
Complaints Policy

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Legal framework

This policy has due regard to all relevant legislation and guidance including, but not limited to, the following:

- Freedom of Information Act 2000
- Education Act 2002
- Equality Act 2010
- Part 7 of The Education (Independent School Standards) Regulations 2014
- Immigration Act 2016
- UK General Data Protection Regulation (UK GDPR)
- Data Protection Act 2018
- HM Government (2016) 'Code of Practice on the English language requirement for public sector workers'
- ESFA (2021) 'Best practice guidance for academies complaints procedures'
- ESFA (2023) 'School trust handbook 2023'

This policy operates in conjunction with the following school policies:

- Admissions Policy
- Child Protection Policy
- Behaviour Policy
- Whistleblowing Policy
- Grievance Policy
- Data Protection Policy
- Records Management Policy

Making a complaint

This policy will apply to most general complaints received by an Areté Learning Trust (ALT) school. It is not intended to cover those matters for which there is a specific statutory process:

- Complaints about delivery of the National Curriculum and the provision of religious education and collective worship should be handled under the requirements of Section 409 of the Education Act 1996.
 - Separate procedures also exist for appeals about special needs assessments (See the SEN Code of Practice).
 - Concerns about allegations of child abuse, staff discipline, whistleblowing and staff grievance will be dealt with through the separate agreed procedures that have been adopted for these purposes.
 - Guidance on dealing with complaints linked to racism is contained in Appendix B.
 - Exclusions and Suspensions are handled following the Department for Education 'Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement' statutory guidance.
 - Third-party suppliers using school premises or facilities – referred to separate complaints procedures. The school will ensure any third-party supplier using school premises or facilities to offer community facilities or services has its own complaints procedures in place and such complaints do not fall within the scope of this policy.
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The school will make parents/carers aware of the existence of this complaint's procedure, which will be on the school and Areté Learning Trust website.

General Principles

- It is always desirable for any concern/complaint to be addressed by the member of staff, informally, at a level closest to the cause for the concern.
 - A **concern** is defined as an expression of worry or doubt over which reassurances are sought. A **complaint** is an expression of dissatisfaction, however made, regarding actions taken or a lack thereof.
 - It should be clarified at the earliest stage, the exact nature of the complaint and what the complainant thinks might resolve the issue. It is important to note that an acknowledgement that the school could have handled a situation better is not the same as an admission of unlawful or negligent action.
 - Complaints are expected to be made as soon as possible after an incident arises to address the issue in an appropriate timescale. The trust upholds a three-month time limit in which a complaint can be lodged regarding an incident. Complaints made outside this time limit will only be considered in exceptional circumstances. In the case of any timescales changing, all parties involved will be informed of the changes in a timely manner. Complaints received outside of term time will be treated as being received on the first school day after the holiday period.
 - The resolution of a concern/complaint provides the potential opportunity for the school to improve its practice and further develop a strong partnership with parents/carers.
 - The 'Complaints Policy' will be easily accessible and well publicised, so that parents/carers know how to raise concerns.
 - Procedures should be as speedy as possible, consistent, with fairness to all.
 - A concern/complaint is distinct from any formal disciplinary procedure. Staff who may be questioned as part of the 'Complaints Policy and Procedure' must be treated fairly and have an opportunity to put their case. They should be offered support in responding to any investigation into a concern/complaint.
 - If it becomes apparent to the Headteacher, or LGB Chair that the concern/complaint has the potential to be a disciplinary issue, professional advice will be sought.
 - Confidentiality is important in securing the confidence of all concerned. Conversations and correspondence must be treated with discretion. Parents/carers need to feel confident that a concern/complaint will not disadvantage their child. However, the parties to a concern/complaint should realise that some information may have to be shared to carry out a thorough investigation.
 - If the investigation of a concern/complaint shows that it is justified, then the school will consider how to make amends in an appropriate way.
 - Staff and LGB members in Areté Learning Trust academies will be provided with training or briefing to raise their skills in dealing with people who wish to complain.
 - All formal complaints will be recorded and monitored to identify issues and ensure any lessons to be learned by the school are considered.
 - Every complaint should be acknowledged as "genuinely felt" by the complainant.
 - Each school within the Trust should maintain a log of all complaints, recording the progress and final outcome of all complaints. This log must be stored on a secure confidential shared drive so that it can be monitored by the Trust Governance and Compliance Lead.
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Stage 1 – Informal Complaint

Guidelines

- The vast majority of concerns and complaints can be resolved informally, often straight away by the class teacher, tutor, middle or senior leader.
- The school aims to ensure that parents/carers feel able to raise concerns with staff without undue formality, either in person, by telephone, email or in writing. There may be occasions when it is appropriate or helpful for someone to accompany or act on behalf of a parent/carer.
- Parents/carers may not be clear at first that they are making a complaint. They may wish to ask a question or express an opinion. A preliminary discussion with school staff will usually clarify the issue and help parents/carers to decide whether they wish to take the matter further.

