



## Complaints Policy & Procedure

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| VERSION CONTROL |         |                 |  |
|-----------------|---------|-----------------|--|
| Version         | Date    | Author/Reviewer | Substantive changes since the previous version   |
| V1              | Nov 23  | DD/GB/JC/JH     | Updated policy for ONE Academy Trust. Trust Board approved out of committee  |
| V2              | June 24 | DD/GB           | Amendment to 'vexatious complaints and unacceptable behaviour by complainant' section.<br>Amendment to contact details and para. 10.12 |
| V2.1            | July 25 |                 | Clarified timescales for responding to complaints and communications over school holiday periods (para 13).                            |
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## 1. Introduction

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- 1.1 The aim of this policy and procedure is to enable concerns and complaints to be raised confidentially, investigated thoroughly and brought to an appropriate conclusion in a timely manner.
- 1.2 This policy applies to all schools within ONE Academy Trust (the multi-academy trust). The only exception is where a school or academy trust joins ONE Academy Trust and a complaint

is being managed under a policy in force at the time. Such situations will be dealt with on a case-by-case basis and the complainant will be informed of the relevant procedure to be applied.

- 1.3 This complaints procedure is not limited to the parents or carers of children who are registered at a school in the trust. Any person, including members of the public, may make a complaint to ONE Academy Trust about any provision of facilities or services that we provide.
- 1.4 Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure. Complaints which relate to admissions, exclusions, SEND provision, academy reorganisations and matters of child protection or whistleblowing are covered by other policies. There are also separate policies for managing employee discipline, grievance, harassment and bullying. The complainant will be advised if other statutory procedures apply or if there is any necessary variation to the standard complaints procedure, and will be provided with appropriate guidance on how to proceed.
- 1.5 This policy is available to access via the ONE Academy Trust website and our school websites. Please ask a school office if you would like a printed copy of the policy and/or any help in following the procedures.
- 1.6 Legally, all schools and academies must have a complaints procedure which deals with the handling of concerns from the parents/carers of pupils. This policy has been developed taking into account the requirements of [The Education \(Independent Schools Standards\) Regulations 2014 Part 7 \(Manner in which complaints are handled\)](#), in force at the date of the adoption of this policy.
- 1.7 This policy complies with our funding agreement and articles of association.
- 1.8 This policy reflects legislation at the time when it was last reviewed. Any changes in legislation will take precedence over anything printed in the policy.
- 1.9 This procedure is also based on guidance published by the Education and Skills Funding Agency (ESFA) on [creating a complaints procedure that complies with the above regulations](#) and refers to [best practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).
- 1.10 In addition, it addresses duties set out in the [Early Years Foundation Stage statutory framework](#) with regards to dealing with complaints about our fulfilment of Early Years Foundation Stage requirements where applicable.
- 1.11 More information about making complaints can be found on the DfE website by following the link below: <https://www.gov.uk/government/organisations/department-for-education/about/complaints-procedure>

## **Equality and Diversity**

- 1.12 The trust is committed to developing, maintaining and supporting a culture of equality and diversity. The impact of the procedure will be monitored in accordance with the Equality Act 2010.
- 1.13 In accordance with equality law, we will make reasonable adjustments to enable complainants and employees to access and complete this complaints procedure or raise concerns. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations. Please let us know if you need our assistance.

## **Definitions**

- 1.14 Unless indicated otherwise, in this policy the term 'teacher' refers to classroom teachers, middle and senior leaders, and the headteacher.
- 1.15 Throughout this policy, reference to working days refers to school days (Monday to Friday during school term time and excluding inset days and bank holidays).

## 2. Our aims

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- 2.1 When responding to complaints and concerns, we aim to:
- Encourage resolution of problems by informal means wherever possible
  - Resolve concerns as close to the point of origin and as close in time to the issue arising as is practicable
  - Be impartial and non-adversarial
  - Facilitate a full and fair investigation by an independent person or panel where necessary
  - Respect confidentiality
  - Treat complainants with respect and courtesy
  - Address all the points at issue and provide an effective response and appropriate redress where appropriate
  - Keep complainants informed of the progress of the complaint
  - Consider how the complaint can feed into school/trust improvement evaluation processes
- 2.2 At ONE Academy Trust, we will do our best to resolve concerns or complaints informally. Where this is not possible, formal procedures will be followed. Every concern or complaint shall receive fair and proper consideration and a timely response. Please refer to the following guidelines for our procedure and timescales.

