

Complaints Policy

Signed:

Chair: S. Gribbin

CEO: L. Jackson

Date: 24th October 2024

Review date: October 2027

Statement of intent

Collective Vision Trust aims to resolve complaints at the earliest possible stage and, where possible, informally, and is dedicated to continuing to provide the highest quality of education possible in the academy throughout the procedure.

This policy has been created to handle complaints relating to any aspects of the provision of facilities or services against:

- Any member of staff.
- Any school within the Trust.
- Individual trustees, the board of trustees or its committees.

It is designed to ensure that the academy's complaints procedure is straightforward, impartial, non-adversarial, allows a full and fair investigation, respects confidentiality, and delivers an effective response and appropriate redress.

This policy outlines the procedure that the complainant and the academy will follow. Once a complaint has been made, it can be resolved or withdrawn at any stage.

The headteacher (executive headteacher), CEO and/or chair of trustees will delegate an appropriate person to be the first point of contact during the complaints procedure.

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
- 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) 'Academy trust handbook 2023'

This policy operates in conjunction with all other Trust and school policies.

Definitions

"Informal complaint" – made via phone call, conversation or email with member of staff, these will be logged using the normal school systems.

"Formal complaint" – is made via a letter or email addressed to headteacher.

For the purpose of this policy, a **"complaint"** is defined as 'an expression of dissatisfaction' towards the actions taken or a perceived lack of action.

A **"concern"** is defined as 'an expression of worry or doubt' where reassurance is required. For the purpose of this policy, concerns will be classed and addressed as informal complaints, unless expressed via letter or email to the headteacher.

Any complaint or concern will be taken seriously, and the appropriate procedures will be implemented. The definition of **"unreasonable complaints"** is outlined in the 'Managing unreasonable complaints' section of this policy.

For the purpose of this policy, **“duplicate complaints”** are identical complaints received from a complainant’s spouse, partner or child. These complaints will not be addressed again and the individual making the second complaint will be informed that the complaint has been dealt with on a local level. If the individual is dissatisfied with the result, they can appeal to the ESFA, as outlined in ‘The role of the ESFA’ subsection of this policy. Any new details provided by a complainant’s spouse, partner or child, however, will be investigated and managed in line with the complaints procedure.

For the purpose of this policy, **“complaints campaigns”** are where the academy receives large volumes of complaints that are all based on the same subject.

For the purposes of this policy, having **“independence”** from the academy is defined as having no association with the academy, including through being a member, trustee or employee, and having no clear connection with any of the academy, including through being an employee or solicitor. Independent panel members will meet the academy’s and ESFA’s definition of independence.

“Headteacher” is the named person who is legally accountable for the school as named on the DfE GIAS site. In some of our schools this person actually holds the title executive headteacher. Specifically, the role that will deal with stage 3 complaints at each of our schools is:

Bursley Academy – Executive Headteacher
Chesterton Community Sports College – Headteacher
Chesterton Primary – Headteacher
Cheswardine Primary – Executive Headteacher
Churchfields Primary – Headteacher
Crackley Bank Primary – Executive Headteacher, supported by Head of School
Hinstock Primary – Executive Headteacher

Making a complaint

Any person, including a member of the public, will be able to make a complaint about the provision of facilities or services that the academy provides. Complaints may also be made by a third party on behalf of a complainant, contingent on appropriate consent having been obtained to do so.

All complaints made will be handled via the procedures and principles outlined in this policy, however, stage 5, is only applicable for complaints made by a parent and/or carer of a pupil in one of Collective Vision Trust’s academies. Any complaints made by other parties will follow the procedure up until stage 4 of this policy. This includes complaints made by a third party on behalf of a parent or career of a pupil in the academy.

The academy will not normally investigate anonymous complaints.

Individuals making complaints about issues relating to separate statutory procedures will be referred as follows:

- **Admissions** – referred to the appeals process outlined in the Admissions Policy.
- **Child protection** – referred to safeguarding procedures outlined in the Child Protection and Safeguarding Policy.
- **Exclusion** – referred to the procedures outlined in the Behaviour Policy and Suspension and Exclusion Policy.
- **Whistleblowing** – referred to the internal whistleblowing procedures outlined in the Whistleblowing Policy.
- **Staff grievances** – referred to the internal grievance procedures outlined in the Grievance Policy.
- **Staff conduct** – referred to the internal disciplinary procedures.
- **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.

