



## Complaints Policy and Procedure

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# ACADEMY COMPLAINTS PROCEDURE

Relevant to: Academies, Multi-Academy Trust

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## Updates since last edition:

Throughout document	References to EHT added alongside HT references.
Section 5	Additional wording to require that the Complaints Form is completed for every Stage 2 complaint.
Section 12 Stage 1 Complaints	Additional wording to distinguish between concerns and complaints at Stage 1.
Section 12 Stage 2 Complaints	Clarification of process.
Section 12 Stage 3 Complaints	<p>Removal of CEO as panel member.</p> <p>Additional wording to reflect that a Stage 3 panel can meet in person, virtually or a hybrid of the two.</p> <p>Additional wording to reflect that timing of panel hearing needs to be in normal school operating hours.</p> <p>Additional wording concerning the recording of meetings.</p> <p>Revised wording for the panel procedure section.</p> <p>Additional wording to advise that the panel can still make recommendations even if the complaint is not upheld.</p>
Section 13 Roles and Responsibilities	Clarification as above re in person, virtual or hybrid meetings and timing of meetings to coincide with normal school operating hours.

	Minor changes to wording to add further clarity.
Appendix 1 Template Complaint Form	Additional wording to ensure relevance for both Stage 2 and Stage 3 complaints.

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## **1. Introduction and Statement of the Purpose**

This is the Discovery Educational Trust (DET) Complaints Policy and Procedure and applies across the Trust and all of its Schools.

DET and its Schools aim to provide the best possible education and support for the whole Trust community. This means having a clear, fair and efficient procedure for dealing with any complaints to or against the Trust and its Schools, in order that any issues that arise can be dealt with as swiftly and effectively as possible.

This document explains the Trust's complaints procedures. The steps that it outlines should be referred to and followed by all pupils, parents/carers and other stakeholders whenever concerns arise. Concerns or complaints should be brought to the Trust's School's attention as soon as possible to enable a proper investigation to take place.

A concern may be defined as *"an expression of worry or doubt over an issue considered to be important, for which reassurances are sought"*.

A complaint may be defined as *"an expression of dissatisfaction however made, about actions taken or a lack of action"*.

The DET Trust Board (TB) is committed to building and maintaining good relations with parents/carers. The TB understands that parental/carer concerns can give rise to stressful situations for families and staff and that invoking a complaints procedure can place an unnecessary barrier of formality between the School and the complainant. Parents/carers are, therefore, encouraged to bring their concerns to the School in a spirit of positive willingness to seek a solution. Wherever possible, the Trust and its School work to resolve concerns informally and at an early stage.

All senior staff are made aware of this Complaints Policy and Procedure and are expected to review this document regularly in order that they are familiar with DET's process for dealing with complaints.

## **2. Who can make a Complaint?**

This Complaints Policy and Procedure is not limited to parents/carers of children that are registered at DET Schools. Any person, including members of the public, may make a complaint to DET/its Schools about any provision of facilities or services provided at Trust and at School level.

Should a pupil have cause to complain about any matter or any person associated with DET/its Schools, the complaint needs to be raised by the parent/carer on behalf of the pupil in accordance with this document.

In accordance with equality law, reasonable adjustments are considered, if required, to enable complainants to access and complete this Complaints Policy. For example, the provision of information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

## **3. Exceptions from this Policy and Procedure**

This document does not apply to complaints where there is a specific procedure in place. This includes:

- staff grievances, disciplinary or conduct issues;
- matters likely to require a Child Protection investigation (including allegations of abuse against staff);
- pupil admissions;
- pupil suspensions and permanent exclusions;
- statutory assessments of Special Educational Needs and Education, Health and Care Plans (EHCP);
- appeals relating to assessment decisions for external qualifications;
- complaints about services provided by other providers that may use school premises or facilities;
- changes to DET/School legal status or consultations on reorganisations;
- whistleblowing (for other regulatory or financial malpractice;
- National Curriculum content – contact the Department for Education (DfE) at [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus).

Each of these follows its own process of complaint, which are outlined in separate policies.