## 3. Scope of this procedure

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- 3.1 This procedure covers complaints about services provided by ONE Academy Trust, other than complaints that are dealt with under other statutory procedures including those listed in the following table. Please see our policies for procedures relating to these types of complaints. On receipt of a complaint, we will advise you if a different statutory process applies and how to raise your complaint.

**Please note:** *Complaints about staff conduct will not be handled under this complaints policy and procedure. Complainants are advised that staff conduct complaints will be considered under staff management policies and outcomes will not be shared with the complainant.*

**Table 1: Complaints dealt with under other statutory procedures**

| Exceptions  | Who to contact  |
|---|---|
| Admissions to schools   | Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority.   |
| Matters likely to require a child protection investigation                                      | <p>Complaints about child protection matters are handled under our child protection and safeguarding policies and in accordance with relevant statutory guidance.</p> <p>If you have <u>serious</u> concerns about the way a person who works or volunteers in our settings has behaved with children, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding:</p> <p>Derbyshire: <a href="mailto:lado@derbyshire.gov.uk">lado@derbyshire.gov.uk</a> Tel: 01332 641 172</p> <p>Derby City: Tel: <a href="mailto:cpmduty@derby.gov.uk">cpmduty@derby.gov.uk</a> Tel: 01332 642376</p> <p>Nottinghamshire: <a href="mailto:LADO@nottscc.gov.uk">LADO@nottscc.gov.uk</a> Tel: 0115 8041272</p> <p>Nottingham City: <a href="mailto:LADO@nottinghamcity.gov.uk">LADO@nottinghamcity.gov.uk</a> Tel: 0115 8764762</p> <p>NB: If you have <u>urgent</u> concerns about a child or children at risk you must first contact the police on 101 or 999</p> |
| Exclusion of children from school*  | <p>Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a></p> <p><i>*Complaints about the application of a school's behaviour policy can be made through this complaints procedure. A copy of each school's behaviour policy is on the relevant school's website.</i></p>   |
| Whistleblowing  | <p>ONE Academy Trust has a whistleblowing policy for all our employees, including temporary staff and contractors – a copy can be found on the academy website and accessed from each school's website.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters directly with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a></p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the Department for Education (see link above), depending on the substance of your complaint.</p>   |
| Staff grievances  | Complaints from staff will be dealt with under the trust's internal staff grievance procedures.   |
| Staff conduct   | <p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>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.</p>  |
| 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. Please contact them directly to make a complaint.   |

## 4. The difference between a concern and a complaint

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- 4.1 For the purpose of this policy, a concern may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'. The trust/school will resolve concerns through day-to-day communication as far as possible
- 4.2 A complaint may be defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.
- 4.3 At ONE Academy Trust we aim to resolve the concerns of parents or other stakeholders as quickly and amicably as possible. For each school within the trust, concerns may often be addressed by a senior member of staff, teaching or non-teaching, rather than directly by the headteacher of each school. This speeds up the process and ensures that the complaint is addressed as soon as practicable.
- 4.4 If you have difficulty discussing a concern or complaint with a particular member of staff, we will respect your views. In these cases, we will refer you to another staff member ideally of a comparable or more senior level. Similarly, if the member of staff directly involved feels unable to deal with a concern, another staff member will deal with the concern raised. The member of staff may be more senior but does not have to be. Our main focus is for the concern or complaint to be considered objectively and impartially.
- 4.5 We understand, however, that there are occasions when people would prefer to raise a concern or complaint formally. In this case, ONE Academy Trust will attempt to resolve the issue internally, following the formal stages outlined within this procedure.

## 5. The procedure

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### The stages of the complaints procedure

- 5.1 There are four stages to our procedure:
  - Informal** – concerns and complaints are resolved as quickly and informally as possible with the individuals concerned, the headteacher or another appropriate staff member
  - Formal Stage 1** – the complaint is raised formally and dealt with by the appropriate senior leader
  - Formal Stage 2** – the complaint is escalated to the CEO (or the chair of the board of trustees in complaints involving the CEO)
  - Formal Stage 3** – the complaint is reviewed by a Complaints Panel formed for the purpose
- 5.2 A concern or complaint can be made in person, in writing or by telephone and raised with a class teacher or with an appropriate senior leader. We ask that concerns or complaints are raised as soon as possible as timely intervention or clarification enables concerns to be addressed more effectively.
- 5.3 Formal complaints must ideally be in writing, unless in exceptional circumstances where this may help overcome particular difficulties caused by a disability, or difficulty understanding English. In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure or raise concerns. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations. For the purposes of the policy, we will refer to complaints as being raised 'in writing'.