All other complaints will be directed towards the procedures laid out in this policy.

Complaints are expected to be made as soon as possible after an incident arises to amend the issue in an appropriate timescale. The academy upholds a three-month time limit in which a complaint can be lodged regarding an incident. Complaints made outside this time limit will 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 complainant will be informed who will investigate the complaint and what stage of the procedure will be used when the complaint is acknowledged.

Complaints about academy staff, trustees or governors

Complaints against staff will:

- Be dealt with by the headteacher or whoever they deem most appropriate.
- Follow the complaints procedure, including a panel hearing where applicable.

Complaints against a headteacher will:

- Be dealt with by the CEO
- Follow the complaints procedure, including a panel hearing where applicable.

Complaints against the CEO will:

- Be dealt with by the chair of trustees
- Follow the complaints procedure, including a panel hearing where applicable.

Complaints against trustees, local governing committee members or local governing committees will:

- Be made in writing to the clerk, who will discuss with CEO.
- Be dealt with by the chair of trustees.
- Potentially involve escalation to conduct an investigation – this will be handled by the CEO.
- Involve a panel hearing where applicable.

Complaints against the chair of trustees will:

- Be made in writing to the clerk, who will discuss with the CEO the most appropriate course of action dependent on the nature of the complaint.
- CEO may take advice from the external HR provider regarding the appropriate course of action.

Complaints against the board of trustees will:

- Be dealt with by the CEO.
- Follow the complaints procedure, including a panel hearing where applicable.

Complaints against the trust will:

- Be dealt with by the CEO.
- Begin with stage three of the 'Complaints procedure' outlined in this policy, i.e. via a formal, written complaint.

Other complaints

Complaints not about individuals or groups may still be made in writing to the headteacher. The headteacher will decide on a case-by-case basis who the most appropriated person is to investigate the complaint. The complainant will be informed who will investigate the complaint and what stage of the procedure will be used when the complaint is acknowledged. As with all other complaints stage 5, is only applicable for complaints made by a parent and/or carer of a pupil in one of Collective Vision Trust's academies. Any complaints made by other parties will follow the procedure up until stage 4 of this policy.

Roles and responsibilities

The complainant will be responsible for:

- Making the complaint providing details of the complaint and what action they are seeking to resolve it.
- Cooperating with the academy in seeking a solution to the complaint.
- Expressing the complaint and their concerns in full at the earliest opportunity.
- Promptly responding to any requests for information and meetings.
- Asking for assistance as needed.
- Treating anyone involved in the complaint with respect.

The role of the investigator will differ depending on the nature of the complaint and who it is directed at. This means that:

- For complaints against staff, the investigator will be the headteacher or whoever is they deem is most appropriate.
- For complaints against the headteacher, the investigator will be the CEO.
- For complaints against trustees, the investigator will be the chair of trustees.
- For complaints against the chair of trustees or the board of trustees, the clerk & CEO may choose to take advice from external HR provider and will appoint an appropriate person to be the investigator.
- For complaints against the CEO, the investigator will be the chair of trustees.

The investigator of the complaint will be responsible for:

- Providing a sensitive and thorough interviewing process of the complainant to establish what has happened and who is involved.
- Considering all records, evidence and relevant information provided.
- Interviewing all appropriate parties that are involved in the complaint.
- Analysing all information in a comprehensive and fair manner.
- If needed clarifying information from the complainant, this could include details of why they are unhappy and what they are seeking to be done to resolve it.
- Identifying and recommending solutions and courses of actions to take.
- Being mindful of timescales and ensuring all parties involved are aware of these timescales.
- Responding to the complainant in a clear and understandable manner.

Where complaints are escalated to a panel hearing, all complaints panel members will be aware that:

- The review panel hearing is independent and impartial.
- No individual with prior involvement in the complaint, or the circumstances surrounding it, is permitted to sit on the panel.
- The aim of the panel is to achieve a reasonable resolution and, ultimately, attain reconciliation between the parties involved.
- Reconciliation between the academy and complainant is not always achievable, and that it may only be possible to establish facts and make recommendations to reassure the complainant that their case has been taken seriously.
- The panel can:
 - Dismiss or uphold the complaint, in whole or in part.
 - Recommend to the Trust Board appropriate action to be taken.
 - Recommend changes that the trust can make to prevent reoccurrence of the problem.
- Complainants may feel nervous or inhibited in a formal setting and, therefore, the proceedings should be as welcoming as possible.
- In most cases a formal panel meeting will probably not be appropriate for a child to attend.