Procedure

1. Parents/carers should have an opportunity for informal discussion of their concerns with an appropriate member of staff. This discussion should aim to clarify the nature of the parent's/carer's concern and assure them that the school wishes to hear about it. The discussion should also aim to clarify what kind of outcome the parent/carer is seeking.
2. If the member of staff first contacted cannot deal with the matter immediately, s/he should make a firm arrangement to deal with it at a future date or refer the matter to his/her line manager, the Headteacher or another appropriate member of staff. In either case a note of the name, date and contact details of the complainant should be taken. The first contact should check to make sure the referral has been successful.
3. Staff should seek advice from their line manager if they are unsure of how to deal with the matter raised. Any matter that could potentially result in the following should be referred immediately to the Headteacher: legal or insurance claim, action under the staff disciplinary procedures, child protection issues, complaints relating to employment practice.
4. If the concern relates to the Headteacher and the parent/carer feels unable to raise it with the Headteacher he/she should contact the LGB Chair.
5. The staff member/Headteacher dealing with the complaint should make sure that the complainant is clear about what will happen next (if anything). This should be put in writing if there is any doubt about the next steps or outcome being clear.
6. If no satisfactory solution has been found, complainants should be informed about how they should proceed if they wish to take their complaint further. They should also be informed of any advice and support that may be available to them.

Stage 2 – Formal Complaint

General complaints or complaints against staff will be dealt with by the Headteacher, or deputy in his/her absence.

Complaints against the Headteacher (or if the complainant is dissatisfied with the action of the Headteacher, or the Headteacher has been very closely involved informally) will be dealt with by the LGB Chair (or their nominated Governor) with professional advice if necessary. Advice is also available from the Education and Skills Funding Agency (ESFA). Other members of the LGB should not become involved at this stage to avoid prejudicing their possible future involvement.

Complaints about Governors will be dealt with by the Chair of the LGB. Please email the complaint to the Trust Governance and Compliance Lead governance@aretelearningtrust.org.

Complaints about the LGB Chair or entire Governing Body will be dealt with by the Chair of the Trust Board. Please email the complaint to the Trust Governance and Compliance Lead governance@aretelearningtrust.org.

Complaints about the CEO or the Trust should be sent to the Governance and Compliance Lead who will establish the most appropriate course of action - governance@aretelearningtrust.org.

Procedure

1. Parents/carers who wish to pursue a formal complaint at Stage 2 should be asked to put the complaint and their desired outcome in writing to the Headteacher.
2. The Headteacher (or designated member of staff) should acknowledge the complaint orally or in writing within 3 working days of receipt giving a brief explanation of the complaint's procedures and a target date for providing a response. Ideally, this should be within 10 working days. If it is not possible to deal with the matter within this time, the complainant should be informed of when it is likely to be concluded.
3. The Headteacher (or a designated member of staff) may offer an opportunity for the complainant to meet him/her. The complainant should, if she/he wishes, be allowed to be accompanied by a friend or relative who can speak on his/her behalf. Interpreting facilities should be made available if required.
4. If necessary, the Headteacher (or a designated member of staff) should interview any witnesses and take statements from those involved. If the complaint concerns a student, the student should also be interviewed. It may be appropriate for a parent/carer to be present or a senior member of staff with whom the student feels comfortable should attend with him/her.
5. If a member of staff is complained against, the needs of that person should be borne in mind.
6. Advice may need to be sought from professionals or from the ESFA.
7. The Headteacher (or designated member of staff) should keep written records of meetings, telephone conversations and other documentation.
8. Once all the relevant facts have been established, the Headteacher (or designated member of staff) should either write to the complainant or arrange a meeting to discuss or resolve the matter. This meeting should be followed up with a letter summarising the outcome of the meeting.
9. The complainant should be advised in this letter that if they remain unhappy with the outcome, she/he may appeal to a panel of governors. The complainant should notify the LGB Chair within 10 working days of receiving the letter detailing the concerns about the outcome of the complaint should he/she wish to appeal.