- 5.4 Complaints should include details which might assist the investigation, such as names of potential witnesses, dates and times of events and copies of relevant documents. It is very important that you include a clear statement of the actions that you would like the school/trust to take to resolve your concern.
- 5.5 Complaints 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. We will only consider complaints made outside of this time frame if exceptional circumstances apply.
- 5.6 **Please note:** Complainants should not approach individual governors or trustees to raise concerns or complaints. Governors and trustees have no power to act on an individual basis and it may prevent them from considering complaints at Stage 2 (or beyond) of the procedure. If the first approach is made directly to a governor or a trustee they will direct the complainant to the appropriate person to deal with the complaint and advise them about how to access the procedure.

## 6. Resolving complaints

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- 6.1 In reaching a resolution of a complaint, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:
- an explanation
  - an admission that the situation could have been handled differently or better
  - an assurance that we will try to ensure the event complained of will not reoccur
  - 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 policies in light of the complaint
  - an apology.

## 7. Informal stage

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- 7.1 It is to be hoped that most concerns can be expressed and resolved on an informal basis.
- 7.2 Initial concerns should be raised informally with a class teacher, key stage or curriculum lead, headteacher or another appropriate member of staff, either in person, by telephone or in writing. Concerns raised in the first instance to the class teacher may be dealt with by an appropriate senior leader, e.g. key stage/phase lead.
- 7.3 At the informal stage, the member of staff will undertake an initial investigation and decide on appropriate action. The school/trust will keep a record of the response and the complainant will be kept appropriately informed. The school/trust will always want to resolve the complaint and maintain strong relationships with those concerned.
- 7.4 Please note that concerns or informal complaints may be addressed by a senior member of staff (teaching or non-teaching), rather than the headteacher or the CEO. This speeds up the process and ensures that the concern or complaint is addressed as soon as practicable and by a person best placed to deal with the matter.
- 7.5 At the conclusion of their investigation, the person investigating the concern/complaint will provide an informal written response within 15 working days of the date of receipt of the concern or complaint.

- 7.6 The complainant will be advised how to make a formal complaint if they remain dissatisfied.