- If a child needs to give evidence or the complainant feels the child needs to be heard, the Chair will decide the most appropriate way that this is done, paying particular attention to the child's age and best interests.
- If the complainant wishes the child to be involved, they need to make this clear to the Chair at least 5 working days before the scheduled meeting so that the Chair can determine the most appropriate way for this to happen.
- If a child is present at any part of the hearing, extra care needs to be taken to ensure that the child does not feel intimidated, as well as ensuring the child's view is represented equally.

The panel chair will:

- Ensure that minutes of the hearings are taken on every occasion.
- Explain the remit of the panel to the complainant.
- Ensure that all issues are addressed and that outcomes are reached based on facts and evidence.
- Help to put at ease and console individuals involved who are not used to speaking at such hearings, particularly any pupils involved.
- Conduct the hearing in a manner that ensures everyone is treated with respect and courtesy.
- Ensure that the room's layout and sets the appropriate tone.
- Confirm that no member of the panel has previously been involved in the earlier stages of the procedure or has an external interest in the outcome of the proceedings.
- Give both the complainant and the trust the opportunity to state their case and seek clarity without undue interruption.
- Provide copies of any written material or evidence to everyone in attendance of the meeting, ensuring that everyone has seen the necessary material.
- Organise a short adjournment of the hearing if required.
- Continuously liaise with the clerk to ensure the procedure runs smoothly.
- Help to provide the support necessary where the complainant is a child.

The role of the ESFA

If a complainant remains dissatisfied once the complaint procedure has been completed, they have the right to refer their complaint to the Secretary of State. If a complainant wishes to escalate a complaint, the academy will refer them to the relevant contact form, and prompt them to follow the instructions on this form to submit a complaint to the Secretary of State.

The ESFA will not overturn the academy or panel's decision about a complaint or re-investigate the original complaint. The ESFA will only intervene following a complaint if it believes the academy has:

- Breached a clause in its funding agreement.
- Failed to comply with education law or acted unreasonably when exercising related education functions.

When making a final decision about a complaint, the academy reserves the right to seek advice from the ESFA on whether they are acting reasonably and lawfully; however, they will not be able to advise on how to resolve the complaint.

Complaints procedure

The academy will ensure that the complaints procedure is:

- Easily accessible and publicised on its website.
- Simple to understand and put into practice.
- Impartial and fair to all parties involved.
- Respectful of confidentiality duties.
- Continuously under improvement.
- Fairly investigated, by an independent person where necessary.
- Used to address all issues to provide appropriate and effective responses where necessary.
- **Informal** – which will usually come in the form of a meeting between a representative of the academy and the complainant – as set out in stage 1.

- **Heard by an appropriate staff member, designated by the headteacher** – as set out on stage 2 procedure.
- **Heard by headteacher** – as set out in stage 3 procedure.
- **Heard by CEO** – where complainant is not satisfied with the response from the headteacher. This is set out on stage 4 procedure.
- **Panel hearing** – where the panel includes at least three people who were not directly involved in the matters detailed in the complaint and one person who is independent of the management and running of the academy. This is set out in stage 5 procedure.

Resolving complaints

At each stage of the complaints procedure, the academy is committed to resolving the complaint. Where appropriate, the trust will acknowledge that the complaint is upheld in whole or in part, and may offer one of the following:

- An explanation
- An admission that the situation could have been handled better
- An assurance that the trust will try and ensure the incident will not occur again
- An outline 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 changes will be made
- An undertaking to review trust policies in light of the complaint
- An apology

Withdrawal of a complaint

A complainant may withdraw their complaint at any stage in the process. Where a complainant wishes to withdraw their complaint, they may do this by email or letter to the headteacher or person currently dealing with the case.

There are many reasons why the complainant may withdraw their complaint, including, but not limited to:

- The complaint has been resolved
- They no longer feel the complaint is warranted
- They are now happy with situation in school
- They feel listened to and that they have an improved relationship with the school
- They no longer feel it is in their interest to pursue it further
- Circumstances have changed

Despite the complaint having been withdrawn, the academy will still take the complainant's voice seriously and attempt to avoid causing similar distress to others in the future. The academy will not under any circumstances ask, or pressure an individual, to withdraw a complaint.