If there is an allegation or concern about physical or sexual misconduct towards a child, or there is a belief that a child may be at risk of serious harm, DET/its Schools may immediately refer the case to child protection and welfare services. If it is decided that there is cause for an official investigation, the decisions made by these authorities supersede those made by DET/its Schools and those outlined in this document. Where the complaint relates to a Safeguarding referral made by a member of staff at a Trust School, any consideration of that complaint by DET/its Schools is limited to a review of the reasonableness of the decision to make the referral in light of the evidence available to the member of staff at that time, and in light of the DET Safeguarding and Child Protection Policy and local School safeguarding and child protection procedures.

For more information on DET/its Schools' Child Protection protocols, refer to the DET Safeguarding and Child Protection Policy.

#### **4. Legislation and Guidance**

DET complies with its legal duties under: [The Education \(Independent School Standards\) \(England\) Regulations 2014 Schedule 1, Part 7](#), which state that it must have and must make available a written procedure to deal with complaints from parents/carers of children in DET Schools.

It 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 [good practice guidance on setting up complaints procedures from the Department for Education \(DfE\)](#).

## 5. How to Raise a Concern or Make a Complaint

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of a complainant, on condition that the third party has appropriate consent from the complainant to do so.

Parents/carers, who have a concern to raise or a complaint to make should firstly advise their child's Form Tutor/Class Teacher as this person is best placed to help either directly or by putting the parent/carer in contact with the relevant member of staff.

People, who are not parents or carers of a child at a Trust School should address their concerns/complaints to the Executive Headteacher (EHT)/Headteacher (HT) of the relevant Trust School.

DET and its Schools encourage parents/carers to approach staff with any concerns or complaints they may have and aim to resolve all issues informally by establishing an open dialogue and seeking mutual resolution.

Complaints against School staff (except the EHT/HT) should be addressed to the EHT/HT via the relevant School Office\*. All correspondence must be marked as Private and Confidential.

Complaints against Central Trust staff (except the Chief Executive Officer (CEO)) should be addressed to the CEO via [contact@discoveryeducationaltrust.co.uk](mailto:contact@discoveryeducationaltrust.co.uk). All correspondence must be marked as Private and Confidential.

Complaints that involve, or are about, the EHT/HT should be addressed to the CEO via [contact@discoveryeducationaltrust.co.uk](mailto:contact@discoveryeducationaltrust.co.uk). All correspondence must be marked as Private and Confidential.

Complaints that involve, or are about, the CEO should be addressed to the Chair of the TB via [contact@discoveryeducationaltrust.co.uk](mailto:contact@discoveryeducationaltrust.co.uk). All correspondence must be marked as Private and Confidential.

Complaints that involve, or are about, the Chair of the Local School Committee (LSC), any individual Local Governor or the whole LSC should be addressed to the Chair of the TB via [contact@discoveryeducationaltrust.co.uk](mailto:contact@discoveryeducationaltrust.co.uk). All correspondence must be marked as Private and Confidential.

Complaints that involve, or are about, the Chair of the TB, any individual Trustee or the whole TB should be addressed to the Chair of the Members via [contact@discoveryeducationaltrust.co.uk](mailto:contact@discoveryeducationaltrust.co.uk). All correspondence must be marked as Private and Confidential.

A template complaint form is included as Appendix 1 to this document. This will need to be completed for all complaints that move to Stage 2. If assistance is required in completing the form, the relevant School Office can be asked for help. A third-party organisation, for example, the Citizens Advice Bureau, can also be asked for assistance.

In accordance with equality law, reasonable adjustments are considered, if required, to enable complainants to access and complete this Complaints Policy and Procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

\*when sending a complaint via email, the relevant email addresses to use for each DET School are as detailed here:

Chase High School – [chasehigh.school@chasehigh.org](mailto:chasehigh.school@chasehigh.org);

Hogarth Primary School – [admin@hogarth.essex.sch.uk](mailto:admin@hogarth.essex.sch.uk);

Kelvedon Hatch Community Primary School – [office @kelvedonhatch.essex.sch.uk](mailto:office@kelvedonhatch.essex.sch.uk);

Larchwood Primary School – [office@larchwood.essex.sch.uk](mailto:office@larchwood.essex.sch.uk);

St. Martin's School - [enquiries@st-martins.essex.sch.uk](mailto:enquiries@st-martins.essex.sch.uk).

## **6. Anonymous Complaints**

Anonymous complaints are not normally investigated. However, the EHT/HT or CEO, if appropriate, determines whether any anonymous complaint warrants an investigation.