## 8. Formal Stage 1

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- 8.1 If the concern or complaint cannot be resolved through informal discussion with a teacher or senior member of staff, it will be dealt with as a formal complaint.
- 8.2 The headteacher will be the first contact point for formal complaints relating to their school. See Appendix 1 for the relevant contacts and contact details. If the complaint is about the headteacher, the chair of the local governing body or the trust as a whole, please refer straight to Formal Stage 2 (below).
- 8.3 **Please note:** The formal staged process cannot cover all the potential circumstances that may arise. If a particular set of circumstances requires a different approach to ensure impartiality in dealing with a complaint, the complainant will be advised of the specific arrangements for dealing with their complaint.
- 8.4 Formal complaints should be submitted in writing so that we have an accurate record of the complaint. A form is available on the website or from a school office to assist with this process (see Appendix 2). However, we understand that different formats may be needed to help overcome particular difficulties in communication (e.g. a disability, or difficulty understanding written English). In these circumstances, a complaint may be raised by phone, in person or by a third party acting on behalf of the complainant and we can arrange for an independent person to make a written record of the complaint on behalf of the complainant. For the purposes of the policy, we will refer to complaints being raised 'in writing'. Please contact a school office to arrange assistance if needed.
- 8.5 All correspondence, whether in letter or email form, should be marked as 'Confidential' and addressed to the appropriate person.
- 8.6 Within the complaint, the complainant should clarify the nature of the complaint, identify what remains unresolved, and state clearly what outcome they are seeking. It is very important that the complaint includes a clear statement of the actions that the complainant would like the school/trust to take to resolve the complaint. The formal complaint should include details which might assist the investigation, such as names of potential witnesses, dates and times of events and copies of relevant documents.
- 8.7 The person to whom the complaint is directed and responsible for dealing with the complaint (usually the headteacher) will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) usually within 5 working days.
- 8.8 Within this acknowledgement, the person responsible for dealing with the complaint will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. They may request a face-to-face meeting as the most appropriate way of doing this.
- 8.9 To prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls should be kept and a copy of any written response added to the record of the complaint.
- 8.10 The person dealing with the complaint (e.g. the headteacher) may delegate the management and/or investigation of the complaint to an individual who is suitably qualified and in an appropriate role. The decision to be taken to resolve the complaint cannot be delegated.
- 8.11 During the investigation, the person leading the investigation will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
  - keep a written record of any meetings/interviews in relation to their investigation.
- 8.12 At the conclusion of the investigation, the person responsible for dealing with the complaint will provide a formal written response, usually within 15 working days of the date of receipt of the formal complaint.
- 8.13 If they are unable to meet this deadline, they will provide the complainant with an update and revised response date.
- 8.14 The response will detail any actions taken to investigate the complaint and provide a full explanation of the decisions made and the reason(s). Where appropriate, it will include details of the actions that will be taken to resolve the complaint. It may offer the complainant an opportunity to discuss the outcome if this is appropriate in the circumstances.
- 8.15 The person responsible for dealing with the complaint will advise the complainant on how to escalate their complaint should they remain dissatisfied with the outcome of Formal Stage 1.
- 8.16 If the complainant is dissatisfied with the written response received at Formal Stage 1 or the complaint is about the headteacher, trust-wide issues, governance, or the trust's central team (including the CEO), then the complaint will be dealt with under **Formal Stage 2**.

## 9. Formal Stage 2

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- 9.1 Complaints being addressed under Formal Stage 2 should be forwarded to the ONE Academy Trust Governance Coordinator. See Appendix 1 for contact details.
- 9.2 Written communication must be clearly addressed to the Governance Coordinator and marked Private & Confidential (Complaint) on the outside of the envelope or the email subject line.
- 9.3 The Governance Coordinator will record the date the complaint is received and acknowledge receipt of the complaint in writing, usually within 5 working days.
- 9.4 The acknowledgement will confirm that the complaint will now be investigated under Formal Stage 2 of this Complaints Policy, advise who will be responsible for dealing with the complaint, and confirm the date for providing a response to the complainant. The Governance Coordinator will advise if the complaint should first be addressed at Formal Stage 1.
- 9.5 The appropriate person to deal with a complaint will depend on the nature and subject of the complaint. It will usually be the CEO at Formal Stage 2, unless the CEO is the subject of the complaint in which case it will be the chair of the board of trustees. If the complaint is about the chair of the board of trustees, the complaint will be referred to the vice-chair for investigation.
- 9.6 The Governance Coordinator will forward the complaint to the appropriate person to deal with the complaint.
- 9.7 The person responsible for dealing with the complaint at Stage 2 (usually the CEO) may investigate the complaint themselves or appoint an individual without any involvement in the circumstances of the complaint, suitably qualified and in an appropriate role, to review the complaint and oversee any further investigation required (the investigator). This may be a member of the executive leadership team or a local governor. They may seek the assistance of local governors and/or staff who are independent of the complaint to assist in the investigation of the complaint.

- 9.8 The procedure at Formal Stage 2 will mirror that at Formal Stage 1.
- 9.9 The person responsible for dealing with the complaint will provide a formal written response, usually within 15 working days of the date of receipt of the complaint/request for review. Every attempt will be made to meet this timeframe. However, if they are unable to meet this due date they will provide the complainant with an update and a revised response date.
- 9.10 The response will detail any actions taken to review the complaint and provide a full explanation of the decisions made and the reason(s). Where appropriate, it will include details of the actions that will be taken to resolve the complaint. It may offer the complainant an opportunity to discuss the outcome if this is appropriate in the circumstances.
- 9.11 If the complainant is dissatisfied with the outcome at Stage 2, and wishes to take the matter further, they can escalate the complaint to Stage 3 – a panel hearing consisting of at least three people who were not directly involved in the matters detailed in the complaint including one panel member who is independent of the management and running of the school (or trust, if the complaint is a trust related issue). This is the **final** stage of the complaints procedure.