Stage one – Informal complaint

An informal complaint may be made in person, by telephone or in writing. The usual response would be to arrange an in-person meeting to discuss the complaint and to understand what. This would be with the member of staff who is deemed most appropriate. At this initial communication stage of the complaint, the complainant will be asked for their input as to what they believe may resolve the issue about which the complaint has been made to avoid further escalation where possible.

The member of staff would then typically end the meeting in order to investigate the issue and to attempt to find an acceptable solution to the complaint. If the complaint is about a member of staff advice would be sort from headteacher, if the complaint is about the headteacher advice would be sort by the CEO.

Within 15 school days of notification of the complaint, the complainant and the relevant member of staff should then re-convene to discuss the issue in a respectful and informal manner to seek a mutual resolution.

All informal complaints are logged using the schools usual recording systems.

If an appropriate resolution cannot be sought at this informal level, or if the complainant is dissatisfied with the outcome following the initial discussions, the person managing the response to the complaint will inform the complainant about the next level of the procedure.

Stage two – Complaint heard by an appropriate staff member, designated by the headteacher

A formal complaint should be made in writing, by letter or email to the headteacher. The headteacher will decide who the most appropriate person to resolve a complaint is.

Where a complaint is made initially to a trustee or governor, the complainant will be referred to the appropriate person. No member of staff or trustee will act alone on a complaint outside of the procedure; if they do, they cannot be involved if the complaint is subject to a hearing at a later stage of the procedure.

Within 15 school days of notification of the complaint, the complainant and the relevant member of staff should discuss the issue in a respectful manner to seek a mutual resolution.

At this stage of the complaint, the complainant will be asked for their input as to what they believe may resolve the issue about which the complaint has been made to avoid further escalation where possible.

In line with ESFA guidance, complainants should note that any acknowledgement by the trust that it could have handled the situation better is not an admission of unlawful or negligent action.

If an appropriate resolution cannot be sought at this level, or if the complainant is dissatisfied with the outcome following this stage, the person managing the response to the complaint will inform the complainant about the next level of the procedure.

Stage three – Complaint heard by headteacher

Complainants wishing to escalate the complaint to stage three should make the request in writing to the headteacher. Stating why they feel the complaint has not been resolved.

Stage three of the process will be completed within 15 school days. Where the situation is recognised as complex, and it is deemed to be unable to be resolved within this timescale, the person managing the complaint will contact the complainant to inform them of the revised target date via a written notification.

Under this stage of the complaint the headteacher will oversee the management of the complaint but may delegate investigations and meetings to an appropriate person, other than the person who dealt with stage two.

An appointment with the appropriate person for managing the complaint should be made, as soon as reasonably practical, to avoid any possible worsening of the situation.

If the complaint is against the headteacher, the complainant will initially need to write, in confidence, to the CEO. The CEO will seek to resolve the issue using stage 4 of the process.

Where the appropriate person has made reasonable attempts to accommodate the complainant with dates for a complaint meeting and they refuse or are unable to attend, the investigation will continue in their absence and a conclusion will be reached in the interests of drawing the complaint to a close.

In terms of a complaint being made against a member of staff, the appropriate person will discuss the issue with the staff member in question. Where necessary, the appropriate person will conduct interviews with any relevant parties, including witnesses and pupils, and take statements from those involved. All discussions shall be recorded by the appropriate person, and findings and resolutions will be communicated to the complainant either verbally or in writing.

Once all facts are established, the person investigating the complaint will report to the headteacher, who shall contact the complainant in writing with an explanation of the decision. The complainant will be advised of any escalation options (e.g. escalation to stage four) and will be provided with details of this process.

If the complainant is not satisfied with the outcome suggested, they need to make a request to escalate to stage four. This request will need to be made in writing to the CEO within 10 school days of the end of stage three, i.e. communication of an outcome. The request to escalate the complaint needs to set out the grounds for escalation, examples could include:

- Complaints procedure not being followed
- Failure to gather specific evidence
- Failure to acknowledge established facts

The escalation request should not usually introduce new aspects to the complaint. If new aspects are introduced, other than the bullet points above, it will be up to the CEO to decide if they are relevant or if they are deemed to be a new complaint.

Stage four – Complaint heard by CEO

Stage four complaints are either complaints in writing made against the headteacher or an escalation following the outcome of a stage three complaint.