## **7. Time Scales**

A complaint must be raised within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. Complaints made outside of this timeframe are considered only if exceptional circumstances apply.

DET and its Schools do the utmost to adhere to timescales laid out in this document. However, if it becomes necessary to alter the time limits and deadlines detailed, a complainant is advised and provided with an explanation. Revised timescales are agreed with a complainant.

## **8. Complaints Received Outside of Term Time**

Complaints made outside of term time are deemed to have been received on the first school day after the holiday period.

## **9. The Impact of Other Investigations on this Complaints Policy and Procedure**

If other bodies are investigating aspects of the complaint, for example, the police, Local Authority Safeguarding teams or tribunals, this may impact on DET/School ability to adhere to the timescales within this document or result in the procedure being suspended until those public bodies have completed their investigations. If this happens, complainants are informed of the proposed new timescale.

If a complainant commences legal action against DET/its Schools in relation to their complaint, DET/its Schools may suspend the Complaints Procedure until those legal proceedings have concluded.

## **10. Resolving Complaints**



At each stage in the process, DET/School seek to resolve the complaint. If appropriate, DET/School acknowledge that the complaint is upheld in whole or in part. In addition, a complainant may be offered one or more of the following:

- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that every effort will be made to ensure that the event complained of will not recur;
- 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 DET/School policies in light of the complaint;
- an apology.

## **11. Withdrawal of a Complaint**

If a complainant wants to withdraw their complaint, they are asked to confirm this in writing.

## **12. The Three Stages of the Complaints Procedure**

### **Stage 1 – Informal Complaints**

As detailed in Section 1 above, there is a clear difference between concerns and complaints:

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

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

#### **Concerns**

It is hoped that most concerns can be expressed and resolved on an informal basis.

Concerns should be raised with the relevant member of staff. Those with concerns should not approach Local Governors/Trustees to raise them. Local Governors and Trustees have no power to act on an individual basis, and it may prevent them from considering complaints at Stage 3 of the process.

#### **Complaints**

It is hoped that most complaints can be expressed and resolved on an informal basis.

Complaints should, initially, be raised with the relevant member of staff. Those with complaints should not approach Local Governors/Trustees to raise them. Local Governors and Trustees have no power to act on an individual basis, and it may prevent them from considering complaints at Stage 3 of the process.

Once a complaint has been raised, a complainant may be invited to attend an informal meeting with the EHT/HT or a member of the Senior Leadership Team to discuss it.

A complainant is welcome to bring a friend, partner or, in the case of a pupil, who has made a complaint, a parent/carer to this meeting. It may be appropriate for a pupil to attend the meeting if their parent/carer has made a complaint, depending on the nature of the issue.

The EHT/HT/SLT member has a responsibility to ensure that a complainant understands any future points of action that have been agreed upon in this meeting and makes and then circulates a record of what has been discussed, as well as any outcomes and a plan of action, if one has been agreed.

All staff do their best to ensure that all concerns and complaint are dealt with appropriately and efficiently, but if an agreement cannot be reached, or if the person raising the concern/making the complaint is dissatisfied with the outcome of the meeting, they are able to make a formal complaint.

There is no suggested timescale for resolution at this stage given the importance of dialogue through informal discussion, although it would be expected that most issues would be resolved within 15 school days.

## **Stage 2 – Formal Investigation into a Complaint**

If the matter cannot be resolved informally, the complainant should put the complaint in writing, using the Complaint Form (Appendix 1), setting out briefly the facts and stating what it is that the complainant considers should have been done or where the school has not met reasonable expectations.

The matter/cause of a Stage 2 complaint does not differ from the matter/cause at Stage 1. Stage 2 provides the opportunity for further investigation and examination of what has happened. No new complaints can be raised at this point in the process.

Stage 2 formal complaints must be made, in writing, within ten school days of receiving the outcome of the Stage 1 process using the template complaint form which is included as Appendix 1 to this document. Assistance to complete the form can be provided upon request.

Requests to move to Stage 2 made outside of these timelines, i.e. within ten school days of receiving the Stage 1 outcome, are not considered.

A written complaint should provide enough detail of the issues to allow the recipient to investigate and respond to the complaint. The complainant must also set out what they would see as a fair resolution to the complaint.

The recipient of the Stage 2 formal complaint records the date the complaint is received and acknowledges receipt of the complaint in writing, either by letter or email.