## **10. Formal Stage 3: Complaints Panel (Final Stage)**

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- 10.1 A request to escalate to Stage 3 must be made to the trust's Governance Coordinator (see contact details at Appendix 1) within 10 working days of receipt of the written outcome from Formal Stage 2. Requests received outside of this timeframe will only be considered if exceptional circumstances apply.
- 10.2 Written communication must be clearly addressed to the Governance Coordinator and marked Private & Confidential (Complaint) on the outside of the envelope or the email subject line.
- 10.3 In their request for a complaints panel hearing, the complainant must state how they feel the previous stages of the procedure have not addressed their complaint sufficiently and what actions they feel would resolve the complaint.
- 10.4 The Governance Coordinator will record the date the request is received and acknowledge receipt of the request, usually within 5 working days of receipt. The Governance Coordinator will advise the complainant of the steps involved in escalating the complaint to a complaints panel hearing.
- 10.5 The aim of the hearing, which must be held in private, will always be to resolve the complaint and achieve reconciliation between the school/trust and the complainant.
- 10.6 The Governance Coordinator or another suitably qualified individual, will be appointed as the clerk to the complaints panel (hereafter referred to as "the clerk"). The clerk provides an independent source of advice on procedure for all parties.
- 10.7 The clerk to the panel will be provided with all the details of the complaint and the records held.
- 10.8 The clerk will set up membership of a complaints panel in consultation with the CEO or the chair of the board of trustees as appropriate.
- 10.9 The complaints panel will consist of at least three people with no prior involvement in the matters detailed in the complaint or in addressing the complaint at previous stages of the process. This will usually include at least one member of the board of trustees and/or a member of a local governing body within the trust.
- 10.10 At least one member of the panel will be independent of the management and running of the relevant school (or ONE Academy Trust for complaints about the executive team). A trustee of the multi-academy trust is not considered to be independent of the management and running of

a school. The process used for selecting an independent person will conform to any relevant guidance issued by the DfE.

- 10.11 The clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 20 working days of receipt of the request for a panel hearing at Stage 3. If this is not possible, the clerk will provide an anticipated date and keep the complainant informed.
- 10.12 The complaints panel will decide whether to deal with the complaint by inviting parties to a meeting or through written representations. In making their decision they will be sensitive to the complainant's needs. An assessment of the risk may be required where a complainant's previous behaviour indicates that there may be risks to the panel members or staff from holding a meeting with the complainant and/or a representative present. This includes both face-to-face meetings and online meetings.
- 10.13 The complainant must have reasonable notice of the date of the review panel; however, the complaints panel reserves the right to convene at their convenience rather than that of the complainant if all reasonable efforts have been made to accommodate the needs of the complainant. If the complainant rejects the offer of three proposed dates without good reason, the chair will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.
- 10.14 Subject to the provisions of para. 10.12 above, the following are entitled to attend a hearing, submit written representations and address the panel:
- The complainant(s) and a companion;
  - The subject(s) of the complaint and/or one representative; and
  - Any other interested person whom the complaints panel considers to have a reasonable and just interest in the appeal and whose contribution would assist the panel in their decision-making.
- 10.15 The complainant may bring someone along to the panel hearing to provide support. This can be a relative or friend and/or a translator. We do not encourage either party to bring legal representatives to the meeting as the complaints panel hearing is not a form of legal proceedings. However, there may be occasions when legal representation is appropriate. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation. Representatives from the media are not permitted to attend the panel.
- 10.16 When organising the hearing, the panel will ensure they are sensitive to all parties' needs and accessibility arrangements. This will be conducted in line with trust equality statements/policies and may include making provisions such as providing written representations and video conferencing.
- 10.17 The panel will have access to the existing record of the complaint's progress including all correspondence, evidence and investigation documents.
- 10.18 Where the complaints panel deems it necessary, it may require that further particulars of the complaint or any related matter be supplied in advance of the hearing. In such cases, all parties will be given the opportunity to submit written evidence to the panel in support of their position. This evidence will be considered by the panel, along with the initial submission.
- 10.19 All written evidence should be received by the clerk no later than 10 working days in advance of the hearing so that any written material can be circulated to all parties at least 5 working days before the date of the meeting. The panel will not accept as evidence, recordings of

conversations that were obtained covertly and without the informed consent of all the parties being recorded.

