



Complaints Policy and Procedure

Approved by Trustees: _____ 16 October 2019

To be reviewed: _____ As necessary

Signed on behalf of the Trust Board: _____ *T V Grams*



Contents

1. Introduction	3
2. Concerns and Complaints	3
3. Related Processes	3
▪ Services provided by other providers	4
▪ Concerns about SEND provision	4
4. Principles for Dealing with Concerns and Complaints	5
5. Raising Concerns	5
▪ Conduct when raising concerns and complaints	6
6. Anonymous Complaints	6
7. Timescales	6
8. Staff Conduct	6
9. Confidentiality and Social Media	7
10. Formal Complaints Procedure.....	7
▪ Complaints about a Headteacher/Head of School	7
▪ Complaints about an Executive Headteacher	7
▪ Complaints about the Chief Executive Officer or the Trustees.....	7
▪ Making a formal complaint	8
11. Stage 1 – Formal complaint made to the Headteacher/ Head of School.....	8
12. Stage 2 – Formal complaint made to the Executive Headteacher.....	9
13. Stage 3 – Formal complaint made to the Chair of Governors	10
14. Stage 4 – Complaint Review Panel.....	11
15. Referring complaints on completion of the school’s procedure	12
16. Duplicate complaints	12
17. Serial and persistent complaints	13
18. Complaints Campaigns	13
19. Unreasonable Complaints	14
20. Barring from the Premises.....	15

1. Introduction

- 1.1 Exceed Academies Trust is committed to providing the very best education and school experience to pupils across all our schools and works in a productive and positive partnership with all parents and carers. We welcome any feedback as an important part of continuous improvement and accept that this will not always be positive.
- 1.2 When concerns and complaints are raised, they will be dealt with promptly through a fair, transparent process and without prejudice.
- 1.3 The following policy explains how to raise a concern or make a complaint and what process Exceed Academies Trust staff will follow to resolve the matter as quickly as possible.

2. Concerns and Complaints

- 2.1 A 'concern' can be defined as 'an expression of worry or doubt' for which reassurance is sought.
- 2.2 For the purpose of this policy, a "complaint" can be defined as 'an expression of dissatisfaction' which can be regarding actions taken or a perceived lack of action
- 2.3 Complaints and concerns can be resolved formally, through this procedure, or informally dependent on the complainant's choice. Exceed Academies Trust and our schools will try to resolve concerns or complaints by informal means wherever possible. Any complaint or concern will be taken seriously, whether formally or informally, and the appropriate procedures shall be taken.
- 2.4 A 'grievance' is an issue raised by a member of staff where they feel the school has not implemented a policy or process fairly or properly. Grievances will be dealt with in line with the Exceed Grievance Procedure.
- 2.5 For the purpose of this policy, "concerns" will be classed and addressed as complaints. Any further references to "complaints" will include "concerns".

3. Related Processes

- 3.1 This procedure covers all complaints about any provision of community facilities or services by Exceed Academies Trust and all our schools, other than complaints that are dealt with under other statutory procedures, which must be followed to meet our legal duty. The following list details some specific situations where this applies:

Subject of concern	Appropriate Policy	Available from
Pupil admissions	Individual school's Admissions Policy. Concerns about admissions, should be raised with the Local Authority directly.	School's website Local Authority website

Subject of concern	Appropriate Policy	Available from
Statutory assessments of Special Educational Needs	Concerns about statutory assessments of Special Educational Needs should be raised with the Local Authority directly.	Local Authority website
Pupil exclusion	School Discipline Regulations	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions .
Staff grievance, capability or disciplinary	Exceed Academies Trust has policies for grievance, capability and disciplinary	Internal policies available to staff
Whistleblowing	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</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 direct with their employer.</p>	<p>Internal policy available to staff</p> <p>Referrals can be made at: www.education.gov.uk/contactus</p>
Subject Access (Data Protection) and Freedom of Information requests	<p>Exceed Academies Trust:</p> <ul style="list-style-type: none"> • Data Protection Policy • Subject Access Request Policy • Freedom of Information Policy 	Trust website
Safeguarding and Child Protection	Individual School's Safeguarding and Child Protection Policy.	School's website

3.2 Services provided by other providers

Where a complaint concerns a third party used by Exceed Academies Trust or by an individual Exceed school please contact the third party directly.