Within this response, the recipient of the Stage 2 formal complaint seeks to clarify the nature of the complaint, asks what remains unresolved and what outcomes the complainant would like to see, if that detail has not already been provided.

The recipient of the Stage 2 formal complaint considers whether a meeting is the most appropriate way of doing this.

The recipient of the Stage 2 formal complaint may delegate the investigation of the complaint to an Investigating Officer (IO) or to a member of the Trust/School's SLT. They use the report from this investigation to make a decision on the complaint.

Note that, whilst responsibility for the investigation may be delegated, responsibility for the decision is not delegated.

During the investigation, the IO:

- if necessary, interviews those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- if necessary, interviews any person, who may have information useful to the investigation;
- keeps a written record of any meetings/interviews in relation to their investigation.

At the conclusion of the investigation, the recipient of the Stage 2 formal complaint provides a formal written response within ten school days of the date of receipt of the complaint.

If the Trust/School is unable to meet this deadline, they provide the complainant with an updated and revised response date.

The recipient of the Stage 2 formal complaint responds to the complainant, in writing, outlining their response to the concern raised, and any action that has or will be taken. If they have decided not to take any further action on the issue, they explain what they have decided, how they have reached this decision, and outline the complainant's right to take the matter further and the steps to be taken.

If the complaint is against a member of staff, depending on the nature of the complaint, the Trust/School may decide to deal with the complaint under the Trust's Discipline and Dismissal Procedure or the Trust Grievance Procedure. If that is the case, the content of this may need to remain confidential.

### **Stage 3 – Formal Complaints Panel Hearing**

If the complainant is not satisfied with the outcome of Stage 2, they may request that the complaint be considered by a Complaints Panel (Stage 3 of the Complaints Policy and Procedure). A Complaints Panel comprises a minimum of three individuals (two Trustees/Local Governors and one independent person), who have not been directly involved in the matters detailed in the complaint. As above, one of the three panel members must be independent of the management and running of DET/School.

A request to escalate to Stage 3 must be made to the Chair of the TB (or to the Members if the complaint is about the TB) via [contact@discoveryeducationaltrust.co.uk](mailto:contact@discoveryeducationaltrust.co.uk) within ten school days of receipt of the Stage 2 response. All correspondence must be marked as Private and Confidential. The complainant must explain why they are dissatisfied with the outcome at Stage 2.

If no request for a Stage 3 Complaints Panel is received within ten school days of receipt of the Stage 2 response, it is deemed that the decision is accepted, and the complaint is closed (unless there are very exceptional circumstances to explain the delay).

The Chair of the TB (or Members) must record the date the complaint is received and must acknowledge receipt of the complaint in writing (by either letter or email) within three school days.

The Governance Professional/Clerk writes to the complainant to inform them of the date of the meeting. The Governance Professional/Clerk aims to convene a meeting within 30 school

days of receipt of the Stage 3 request. If this is not possible, the Governance Professional/Clerk provides an anticipated date and keeps the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Governance Professional/Clerk decides when to hold the meeting. The meeting then proceeds in the complainant's absence on the basis of written submissions from both parties.

Note that a Stage 3 panel hearing can be held in person, virtually or a hybrid of the two.

If complaint is;

- about a member of staff, Stage 3 is heard by, at least, two Trustees (excluding the CEO) and an independent panel member;
- about the EHT/HT, Stage 3 is heard by, at least, two Trustees and an independent panel member;
- about the CEO, Stage 3 is heard by, at least, two Trustees and an independent panel member;
- about the entire LSC or members thereof, Stage 3 is heard by, at least, two Trustees and an independent panel member;
- about the entire TB or members thereof, Stage 3 is heard by, at least, two Members and an independent panel member.

Note that all independent panel members are required to sign a Non-Disclosure Agreement prior to receiving any papers related to any Stage 3 panel hearing.

No person can sit on the Complaints Panel if they have had any former knowledge or involvement in the case that is being dealt with at that time. The Chair of the Complaints Panel is nominated from within the group of panel members. All panel members must be familiar with and have access to the Trust's Complaints Policy and Procedure.

Someone may accompany a complainant to the panel meeting (or join the call if any attendees are attending virtually) to provide support. This can be a relative or friend. Generally, neither party is encouraged to bring legal representatives to the panel meeting. 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.