- 10.20 The panel will not review any new complaints at this stage or consider evidence unrelated to the initial complaint. New complaints must be dealt with from Stage 1 or Stage 2 of the procedure, as appropriate.
- 10.21 Prior to the meeting, the panel will decide amongst themselves who will act as the chair of the complaints committee.
- 10.22 It is for the panel to decide how to conduct the proceedings of the appeal, which should be reasonably informal so that all parties can present their case effectively. The panel, the complainant and the school representative(s) will be given the chance to ask and reply to questions. Once the complainant and school representative(s) have presented their cases, they will be asked to leave and the evidence will then be considered.
- 10.23 The panel will consider the complaint and all the evidence presented. If possible, the panel will resolve the complaint immediately without the need for further investigation. Where further investigation is required, the panel will decide how it should be carried out.
- 10.24 The panel will make findings and/or any recommendations.

The panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint 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 or a review of the trust/school's systems or procedures to ensure that problems of a similar nature do not recur.

- 10.25 The chair of the panel will provide the complainant and ONE Academy Trust with a full explanation of their decision and the reason(s) for it, in writing, usually within 10 working days of the meeting or, if further investigation is needed, within 10 working days of the decision of the panel.
- 10.26 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 the actions ONE Academy Trust will take to resolve the complaint.
- 10.27 The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled.
- 10.28 The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about.
- 10.29 The decision reached by the Complaints Panel is final. Stage 3 concludes the ONE Academy Trust complaints procedure and there will be no further right of appeal under this or any other academy trust or school policy.

## **11. Mediation**

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- 11.1 Mediation can be useful in helping the school/trust and the complainant reach an agreement and move forward.

### 11.2 Mediation can:

- provide a helpful mechanism for discussion when a concern is raised
- help to rebuild the relationship between parties once all of the investigative stages of the complaints procedure have been completed

11.3 It should not be used as a substitute for an investigation during the formal stages of the complaints procedure.

11.4 It is not always the most appropriate course of action. If neither the complainant nor the school considers that mediation will serve any practical purpose at this point, the complainant should not be prevented from moving to the next investigative stage of the complaints procedure.

## 12. Record keeping and confidentiality

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12.1 A written record will be kept of all formal complaints and whether they are resolved following a formal procedure, or proceed to a panel hearing. The record will;

- Include copies of letters and emails, and notes relating to meetings and phone calls.
- Record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome
- Record the action taken by the academy trust/school as a result of complaints (regardless of whether they are upheld);
- Be kept available on site and/or electronically filed for inspection by the trustees and the headteacher

12.2 This material will be treated as confidential and will be viewed only by those involved in responding to the complaint, investigating the complaint or forming part of the review panel. The exception to this is where the secretary of state (or someone acting on their behalf) requests access, or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act, or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

12.3 Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and our record retention schedule.

12.4 Where complaints concern other children care and attention will be given to the appropriateness of the detail conveyed to the complainant and appropriate advice will be sought prior to any disclosure. No information which compromises data protection legislation and/or presents a safeguarding risk will be provided.

## 13. Timescales

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### Time limit

13.1 Complaints must be raised within 3 months of the incident, or where the complaint is about a series of related incidents, within 3 months of the last of these incidents. We will only consider complaints made outside of this time frame if exceptional circumstances apply.

## **Complaints received outside of term time/close to school holiday periods**

- 13.2 We will consider complaints and communications relating to complaints such as escalation or appeal, that are received outside of term time to have been received on the first school day after the holiday period.
- 13.3 Complaints received on or close to the last day of a school term may experience some delays in terms of the timeframes specified in this policy due to the school holiday period.
- 13.4 These provisions are due to the non-availability of staff to deal with complaints during the school holiday periods.

