 5.6. The Headteacher may nominate a senior member of staff, who has had no prior involvement with the complaint, to take on the role of Investigating Officer.

- 5.7. The Headteacher/Investigating Officer will ensure that a full response is made within 10 school days. If the timescale needs to be extended, parents/carers will be informed.
- 5.8. During the investigation the Headteacher/Investigating Officer, may contact the Complainant to clarify the details of the complaint and speak to other persons as necessary.
- 5.9. A complainant will be allowed the opportunity to meet with the Investigating Officer and to be accompanied by a friend or relative who may with the Complainant's agreement speak on their behalf or help them make their case.
- 5.10. The Headteacher/Investigating Officer will interview relevant witnesses and take statements from those involved.
- 5.11. If the complaint involves a pupil, he/she should also be interviewed, normally with a parent/carer present. In some cases, this might not be possible and a member of staff with whom the pupil feels comfortable should attend the interview.
- 5.12. The Headteacher/Investigating Officer should keep written records of all meetings and telephone conversations undertaken as part of the investigation together with any other relevant documentation.
- 5.13. Where the Trust considers the scope of the complaint warrants it, external independent investigating support may be engaged. This will be strictly at the discretion of the panel and any invitations to attend panel hearings or meetings will be by the invitation of the panel only.
- 5.14. If the complaint is about the Headteacher, CEO or a member of the local governance committee or the Trust board (including the Chair or Vice-Chair), a suitably skilled governor or trustee will be appointed to complete all the actions at Stage 1, this may be a governor from another school within the Trust.
- 5.15. If the complaint is:
  - jointly about the Chair and Vice Chair or
  - the entire local governance committee/Trust board or
  - the majority of the local governance committee/Trust board

Stage 1 will be considered by an independent investigator appointed by the local governance committee/Trust board.

- 5.16. A full written response will be made to the Complainant, detailing 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 or Trust will take to resolve the complaint.
- 5.17. The Complainant will be advised that if they are dissatisfied with the outcome they may take the matter further by escalating it to Formal Stage 2. This request should be made

within 10 school days of receipt of the letter detailing the outcome of Formal Stage 1, which will confirm where to address any further correspondence.

## 6. Formal stage 2

- 6.1. If the Complainant is dissatisfied with the outcome of Stage 1 there will be a further and final right of appeal to a specially convened panel of governors, this may include governors from another school within the Trust.
- 6.2. Appeals should be lodged with the Chair of the local governance committee/ Trust board within 10 school days of receipt of the Stage 1 decision.
- 6.3. The panel will meet within 20 school days of receiving the appeal and the Complainant and the person(s) who is/are the subject of the complaint will be informed of the date, time and venue of the hearing.
- 6.4. The Complainant will receive, at least five school days before the panel meets, a written reply from the Investigating Officer explaining how the decision at Stage 1 had been made, unless this has already been provided under 5.16 above. Any submissions from the Complainant should be received a minimum of 5 school days before the appeal.
- 6.5. The panel will comprise of at least 2 governors who have had no previous knowledge of, or involvement in, the case. The panel will additionally include a person who is independent of the management and running of the school. This may be a governor from another school within the Trust. The panel should not include teaching or staff governors/trustees.
- 6.6. The panel will appoint its own Chair, normally the Chair or Vice-chair of the local governance committee/Trust board. The Chair of the panel will ensure that the appeal hearing is minuted. The meeting will be held in private.
- 6.7. The panel will consider the evidence that has been presented alongside the way the complaint has been investigated and handled. The panel will carry out a review of the investigation carried out at Formal Stage 1. It will hear the report of the Investigating Officer at Formal Stage 1 and any submissions on that report by the Complainant.
- 6.8. The panel will not review any new complaints at this stage or consider evidence unrelated to the initial complaint. New complaints should be raised informally first, and then proceed to stage 1 if required.
- 6.9. The panel can decide to:
  - uphold the complaint
  - uphold the complaint in part (in other words find an aspect or aspects of the complaint to be valid, but not the whole complaint), or
  - dismiss the complaint entirely.

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



Regardless of the outcome of the complaint, where appropriate, the panel can recommend changes to the school's systems or procedures to prevent similar issues in the future.

- 6.10. The Complainant may be accompanied by a friend or relative to speak on their behalf or help present their case.
- 6.11. Where the Trust considers the scope of the complaint warrants it, external independent investigating support may be engaged. This will be strictly at the discretion of the panel and any invitations to attend panel hearings or meetings will be by the invitation of the panel only.
- 6.12. If the complaint is:
  - jointly about the Chair and Vice Chair or
  - the entire local governance committee/Trust board or
  - the majority of the local governance committee/Trust board

Stage 2 will be heard by a wholly independent committee.

- 6.13. The decision of the panel is final and will be communicated in writing to the Complainant and the Headteacher within 3 school days.
- 6.14. 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 or Trust will take to resolve the complaint. The response will also advise the Complainant of how to escalate their complaint should they remain dissatisfied (see 7.1).