3.3 Concerns about SEND provision

Any concerns or complaints about SEND provision by parents or carers should be initially raised informally, whether by e-mail, letter or a telephone call with the school's SENDCo (Special Educational Needs and Disabilities Co-ordinator). The SENDCo will look to respond to the concerns immediately where possible. If required, they will investigate the concerns and report back within a week.

If the parents/carers continue to be dissatisfied, a formal complaint should be raised beginning at Stage 1 of the complaints procedure outlined in this policy.

4. Principles for Dealing with Concerns and Complaints

4.1 Exceed Academies Trust and our schools will:

- take all concerns and complaints seriously
- make every attempt to resolve concerns by informal means without the need to use formal procedures
- publish this complaints procedure, make it easily accessible and simple to understand and use
- be fair, open and honest when dealing with any concern or complaint
- give careful consideration to all concerns and complaints and deal with them as swiftly as possible, keeping people informed of progress
- resolve any concern or complaint through dialogue and mutual understanding and, wherever possible, put the interests of the child above all other issues
- provide sufficient opportunity for any concern or complaint to be fully discussed, and then resolved
- deal with concerns or complaints in an impartial and non-adversarial manner
- ensure a full and fair investigation of a complaint is undertaken by a person who has not been directly involved in the matter
- address all the points at issue and provide an effective response and appropriate redress, where necessary
- respect people's desire for confidentiality
- use the outcome of a complaint to reflect on the services provided by the school/Trust so, if necessary, they can be improved.

5. Raising Concerns

5.1 We recognise that parents/carers and others will, from time to time, have normal and legitimate concerns about the progress, achievement, behaviour or welfare of their child, or about other matters connected with the school. Most concerns can be dealt with outside of the formal complaints process and should be raised by phone, email or in person with a relevant member of staff so that they can be addressed in partnership with the school. Almost invariably, the sooner such concerns are raised, the easier it is for an appropriate resolution to be found.

5.2 A concern may be raised with any member of staff. For parents and carers, the best person to speak to initially would normally be your child's tutor, teacher or Head of Year (or equivalent) and for others this would normally be the Headteacher/Head of School. Wherever possible, informal concerns will be responded to quickly and resolved amicably. Ideally, your concern will be addressed within 72 hours or a meeting may be arranged with you to discuss the issue. However, where a matter is raised with classroom-based staff, please be mindful of their availability and reasonable in your expectation of response times, particularly to concerns received by email.

5.3 Conduct when raising concerns and complaints

In order to ensure a timely and pleasing resolution to any concerns and complaints, Exceed Academies Trust expects that anyone raising a concern will:

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

6. Anonymous Complaints

6.1 Anonymous complaints will not be investigated, save in exceptional circumstances, as we are unable to respond to the complainant. (These circumstances would include serious concerns such as child protection issues or bullying allegations, where the school is either required to involve appropriate external agencies or might conduct its own internal review to test whether there is any corroborative evidence which might trigger a formal investigation).

7. Timescales

7.1 Complaints are expected to be made as soon as possible after an incident arises to amend the issue in an appropriate timescale. Exceed Academies Trust reserves the right not to investigate complaints that have been made more than three months after the subject of the complaint took place unless in exceptional circumstances; for example: where new evidence has come to light; if the complaint is about an especially serious matter or where there is reasonable justification for why the complainant couldn't raise the matter sooner. The Headteacher/Head of School (or CEO for complaints about the Trust) will make the decision on whether or not to invoke the complaints procedure in this instance.

7.2 We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

7.3 When the formal complaints procedure is underway, if a complainant wishes to escalate a complaint to the next stage of the procedure, it is expected that they will make the request in writing in a timely manner, within 10 school days following receipt of the response from the previous stage. Exceptions will be considered if a valid reason is provided; otherwise the complaint will be closed at the end of the last stage reached.