## **Dealing with complaints**

- 13.5 Timescales for dealing with complaints are set out in the relevant parts of this policy. If at any point we cannot meet the timescales we have set out in this policy (and subject to the caveats set out at paras 13.2 to 13.4 above), we will:
- Set new time limits
  - Send the complainant details of the new deadline and explain the delay

## **14. Withdrawal of a complaint**

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- 14.1 If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

## **15. Vexatious complaints and unacceptable behaviour by the complainant**

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- 15.1 Where the trust considers that a complainant is demonstrating unreasonably persistent behaviour, for example making unduly frequent and/or repeated complaints, or the behaviour of the complainant is unacceptable in any meetings held under these procedures or any dealings that the trust/school has with the complainant, the trust will take such action as it thinks appropriate to manage such behaviour. This may include (but is not limited to) placing limits on contact with staff (frequency and/or mode of communication), asking the complainant to engage a third party to act on their behalf, stopping responding and/or taking no further action to deal with the complaint.
- 15.2 Where any such action is being considered by the trust, the complainant will receive a written warning. Should the behaviour persist, the appropriate action will be determined proportionately in light of the nature of the behaviour in question and any other relevant circumstances. In instances where the complainant has demonstrated aggressive behaviour (verbal or physical) or has made use of inappropriate and/or malicious communications (e.g. posting on social media) the trust will review the associated risks of continuing to engage with the complainant and the form any continuing engagement should take to ensure the safety and welfare of staff and others involved in the complaint process. If a complaint is at Stage 3 'Complaint Panel' the panel will consider hearing the case in the absence of the complainant following the submission of written evidence.
- 15.3 Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.
- 15.4 In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from our school site(s).
- 15.5 Examples of vexatious and/or unreasonable behaviour by the complainant include:

- The complainant has made the same complaint before, and it's already been resolved by following the trust's complaints procedure
- The complainant makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- The complainant knowingly provides false information
- The complainant insists on pursuing an unfounded complaint, or out of the scope of the complaints procedure
- The complainant pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refused to co-operate with this complaints' procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the time frames it sets out
- The complainant changes the basis of the complaint as the investigation goes on
- The complainant makes a complaint designed to cause disruption, annoyance or excessive demands on school time
- The complainant seeks unrealistic outcomes, or a solution that lacks any serious purpose or value.

## **16. Anonymous complaints**

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- 16.1 We will not normally investigate anonymous complaints. However, as appropriate to the subject of the complaint, the headteacher, the chair of governors, the CEO or the chair of the board of trustees will determine whether the complaint warrants an investigation. Anonymous complainants will not know of the decision to investigate or not.

## **17. Duplicate complaints**

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- 17.1 If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or another individual, we will assess whether there are aspects that we hadn't previously considered or any new information that we need to consider.
- 17.2 If we are satisfied that there are no new aspects, we will:
- Tell the new complainant that we have already investigated and responded to this issue, and the process is complete
  - Direct them to the ESFA if they are dissatisfied with our original handling of the complaint
- 17.3 If there are new aspects, we will follow this procedure again.

## **18. Complaint campaigns**

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- 18.1 Where the school or trust receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school may respond to these complaints by:
- Publishing a single response on the school and/or trust website
  - Sending a template response to all of the complainants
- 18.2 If complainants are not satisfied with the school/trust's response or wish to pursue the complaint further, the normal procedures will apply.

## **19. Complaints about our fulfilment of early years requirements**

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- 19.1 We will investigate all written complaints relating to a school's fulfilment of the Early Years Foundation Stage requirements, and notify the complainant of the outcome within 28 days of receiving the complaint. The school will keep a record of the complaint and make this available to Ofsted on request.
- 19.2 Parents and carers can notify Ofsted if they believe that a school is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4234 or 0300 123 4666, or by emailing [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk). An online contact form is also available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>.

## **20. Other investigations**

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- 20.1 If other bodies are investigating aspects of the complaint, for example the police, local authority (LA), safeguarding teams or tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.
- 20.2 If a complainant commences legal action against any of our schools or the trust in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

## **21. Next steps - referral to the Education and Skills Funding Agency**

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- 21.1 If the complainant believes the school/trust did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the ESFA after they have completed Stage 3.
- 21.2 The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by ONE Academy Trust. They will consider whether ONE Academy 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.
- 21.3 The complainant can refer their complaint to the ESFA 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
- 21.4 Information on how to refer a complaint to the ESFA will be included in the outcome letter to complainants.

## **22. The role of Ofsted**

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- 22.1 Complaints made to Ofsted will only consider that the procedures of the complaint policy have been followed - they do not investigate the content of the complaint. Safeguarding issues raised with Ofsted will be referred to the Local Authority Safeguarding Lead for investigation.