*Note: Complaints about staff conduct are not, generally, handled under this Complaints Policy and Procedure. Complainants are advised that any staff conduct complaints are considered under the DET Discipline and Dismissal Procedure, if appropriate, and that outcomes are not shared.*

Representatives from the media are not permitted to attend.

At least ten school days before the meeting, the Governance Professional/Clerk:

- confirms and notifies the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the date is convenient. Note that all meetings are held in normal school operating hours.

As appropriate for attendees, the Governance Professional/Clerk also ensures that the venue and proceedings are accessible.

If any meeting attendees are attending virtually, a Teams link is circulated, as appropriate.

- requests copies of any further written material to be submitted to the panel, at least, five school days before the meeting.

Any written material is circulated to all parties, at least, five school days before the date of the meeting. The panel does not accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The panel also does 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 of the process.

The meeting is 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 is recorded in the minutes.

The panel must consider how the complainant can be made to feel most comfortable presenting to the panel, especially in the case of a young child having to present or explain information.

#### Panel Procedure

The panel determines the procedure to be followed to ensure that it is best placed to deal with the issues arising from the complaint. The procedure for a panel hearing is usually as follows:

1. Welcome and Introductions:
  - a. Chair to welcome all attendees;
  - b. Introduction of panel members, complainant and any representatives present.
2. Apologies for Absence:
  - a. Note any apologies received.
3. Outline of Meeting Procedure:
  - a. Chair to explain the purpose of the meeting and the process to be followed;
  - b. Clarification of the role of the panel.
4. Presentation of the Complaint:
  - a. Complainant or their representative to present their case;
  - b. Panel to ask questions for clarification.
5. Response from the School:
  - a. School representative to present their response;
  - b. Panel to ask questions for clarification.
6. Questions from the Panel:
  - a. Panel to ask any remaining questions to both parties.

7. Summing Up:

- a. If they so choose, complainant to provide a brief summary of their case (no new evidence is to be presented at this point);
- b. If they so choose, School representative to provide a brief summary of their response (no new evidence is to be presented at this point).

8. Closing Remarks:

- a. Chair to thank all attendees and outline the next steps;
- b. Chair to formally close the meeting.

9. Panel Deliberation (Private Session)

- a. Panel to deliberate and make a decision.

The Governance Professional/Clerk to the panel ensures that sufficient notes are taken to record an accurate reflection of the points considered and any decisions taken, or actions agreed.

The Governance Professional/Clerk notifies the complainant and the Trust/School of the panel's decision, in writing, within five school days of the appeal hearing. The letter details the decision of the panel together with the reasons underpinning that decision. The letter may set out recommendations, which will be made to the Trust/School.

The Complaints Panel may:

- uphold the complaint, in whole or in part;
- not uphold the complaint, in whole or in part.

If the complaint is upheld, in whole or in part, the panel:

- decides on the appropriate action to be taken to resolve the complaint;
- evaluates all available evidence and, where appropriate, recommends changes to the DET/School systems or procedures to prevent similar issues in the future.

If the complaint is not upheld, in whole or in part, the panel may still recommend changes to the DET/School systems or procedures.

## **13.Roles and Responsibilities**

### **Complainant**

The complainant receives a more effective response to the complaint if they:

- explain the complaint in full as early as possible;
- cooperate with DET/School 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.

### **Investigating Officer**

The IO'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 Coordinator, as appropriate, to clarify what the complainant feels would put things right.

The IO 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 that sets out the facts, identifies solutions, and recommends courses of action to resolve problems.

The Complaints Panel then determines whether to uphold or not uphold the complaint and communicates that decision to the complainant, providing details of how to escalate the complaint to Stage 3.

### **Complaints Coordinator** (the individual providing administrative support)

The Complaints Coordinator should:

- ensure that the complainant is fully updated at each stage of the process;
- liaise with staff members, EHT/HT, CEO, Chair of the TB, Members, Governance Professional/Clerk and appointed members of staff and independent panel member (if appropriate) to ensure the smooth running of the Complaints process;
- 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.

### **Governance Professional/Clerk**

The Governance Professional/Clerk is the contact point for the complainant and the Complaints Panel and should:

- ensure that all people involved in the Complaints process 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);
- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that the date is convenient.

Note that all meetings are held in normal school operating hours.