8. Staff Conduct

8.1 If, at any stage, it is necessary to undertake staff disciplinary or capability proceedings as the result of a complaint, this will be dealt with under the Trust's internal disciplinary procedures.

8.2 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.

9. Confidentiality and Social Media

9.1 In order for complaints to be resolved as quickly and fairly as possible, Exceed Academies Trust requests that complainants do not discuss complaints publically including via social media such as Facebook and Twitter. Complaints will be dealt with confidentially for those involved, and we expect complainants to also observe confidentiality. Defamatory, offensive or otherwise inappropriate comments on social media will be reported to the appropriate authorities.

10. Formal Complaints Procedure

10.1 Every attempt should be made by both the complainant and the school or Trust to resolve concerns by informal means before entering into the formal procedures.

10.2 All formal complaints will be handled in the order and procedure outlined in this policy, from Stage 1 to Stage 4 consecutively. Complaints about the Trust will commence at stage 2 with the CEO responsible for the investigation.

10.3 **Complaints about a Headteacher/Head of School**

Where a complaint regards a Headteacher/Head of School this should first be raised directly with the Headteacher/Head of School to try and resolve the issue informally. If the complainant is not satisfied with this outcome they should submit a written formal complaint marked for the attention of the Exceed Academies Trust Clerk and arrangements will be made for the complaint to commence at stage 2.

10.4 **Complaints about an Executive Headteacher**

Where a complaint regards an Executive Headteacher this should first be raised directly with the Executive Headteacher to try and resolve the issue informally. If the complainant is not satisfied with this outcome they should submit a written formal complaint marked for the attention of the Exceed Academies Trust Clerk and arrangements will be made to begin the complaints procedure at stage 2 with the CEO responsible for the investigation.

10.5 **Complaints about the Chief Executive Officer or the Trustees**

Where a complaint regards the CEO or the Trustees this should first be raised directly with the CEO to try and resolve the issue informally. If the complainant is not satisfied with this outcome they should submit a written formal complaint marked for the attention of the Exceed Academies Trust Clerk. The complaints process will then begin at stage 3 with the Chair of Trustees as the individual responsible for the investigation (the Vice-Chair of Trustees will take on responsibility if the complaint is about the Chair of Trustees).

10.6 Making a formal complaint

Formal complaints (and each subsequent request to proceed to the next stage of the procedure) should be made in writing, including email, and should include:

- your name
- the name and year group of your child (if applicable)
- your contact information
- details of your complaint
- details of action taken so far including the name(s) of staff involved
- the reason you are not satisfied with the action taken in response to your concerns
- what action you feel is needed to resolve the matter

11. Stage 1 – Formal complaint made to the Headteacher/Head of School

11.1 The written formal complaint should be sent to the Headteacher/Head of School (unless it is about the Headteacher/Head of School), via the school office.

11.2 The Headteacher/Head of School will acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days. Within this response, the Headteacher/Head of School will seek to clarify any further information they feel is required in addition to that included in the written complaint. The Headteacher/Head of School can consider whether a face to face meeting is the most appropriate way of doing this.

Note: The Headteacher/Head of School may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.

11.3 During the investigation, the Headteacher/Head of School (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a record of any meetings/interviews in relation to their investigation.

11.4 At the conclusion of their investigation, the Headteacher/Head of School will provide a formal written response within 25 school days of the date of receipt of the complaint. If the Headteacher/Head of School is unable to meet this deadline, they will provide the complainant with an update and revised response date.

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

11.6 If it is deemed necessary by the school or Trust based on the nature of the complaint, Stage 1 will be considered by an independent investigator appointed by the Trust. At the conclusion of their investigation, the independent investigator will provide a formal written response.

12. Stage 2 – Formal complaint made to the Executive Headteacher

12.1 If a complainant remains dissatisfied following the response to Stage 1, a written request to proceed to Stage 2 should be sent to the Executive Headteacher, via the school office within 10 school days of receiving the Stage 1 response.