## **23. Monitoring and review**

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- 23.1 The board of trustees will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The board of trustees will track the number and nature of complaints, and review underlying issues.
- 23.2 The complaints records for each school are logged and managed by the office manager in each school.
- 23.3 The complaints records for the trust's central team and governance are logged and managed by the governance professional.
- 23.4 The trust will review any underlying issues raised by complaints with the appropriate senior leader, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the trust can make to its procedures or practice to help prevent similar events in the future.
- 23.5 This policy will be reviewed by the CEO on a regular basis and every three years as a minimum. The policy will be approved by the board of trustees whenever any significant changes to the process are proposed.

## Contact Details

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| Concern or complaint is about:   | Refer to:                                       | Contact details:  |
|--|---|---|
| <b>Informal Stage &amp; Formal Stage 1</b><br><br>Concerns or complaints about:<br><br>School related issues<br><br>Local governors                    | Headteacher                                     | See school website for school contact details   |
| <b>Informal Stage</b><br><b>Concerns</b> about:<br>Headteacher<br>Chair of governors<br>Trust-wide issues<br>Trust's Executive Team                    | Chief Executive Officer                         | Graham Boyd (CEO)<br><br><b>Email:</b> <a href="mailto:enquiries@oneacademytrust.co.uk">enquiries@oneacademytrust.co.uk</a><br><br><b>Telephone:</b> 0115 9733626 (c/o Sawley Junior School)<br><i>Please ask for a message to be forwarded.</i><br><br><b>Address:</b> ONE Academy Trust<br>c/o Sawley Junior School,<br>Wilmot Street,<br>Sawley, Nottingham, NG10 3DQ                |
| <b>Formal Stage 2 &amp; 3</b><br><br><b>Complaints</b> about:<br><br>Trust-wide issues, the trust's executive team (including the CEO), and governance | Governance Coordinator<br>(see <b>Stage 2</b> ) | Diane Dakin (Governance Coordinator)<br><br><b>Email:</b> <a href="mailto:d.dakin@oneacademytrust.co.uk">d.dakin@oneacademytrust.co.uk</a><br><br><b>Telephone:</b> 0115 9733626 (c/o Sawley Junior School)<br><i>Please ask for a message to be forwarded.</i><br><br><b>Address:</b> ONE Academy Trust<br>c/o Sawley Junior School,<br>Wilmot Street,<br>Sawley, Nottingham, NG10 3DQ |

CONFIDENTIAL WHEN COMPLETED

## Complaints Form

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To raise a formal complaint, it is helpful if you complete this form below and return it to the appropriate school office or to the One Academy Trust Governance Coordinator, who will acknowledge receipt and advise what action will be taken.

*Completion of this form will help us to understand the main points of your complaint and what resolution you are seeking.*

**Name of school** (appropriate to the complaint):

**Your name:**

**Pupil's name** (if appropriate):

**Your relationship to the pupil:**

**Contact details:**

**Email address:**

**Daytime telephone number:**

**Evening telephone number:**

**Please give details of your complaint** (please continue on a separate sheet if required):

**What action, if any, have you already taken to try and resolve your complaint?**

*(e.g. who did you speak to and what was their response?)*

**What actions do you feel might resolve the problem at this stage?**

**Are you attaching any paperwork? If so, please give details:**

**Signature:**

**Date:**

## Roles and responsibilities

### Complainant

The complainant should:

- explain the complaint in full as early as possible
- co-operate with the school/trust 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 headteacher or complaints panel will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

### Complaint Co-ordinator

The complaint co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, headteacher, CEO, chair of governors, chair of the board of trustees

and/or the clerk to ensure the smooth running of the formal 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.

### **Clerk to the Complaint Panel (Stage 3)**

The person appointed as clerk to the panel hearing is the contact point for the complainant and the complaints panel and should:

- ensure that all people involved in the complaints 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/Stage 2 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the panel's decision.

### **Chair of the Complaint Panel (Stage 3)**

The chair of the panel, 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 panel 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 panel is open-minded and acts independently
- no member of the panel 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 the complaints co-ordinator.

### Panel member (Stage 3)

Committee members should be aware that:

- the meeting must be independent and impartial and should be seen to be so  
*No governor/trustee or anyone else may sit on the panel if they have had 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 panel 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 panel 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 panel 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 panel considers is not in the child/young person's best interests.*
- the welfare of the child/young person is paramount.