Stage 3 – Appeal to a panel of Governors (Or Trustees where appropriate)

Guidelines

- Complaints only rarely reach the appeal stage.
 - The aim of the appeal to a panel is to resolve the complaint and achieve reconciliation between the School /Trust and the complainant. However, it may only be possible to establish the facts of a
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situation and make recommendations about future action, and to satisfy the complainant that their complaint has been taken seriously.

- It is important, should a complaint reach the appeal stage that the panel is impartial and independent and is seen to be so.
- The Trust Governance Lead will establish a panel to deal with the complaint. The panel will include an independent member not involved with the management or running of the specific school. All panel members should have had no prior involvement with the complaint.
- The Governance Lead should have regard to the advantages of having a mix of people on the panel and be sensitive to issues of equal opportunity in the composition of the panel.
- Individual Governors/Trustees must not get involved in looking into complaints before this stage to avoid prejudicing their potential involvement. If an individual Governor/Trustee is approached by parents/carers or others with complaints, they should refer the complainant to the Headteacher and explain that if this does not lead to a resolution, they should ask for a copy of the complaint's procedure, making the necessary introduction to the Headteacher.
- Complaints that reach the appeal stage will do so because the complainant is not satisfied with the response so far. In this situation it is helpful for the complaint to be viewed as being against the school /Trust rather than an individual staff member whose actions may have led to the original complaint.
- Complainants that are not satisfied with the way in which their complaint has been handled by the school will be made aware of the ESFA's complaints system which can be found at the following: <https://www.gov.uk/government/organisations/education-and-skills-funding-agency/about/complaints-procedure>

Procedure

Upon receipt of a written request from the complainant for the complaint to proceed to Stage 3, the following procedure should be followed:

1. A suitable clerk to the panel should be appointed by the Trust Governance Lead.
 2. The clerk should write, acknowledging receipt of the written request, informing the complainant that a panel will hear the complaint within 15 working days of receipt.
 3. The clerk should convene a meeting of the panel at a time that is convenient for the complainant and the school. The clerk should ensure that the complainant, Headteacher and any other witnesses are given at least 7 working days' notice in writing of the date, time and place of the hearing or otherwise are in full agreement of a shorter timescale.
 4. The letter of notification to the complainant should also inform him/her of his/her right to be accompanied by a friend/relative who can act as an advocate. The clerk should ensure that interpretation facilities for the hearing are offered and made available if required. The letter should set out the procedure for the conduct of the hearing (See Appendix A) and the complainant's right to submit further written evidence to the panel.
 5. The clerk should invite the Headteacher to attend the hearing and to submit a written report for the panel in response to the complaint. The Headteacher may also invite the LGB Chair or any other members of staff directly involved in matters raised by the complainant to respond in writing and/or in person to the complaint. Any involvement of other staff should be at the discretion of the chair of the panel.
 6. All relevant documents should be received by all parties, (including the complainant) at least 5 days before the meeting of the panel. This provides adequate opportunity to read them prior to the start of the meeting.
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7. An officer from the ESFA and/or a professional advisor may be invited to attend the meeting to advise the panel.
8. The panel should elect a chairperson who should ensure that proper minutes of the meeting are taken by the clerk.
9. The chair of the panel should try to ensure that the proceedings are as sufficiently informal as possible and that the complainant and other participants feel at ease.
10. At the conclusion of the representations and questions, the chair should explain that the panel will consider the issues and write to both parties.
11. All those in attendance, except for the governors' panel and the clerk, should then withdraw and the panel should consider the evidence. This should include: a judgement about the validity of the complaint; appropriate action to be taken by the school and/or the complainant; and where appropriate, recommendations on changes to the school's systems or procedures to ensure similar problems do not arise in the future.
12. Within seven working days of the panel reaching a decision, its findings and recommendations should be provided, in writing, to the complainant and, where relevant, the person complained about.
13. The school should ensure that copies of all correspondence and written records, including details of how they are resolved and any actions taken by the school, are kept confidentially on file in the school. This should be separate from students' personal records and staff personnel files. The outcomes must be made available for inspection by the Headteacher and CEO. Minutes of panels will be kept by the Trust Governance Lead in a confidential folder.
14. The broad outcomes recommended by the panel should be reported to the next full LGB with the identity of all those taking part kept confidential. Records relating to individual complaints are to be kept as confidential except under exceptional circumstances including Secretary of State request.
15. The LGB should monitor implementation of the recommendations.

ESFA's role in relation to complaints about Academies

Anyone can raise a complaint about a school or a member of the school's staff to us.