As appropriate for attendees, the Governance Professional/Clerk also ensures that the venue and proceedings are accessible.

If any meeting attendees are attending virtually, a Teams link is circulated, as appropriate.

Note that a Stage 3 panel hearing can be held in person, virtually or a hybrid of the two.

- collate any written material relevant to the complaint (for example, Stage 2 paperwork, School and complainant submissions), and send it to the parties, at least, five school days before the date of the meeting;
- record the proceedings in writing;
- notify all parties of the panel's decision;
- circulate the minutes of the meeting to all attendees.

### **Complaints Panel Chair**

The Complaints Panel Chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Governance Professional/Clerk) to provide any additional information relating to the complaint, at least, five school days before the date of the meeting. Documents delivered late are only admitted with agreement from the Chair. The Chair should consider an adjournment on the day for all parties to read any documentation delivered late;
- the meeting is conducted in an informal manner, is not adversarial, and that 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 that it does not breach confidentiality or any individual's rights to privacy under the Data Protection Act 2018 or GDPR. If a new issue arises, it is 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 DET/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 process;
- the meeting is minuted by a Governance Professional/Clerk;
- they liaise with the Governance Professional/Clerk.

### **Complaints Panel Member**

Complaints Panel members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so;
- no Trustee or Member may sit on the Complaints 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 DET/School and the complainant.

It is recognised that a complainant might not be satisfied with the outcome if the Complaints Panel does not find in their favour. It may only be possible to establish the facts and make recommendations.

Many complainants 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 Complaints 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 Complaints Panel should ask, in advance, if any support is needed to help them present their complaint. Where the child/young person's parent/carer is the complainant, the Complaints Panel should give the parent/carer the opportunity to say which parts of the meeting, if any, the child/young person needs to attend. However, the parent/carer should be advised that agreement might not always be possible if the parent/carer wishes the child/young person to attend a part of the meeting that the panel considers is not in the child/young person's interests.
- the welfare of the child/young person is paramount.

## **14.Vexatious, Persistent or Unreasonable Concerns or Complaints**

Whilst it is hoped that this Procedure reduces any dissatisfaction with DET/School, it is acknowledged that there may be rare occasions where a complainant continues to be

dissatisfied with DET/School and the outcomes achieved under the Complaints Policy and Procedure. A complainant should try to limit communication with DET/School that relates to a complaint while the complaint is being progressed. It is not helpful if repeated correspondence is sent during Stage 2 or 3 of the process as it could delay the outcome being reached.

Where a complainant attempts to re-open an issue, which has already been dealt with under the Complaints Policy and Procedure, the Chair of the TB should contact them to inform them that the matter has already been dealt with, and that either that stage of the process has been exhausted or that the Complaints process has been exhausted and the matter is considered closed. Where further correspondence is received on the same matter, this may be considered vexatious, and DET/School is under no obligation to further respond to that correspondence.

If the complainant subsequently contacts DET/School again about the same issue, DET/School can choose not to respond. The normal circumstance in which DET/School does not respond is if:

- DET/School has taken every reasonable step to address the complainant's needs, and DET/School position has been clearly set out in writing together with the complainant's options;
- the complainant is contacting DET/School repeatedly, but making, substantially, the same points each time;
- the complainant refuses to follow the Complaints process or insists on the complaint being dealt with in ways that are not in line with this Policy, or with good practice;
- DET/School reasonably believes the aim of the contact is to cause disruption or inconvenience;
- the complainant acts or communicates in an inappropriate way\* towards DET/School staff.

\*acting in an inappropriate way may include, but is not limited to:

- using threats to intimidate;
- using abusive, offensive or discriminatory language or violence;
- knowingly providing falsified information;
- publishing unacceptable information on social media or other public forums.

If aggressive or abusive behaviour takes place, the EHT/HT should write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants, who excessively contact DET/School, causing a significant level of disruption, DET/School may specify methods of communication and limit the number of contacts in a communication plan. This is reviewed after six months.

In response to any serious incident of aggression or violence, DET/School will immediately inform the police and communicate actions in writing. This may include barring an individual from a School site.

If DET/School decides that it is appropriate to stop responding, the complainant is informed in writing. Whenever possible, the EHT/HT or Chair of the TB discusses any concerns with the complainant informally before deciding to stop responding.