Note: If the school does not have an Executive Headteacher (or the complaint is about them), the complaint should be sent to the Exceed Academies Trust Clerk, via the school office, and the Trust will allocate an investigating officer.

12.2 The Executive Headteacher will acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days. Within this response, the Executive Headteacher will seek to clarify any further information they feel is required in addition to that included with the request to proceed to Stage 2. The Executive Headteacher can consider whether a face to face meeting is the most appropriate way of doing this.

Note: The Executive Headteacher may delegate the investigation to an appropriately senior member of staff, who is completely impartial, but not the decision to be taken.

12.3 During the investigation, the Executive Headteacher (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a record of any meetings/interviews in relation to their investigation.

12.4 At the conclusion of their investigation, the Executive Headteacher will provide a formal written response within 25 school days of the date of receipt of the complaint. If the Executive Headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

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

12.6 If it is deemed necessary by the school or Trust based on the nature of the complaint, Stage 2 will be considered by an independent investigator appointed by the Trust. At the conclusion of their investigation, the independent investigator will provide a formal written response.

13. Stage 3 – Formal complaint made to the Chair of Governors

13.1 If a complainant remains dissatisfied following the response to Stage 2, a written request to proceed to Stage 3 should be sent to the Chair of Governors, via the school office within 10 school days of receiving the Stage 2 response.

13.2 The Chair of Governors will acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days. Within this response, the Chair of Governors will seek to clarify any further information they feel is required in addition to that included with the request to proceed to Stage 3. The Chair of Governors can consider whether a face to face meeting is the most appropriate way of doing this.

Note: The Chair of Governors may delegate the investigation to another governor or senior officer within the Trust.

13.3 During the investigation, the Chair of Governors (or delegated investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a record of any meetings/interviews in relation to their investigation.

13.4 At the conclusion of their investigation, the Chair of Governors (or delegated investigator) will provide a formal written response within 25 school days of the date of receipt of the complaint. If the Chair of Governors (or delegated investigator) is unable to meet this deadline, they will provide the complainant with an update and revised response date.

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

13.6 If it is deemed necessary by the school or Trust based on the nature of the complaint, Stage 3 will be considered by an independent investigator appointed by the Trust. At the conclusion of their investigation, the independent investigator will provide a formal written response.

14. Stage 4 – Complaint Review Panel

14.1 If the complainant is dissatisfied with the outcome at the end of Stage 3 and wishes to take the matter further, they can escalate the complaint to Stage 4 – a meeting with a panel of governors. This is the final stage of the complaints procedure.

Note: If the complaint is about the Trust, the meeting will be with a panel of Trustees.

14.2 A request to escalate to Stage 4 must be made to the Exceed Academies Trust Clerk, via the school office, within 10 school days of receipt of the Stage 3 response. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

14.3 The Clerk will acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

14.4 The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 15 school days of receipt of the Stage 4 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

14.5 If the complainant rejects the offer of two proposed dates, without good reason, the panel will take a decision to either hold the meeting in the complainant's absence or close the complaint.

14.6 The complaint review panel will consist of three governors (including an allocated Chair) with no prior involvement or knowledge of the complaint. The panel may include Trustees, Members and governors from other schools within the Trust depending on availability.

14.7 The complainant is entitled to bring someone along to the meeting to provide support. This can be a relative or friend. Legal representatives and representatives from the media are not permitted to attend the panel meeting.

14.8 At least 4 school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting,
- circulate any written material to all parties. The panel will not accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

14.9 The panel will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

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

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

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

14.12 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 the school's systems or procedures to prevent similar issues in the future.

14.13 The Chair of the Panel will provide the complainant and the school with a full explanation of their decision and the reason(s) for it, in writing, within 15 school days. The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled.

15. Referring complaints on completion of the school's procedure

15.1 If the complainant believes their complaint was not handled in accordance with the published complaints procedure, they can raise the matter with ESFA.

15.2 ESFA cannot change an academy's decision about a complaint. Their role is to consider whether the academy followed the correct process. They will not investigate the academy's decision.