Stage four of the process will be completed within 15 school days. Where the situation is recognised as complex, and it is deemed to be unable to be resolved within this timescale, the person managing the complaint will contact the complainant to inform them of the revised target date via a written notification.

The CEO will seek to find out from the complainant why they are not happy with the response from the headteacher. They will then interview the headteacher, review all the evidence and may choose to conduct further enquiries. Depending on the nature of the complaint and the complexity, the CEO may seek to involve a Director to review the evidence as a further external view to ensure that the Trust has acted reasonably and done everything it can to find a solution. If a Director has been involved in a review, they will not be able to take part in stage five if the complaint is escalated.

Once all the evidence has been reviewed and further evidence gathered, the CEO shall contact the complainant in writing with an explanation of the decision. This may be accompanied by a meeting, depending on the circumstances.

If the complainant is a parent and/or carer of a pupil at one of the Trust's academies and is still not satisfied with the outcome suggested, the procedure will progress to stage five. For any complaints made by other parties this is the final stage of this process and the CEO's decision will be final. This includes complaints made by a third party on behalf of a parent or carer of a pupil in the academy.

A request to escalate to stage five will be made to the clerk to the board of trustees within 10 school days of the end of stage two, i.e. communication of an outcome.

The request to escalate the complaint needs to set out the grounds for escalation, examples could include:

- Complaints procedure not being followed
- Failure to gather specific evidence
- Failure to acknowledge established facts

The escalation request should not usually introduce new aspects to the complaint. If new aspects are introduced, other than the bullet points above, it will be up to the Chair of the panel to decide if they are relevant or if they are deemed to be a new complaint.

Stage five - panel hearing

Where the complaint is made by a parent and/or carer of a pupil in a CVT academy and wishes to progress to stage five, a panel will be constituted to hear the complaint. The panel will consist of at least three individuals who were not directly involved in the matters detailed in the complaint, and at least one independent panel member. The independent panel

member will not be a member, trustee or employee of the academy. The academy will also ensure the independent panel member does not have any clear connection with the school.

The clerk will record the date the escalation request was received, acknowledge receipt of the complaint, and inform the complainant of the scheduled time and date of the panel hearing in writing. The meeting will be convened within 15 school days of the receipt of the escalation request where possible. Where this is not possible, the clerk will provide an anticipated date and ensure the complainant is kept up to date.

5 school days' notice will be given to all parties attending the panel hearing, including the complainant.

Prior to the hearing, the clerk will have written to the complainant informing them of how the review will be conducted. The headteacher, CEO and the chair of trustees will also have a copy of this letter.

At the hearing, all participants will be given the opportunity to put their case across and discuss any issues. The meeting will allow for:

- The complainant to be present and accompanied at the hearing if they wish.
- The complainant to explain their complaint and the individual handling the complaint to explain the reasons for their decision.
- The complainant to question the individual handling the complaint, and vice versa, about the complaint.
- Any evidence, including witnesses who have been prior approved by the chair of the panel, to be questioned.
- Members of the panel to question both the complainant and the individual about whom the complaint was made.
- Final statements to be made by both parties involved.

Neither the complainant nor the academy will bring legal representation to this hearing, unless in exceptional circumstances, where this will be agreed beforehand. A member of staff who may be a witness to the complaint can bring a union representative or legal representative if desired; this will be agreed before the hearing.

The purpose of the hearing will be reconciliation and ensuring that things that may have gone wrong are corrected.

The complainant will receive a written response explaining the panel's findings and recommendations within 15 school days. This letter will also explain whether there are any further rights of appeal and to whom they need to be addressed.

The panel will make findings and recommendations, and a copy of those findings and recommendations will be made available for inspection on the academy premises by the board of trustees, CEO and the headteacher.

Where relevant, the person complained about will receive a summary of the panel's findings and recommendations.

Complaints to the ESFA

If a complainant has exhausted the trust's complaints procedure, they will be advised that they can submit a complaint to the ESFA via its webpage or by writing to:

Complaints Team
Education and Skills Funding Agency
Cheylesmore House
Coventry
Quinton Road
Coventry
CV1 2WT

Record keeping

A written record will be kept of all complaints that are made, regardless of the stage at which they are resolved, including any action taken by the trust as a result of those complaints whether they are upheld or not. Informal complaints are logged using the school's normal systems.