## 7. Next steps

- 7.1. A further stage of appeal can be taken to the ESFA<sup>1</sup>, but only on the grounds that the governing body is acting or proposing to act unreasonably<sup>2</sup> or illegally.

This can be either be online at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by telephone on: 0370 000 2288 or by writing to:

Academy Complaints and Customer Insight Unit  
Education and Skills Funding Agency  
Cheylesmore House  
5 Quinton Road  
Coventry  
CV1 2WT

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<sup>1</sup> The Education and Skills Funding Agency is responsible for regulating the activities of academies, further education and sixth-form colleges. <https://www.gov.uk/government/organisations/education-and-skills-funding-agency>

<sup>2</sup> Please note that 'unreasonable' is used in a legal sense and means acting in a way in which no reasonable school or authority would act in the same circumstances.

The ESFA 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.

- 7.2. Correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

## 8. [Withdrawal of complaints](#)

If a complainant wishes to withdraw their complaint at any stage, we will request them to confirm it in writing.

## 9. [Serial complainants and vexatious actions](#)

Complaints will be thoroughly investigated but will not be re-opened unless relevant new issues are brought forward, in which case these will be investigated in accordance with the Complaints Procedure.

Please also see Appendix Two – Policy for managing serial and unreasonable complaints.

### [Links with other policies:](#)

- [Child Protection Policy](#)
- [Managing Allegations Against Staff Policy](#)
- [Admissions Policy](#)
- [Exclusions Policy](#)
- [Resolving Issues at Work Policy and Procedure](#)
- [Code of Conduct](#)
- [Whistle-blowing Policy](#)
- [SEN policy and information report](#)
- [Lettings Policy](#)

Appendix One – Complaint form



**Complaint Form**

Please complete and return, via the school/Trust office, to the Headteacher, CEO, Chair of Governors, Chair of Trustees or Clerk to Governors, as appropriate, marked Private and Confidential.

|  |
|--|
| Your name:   |
| Pupil's name (if relevant):  |
| Your relationship to the pupil (if relevant):  |
| Address:   |
| Post Code:   |
| Telephone number:  |
| Please give details of your complaint, including whether you have spoken to anyone about it already: |

|   |
|---|
| What actions do you feel might resolve the problem at this stage? |
| Are you attaching any paperwork? If so, please give details.      |
| Signature:  |
| Date:   |
| <b>Official use only</b>  |
| Date acknowledgement sent:  |
| Name of sender:   |
| Complaint referred to for action and date:                        |
| Outcome:  |

## Appendix Two – Policy for managing serial and unreasonable (vexatious) complaints<sup>3</sup>

Yorkshire Causeway Schools Trust 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 our school. However, we do not expect our staff to tolerate unacceptable behaviour and will act to protect staff from that behaviour, including that which is abusive, offensive or threatening.

The Trust defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if 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 co-operate with the complaints investigation process
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- 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 complaint procedure has been fully and properly implemented and completed including referral to the ESFA.
- seeks an unrealistic outcome
- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence

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<sup>3</sup> Based on DfE guidance found at: <https://www.gov.uk/government/publications/school-complaints-procedures>

- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the school that relates to their complaint, while the 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 headteacher, CEO, Chair of Governors or Chair of the Trustees (as appropriate) will discuss any concerns with the complainant informally before applying an '*unreasonable*' marking.

If the behaviour continues, the headteacher and Chair of Governors, in consultation with the CEO and Chair of the Trustees will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact the Trust or its schools individually causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed within six months.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing in line with DfE guidance. This may include barring an individual from the school.

## Appendix Three – Complaints procedure timescales

| <b>Informal Stage</b>   |  |
|---|--|
| Complaint/concern raised  | Within 3 months of occurrence                          |
| Response to the complainant   | Within 3 school days of receipt of complaint           |
| Request from complainant to escalate to formal stage  | Within 10 school days of completion of informal stage  |
| <b>Formal - Stage 1</b>   |  |
| Acknowledge receipt of formal complaint   | Within 3 school days                                   |
| Response to complainant   | Within 10 school days of receipt of complaint          |
| Request from complainant to escalate to stage 2   | Within 10 school days of receipt of outcome of Stage 1 |
| <b>Formal – Stage 2</b>   |  |
| Appeal request received from complainant  | Within 10 school days of receipt of outcome of Stage 1 |
| Panel to meet   | Within 20 school days of receipt of appeal request     |
| If not already received, results from the stage 1 investigation and any further submissions from the complainant collated | 5 school days prior to the panel meeting               |
| Panel's response  | Within 3 school days of panel meeting                  |

**Notes:**

- Complaints should be made within three months of the incident, or where there are a series of associated incidents then three months from the last occurrence.
- For issues raised outside of term time we will consider them to have been officially received on the first school day after the holiday period.
- Where a response is not received back from the complainant, to either an investigation conclusion report or a request for more information within the timescales set out above, the matter will be considered resolved and the complaint closed down.
- If the above timescales are unable to be met then the complainant will be given an update and a revised response date.
- Likewise, if the complainant is unable to meet the timescales laid out in this process, due to exceptional circumstances, then consideration may be given and timescales extended.