15.3 If you want ESFA to consider whether your complaint has been dealt with properly, you must use their online [enquiry form](https://www.education.gov.uk/help/contactus/dfe) (<https://www.education.gov.uk/help/contactus/dfe>) and tick the box that says complaint.

16. Duplicate complaints

16.1 There may be some cases where at the end of the complaints procedure, the school receives a duplicate complaint from a complainants spouse, partner, grandparent or child.

16.2 Where the complaint is about the same subject, the new complainant will be informed that the school/Trust has already considered that complaint and that the local process has been completed. The new complainant will be advised to contact the DfE if they are dissatisfied with the school's/Trust's handling of the original complaint.

16.3 The school/Trust will take care not to overlook any new aspects to the complaint that may not have been previously considered. Any new elements of a complaint will be investigated and dealt with in line with the full complaints procedure.

17. Serial and persistent complaints

- 17.1 The school/Trust will act in a manner they believe to be appropriate when dealing with an individual who consistently makes the same complaints or who continuously asks the school to reconsider their position.
- 17.2 If a complainant attempts to re-open an issue which has previously fully completed the complaints procedure, the Exceed Academies Trust Clerk will inform the complainant that the matter is now closed.
- 17.3 If the complainant contacts the school/Trust regarding the same issue again, the complaint may be classed as 'serial' or 'persistent' and the school/Trust does not have an obligation to respond.
- 17.4 The school/Trust will not take the decision to stop responding to an individual lightly. The school will ensure that:
- They have previously taken every reasonable step to address the problem.
 - They have provided the complainant with a statement of their position.
 - The complainant is contacting the school repeatedly with the same complaint.
- 17.5 If the school/Trust believes that the complainant is continuously contacting the school/Trust to cause disruption or inconvenience, or if the complainant is being abusive or threatening, the school/Trust has the right to not respond to the complainant. Once the school/Trust decides to no longer respond to a complainant, the individual will be informed of this decision in writing.
- 17.6 Any new complaint made by a 'serial' complainant will be responded to.

18. Complaints Campaigns

- 18.1 For the purposes of this policy, "complaints campaigns" are defined as:
- Where the school/Trust receives a number of complaints all based on the same subject.
 - Where the school/Trust receives multiple complaints from complainants who are not connected to the school/Trust.
- 18.2 In the event of a complaints campaign (as defined above), the school/Trust will not respond to each complaint individually but will either:
- send a template response to all complainants; or
 - publish a single response on the school's website.

19. Unreasonable Complaints

19.1 Exceed Academies 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 the school; however, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

19.2 The Trust defines unreasonable complainants as ‘those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people’s complaints’.

19.3 A complaint may be regarded as unreasonable when the person making the complaint:

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

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

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

- 19.5 Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.
- 19.6 Whenever possible, a representative of the school/Trust will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.
- 19.7 If the behaviour continues, the complainant will be informed in writing that their behaviour is unreasonable and that their complaint will not be taken any further. For complainants who excessively contact the school/Trust causing a significant level of disruption, the school/Trust may specify methods of communication and limit the number of contacts in a communication plan.
- 19.8 In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the premises.
- 19.9 We reserve the right not to consider complaints that:
- are malicious (that is, they are instituted without sufficient grounds and serving only to cause annoyance).
 - use obscenities, racist or homophobic language.
 - contain personally offensive remarks about members of our staff.
 - are repeatedly submitted with only minor differences after we have fully addressed the complaint.

20. Barring from the Premises

- 20.1 School premises are private property and therefore any individual can be barred from entering the premises.
- 20.2 If an individual's behaviour is cause for concern, the Headteacher can ask the individual to leave the premises.
- 20.3 The Headteacher will notify the parties involved in writing, explaining that their implied licence for access to the premises has been temporarily revoked and why, subject to any representations that the individual may wish to make.
- 20.4 The individual involved will be given the opportunity to formally express their views regarding the decision to bar them.
- 20.5 This decision to bar will be reviewed by the Chair of Governors taking into account any discussions following the incident.
- 20.6 If the decision is made to continue the bar, the individual will be contacted in writing, informing them of how long the bar will be in place.