DET/School ensures, when making this decision, that complainants making any new complaint are heard, and that DET/School acts reasonably.

### Unreasonable Complaints

DET and its Schools are committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. They do not normally limit the contact complainants have with the Trust and its Schools. However, they do not expect staff to tolerate unacceptable behaviour and take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

DET and its Schools adopt the DfE definition of unreasonable complainants as those which, because of the frequency or nature of their contacts with the Trust/School, hinder the consideration of their or other people's complaints.

Unreasonable complaints are taken seriously by the DET and its Schools as they put a strain on valuable resources and hinder the progress of proper investigations. DET and its Schools may judge that a complaint is unreasonable by assessing a number of factors, including those outlined below.

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 cooperate with the complaints investigation process;
- refuses to accept that certain issues are not within the scope of the complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice;
- introduces trivial or irrelevant information, which the complainant expects to be considered and commented on, or raises large numbers of detailed, but unimportant, questions, and insists that 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 Complaints Policy and Procedure has been fully and properly implemented and completed;
- seeks an unrealistic outcome;

- makes excessive demands on Trust/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.

## **15.Complaint Campaigns**

For the purposes of this document, a complaint campaign is defined as a complaint from three or more separate individuals (whether or not connected with DET/School), which are all based on the same subject. Depending on the subject in question, DET/School may deviate from the process set out in this Policy, and instead:

- send a template response to all complainants; and/or
- publish a single response on the DET/School website (as applicable).

## **16.Monitoring and Storage of Information in relation to Complaints**

DET and its Schools record the progress of complaints at all stages, including information about actions taken, the stage at which the complaint was resolved, and the outcome. The records also include copies of letters and emails, and notes relating to meetings and phone calls. This material is treated as confidential and is viewed only by those involved in investigating the complaint or members of the review panel. Records of complaints are kept securely and then disposed of in line with DET's Record Management Policy. Complaint records may be inspected by the Secretary of State or any inspection body with the legal right to do so.

The TB monitors all complaints that reach Stage 3, and the outcomes, at every TB meeting via the CEO Report. This enables the TB to identify any emerging patterns, to ensure that similar problems are avoided in the future or to identify if they could have been managed more effectively. The TB does not receive any personal data that is not relevant to the monitoring process.

This Policy is reviewed every year. However, should there be any updates from DfE/ESFA, or from lessons learned of complaints received, this Policy is amended accordingly. At each review, the Policy is approved by the TB.

## **17.Next Steps**

If a complainant believes that DET/School did not handle a complaint in accordance with the published Complaints Policy and Procedure, or it acted unlawfully or unreasonably in the exercise of its duties under education law, they can contact the DfE/ESFA after completion of Stage 3.

The DfE/ESFA does not normally reinvestigate the substance of complaints or overturn any decisions made by DET/School. It considers whether DET/School has adhered to education legislation and any statutory policies connected with the complaint and whether it has followed [Part 7 of the Education \(Independent School Standards\) Regulations 2014](#).

The complainant can refer a complaint to the DfE/ESFA online at: <https://www.gov.uk/complain-about-school>.

## Appendix 1 – Template Complaint Form

### Stage 2/Stage 3 (please delete as appropriate)

Please complete and return to

\_\_\_\_\_  
(EHT/HT/CEO/Chair of the TB/Member/School Office (delete as appropriate)), who will acknowledge receipt and explain what action will be taken.

<b>Your Name:</b>
<b>Pupil's Name (if relevant):</b>
<b>Your relationship to the pupil (if relevant):</b>
<b>Address:</b> <b>Postcode:</b> <b>Daytime Telephone Number:</b> <b>Evening Telephone Number:</b> <b>Email Address:</b>

**Please give details of your complaint, including the names of Trust/School staff with whom you have already spoken as part of the Stage 1 and/or Stage 2 process, as appropriate.**

**If you are escalating your complaint to Stage 3, please provide detailed reasons for the escalation.**

**What actions, if any, have you already taken to try to resolve your complaint (who did you speak to and what was the response)?**

**If at Stage 2, please respond for the Stage 1 process. If at Stage 3, please respond for the Stage 2 process.**

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

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

**Signature:**

**Date:**

**Official Use**

**Date acknowledgement sent:**

**By whom:**

**Complaint referred to:**

**Action taken:**

**Date:**