Before escalating an academy/school complaint to the ESFA, they expect that complainants will have completed local complaints procedures first. The [contact form](#) clearly explains this and advises them to complete local procedures before submitting their complaint.

The exceptions to this include when:

- children are at risk of harm
- missing education

The ESFA cannot overturn the decision about a complaint. Their role is to make sure the complaint is handled properly by following a published procedure that complies with part 7 of the [Education \(Independent School Standards\) Regulations 2014](#).

They will only consider the complaint if the complainant can provide evidence that the school or trust:

- does not have a complaints procedure
 - did not provide a copy of its complaints procedure when requested
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- does not have a procedure that complies with statutory regulations
- has not followed its published complaints procedure
- has not allowed its complaints procedure to be completed

Managing unreasonable complaints

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

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

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

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

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance.
 - refuses to cooperate with the complaints investigation process while still wishing their complaint to be resolved.
 - refuses to accept that certain issues are not within the scope of a 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 they expect to be taken into account and commented on, or raises large numbers of detailed but unimportant questions and insists they are fully answered, often immediately and to their own timescales.
 - makes unjustified complaints about staff who are trying to deal with the issues and seeks to have them replaced.
 - changes the basis of the complaint as the investigation proceeds.
 - Repeatedly makes the same complaint despite previous investigations or responses concluding that the complaint is groundless or has been addressed.
 - refuses to accept the findings of the investigation into that complaint where the trust’s complaints procedure has been fully and properly implemented and completed, including referral to the ESFA.
 - seeks an unrealistic outcome.
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- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the complainant:

- acts maliciously or aggressively.
- uses threats, intimidation or violence.
- uses abusive, offensive or discriminatory language.
- knows the complaint to be false.
- uses falsified information.
- publishes unacceptable information in media such as social media websites and newspapers.

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

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

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

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

If the behaviour continues, the individual handling the complaint will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the trust or any of its academies causing a significant level of disruption, the trust 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 trust's position and their options
- the complainant contacts the trust or any of its academies repeatedly, making substantially the same points each time

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

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

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.

Complaints campaigns

Where the trust becomes the subject of a complaints campaign from complainants who are not connected with the trust, a standard, single response will be published on the trust's website.

If the trust receives a large number of complaints about the same subject from complainants who are connected to the trust, e.g. parents, each complainant will receive an individual response.

If complainants remain dissatisfied with the trust's response, they will be directed to the ESFA.

Appendix A

Model Procedure for the Conduct of a Stage 3 Governors' Panel Hearing

1. The nominated chair should invite all parties (except any witnesses) into the room, introduce them and explain the role of each person.
2. The chair should explain to all present that the purpose of the hearing is to review the complaint and try to resolve it and achieve reconciliation between the School /Trust and the complainant. However, it may only be possible to establish the facts of a situation and make recommendations about future action.
3. The chair should then ascertain whether the proposed procedure is acceptable. If so, the meeting will proceed along the following lines:
 - i. The complainant describes complaint and may call witnesses.
 - ii. The Headteacher may seek clarification from the complainant and any witnesses.
 - iii. The ~~governors'~~ panel or its advisers may seek clarification from the complainant and any witnesses.
 - iv. The Headteacher will respond to the complaint and may call witnesses.
 - v. The complainant may seek clarification from the Headteacher and any witnesses.
 - vi. The panel (including any advisers) may seek clarification from the Headteacher and any witnesses.
 - vii. The Headteacher will be given the opportunity to sum up.
 - viii. The complainant will be given the opportunity to sum up.
 - ix. Both parties will leave the room to allow the panel to deliberate but any advisers may remain to offer technical and procedural advice.
4. The panel should make a decision or judgement on: - the validity of the complaint; appropriate action to be taken and where appropriate, recommendations on changes to the School 's systems or procedures to ensure similar problems do not arise in the future.
5. The decision or judgement will be confirmed in writing within 7 working days.

NB - If there is more than one complainant this procedure should be followed for each one in turn, unless the complainants agree to the complaint being dealt with in the same process.

Appendix B

Dealing with Complaints about Racism in School

Racist Behaviour to a Child or Student

The procedures to be followed are stipulated in the guidance on reporting bullying as identified by the nine characteristics of the Equality Act 2010.

Racist Incident Alleged Against School Staff

1. The report/complaint should be made to the Headteacher, or if the Headteacher is the subject of the report/complaint, to the LGB Chair;
2. As racism is a disciplinary offence, the normal disciplinary procedures are followed.

Institutional Racism

Parents/carers who perceive that racist practice or policies are operated by the School should pursue these through the General Complaints Procedure.