To prevent later challenge or disagreement over what was said in any in-person meetings or telephone conversations at any stage of the procedure, brief notes will be kept, and a copy of any written response will be added to the record of the complaint. Notes and paper copies of any complaints and/or responses are kept securely on each academy's ICT system, or on the central trust ICT system where the complaint is against the academy as a whole or a member of the board of trustees.

All correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or an inspectorate requests access to them.

Academies are data controllers in their own right and must decide for themselves how long to keep records, unless statutory regulations apply, e.g. attendance records must be kept for 3 years. The trust will retain records of complaints and related documents in line with the Data Protection Policy and Records Management Policy. Personal data will only be kept for as long as necessary.

Interviewing witnesses

When interviewing pupils to gather information regarding a complaint, the interviewer should be careful to gather their responses sensitively. In some circumstances, the interview should be conducted in the presence of another member of staff or, in the case of serious complaints, e.g. where the possibility of criminal investigation exists, in the presence of their parents. All pupils interviewed will be made fully aware of what the interview concerns and their right to have someone with them.

The academy will ensure that the conduct of interviews does not prejudice an investigation by the LA designated officer (LADO) or police.

The academy understands the importance of ensuring a friendly and relaxed area which is free from intimidation. Staff are allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager. The interviewer will not express opinions in words or attitude, so as to not influence the interviewee. The interviewee will sign a copy of the transcription of the interview.

Recording a complaint

A written record shall be kept of any complaint made detailing:

- The main issues raised, the findings and any recommendations.
- Whether the complaint was resolved following and by which stage.
- Actions taken by the academy as a result of the complaint (regardless of whether the complaint was upheld).

The academy holds the right to use recording devices, where appropriate, to ensure all parties involved are able to review the discussions at a later date. Where there are communication difficulties or disabilities, the trust may provide recording devices to ensure the complainant is able to access and review the discussions at a later point.

Recording devices will not be used without the prior consent of all parties.

Where the academy allows complainants to record meetings, the following will be considered:

- How any decision to allow recordings may affect any third parties called to act as witnesses
- The impact and consequences on the individuals involved in the complaint in the event that recordings are lost or leaked

The academy will not accept as evidence any recordings that were obtained covertly and without the informed consent of all parties being recorded.

Details of any complaint made shall not be shared with the entire board of trustees. The exception to this is when a complaint is made against the whole board, and they need to be aware of the allegations made against them to respond to any independent investigation.

Complainants have a right to access copies of these records under the UK GDPR and the Freedom of Information Act 2000. The trust will hold all records of complaints from each academy, as well as those regarding the trust itself, centrally. Correspondence, statements and records relating to individual complaints are kept confidential except where the Secretary of State or a body conducting an inspection request to access them.

Exceptional circumstances

The ESFA expects complainants to have completed the trust's complaints procedure before directing a complaint to them. The exceptions to this include when:

- Pupils are at risk of harm.
- Pupils are missing education.
- A complainant is being prevented from having their complaint progressed through the trust's complaints procedure.
- The ESFA has evidence that the trust is proposing to act or is acting unlawfully or unreasonably.

If a social services authority decides to investigate a situation, the board of trustees may postpone the complaints procedure.

Managing unreasonable complaints

The academy is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. The academy will not normally limit the contact complainants have with the academy itself; however, the academy 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 for 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 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 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.
- 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 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 academy 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 academy repeatedly, making substantially the same points each time

If the above criteria are met, in making a decision to stop responding, the academy 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 academy believes their intent is to disrupt or inconvenience the academy.

The academy 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 academy, a standard, single response will be published on the academy's website.

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

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

Barring from the premises

School premises are private property and, therefore, any individual may be barred from entering the premises.

If an individual's behaviour is cause for concern, the headteacher will ask the individual to leave the premises.

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. The individual involved will be given the opportunity to formally express their views regarding the decision to bar them.

This decision to bar will be reviewed by the CEO where escalated, taking into account any discussions following the incident. 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, and when the decision will be reviewed.

Anyone wishing to make a complaint regarding a barring order can do so in writing, including via email, to the headteacher or CEO.

Transferring data

When a pupil changes school, the pupil's educational record will be transferred to the new school and no copies will be kept.

The academy will hold records of complaints separate to pupil records while a complaint is ongoing, so that access to these records can be maintained.

Information that the academy retains relating to a complaint will be stored securely and in line with its Records Management Policy.

Availability

A copy of this policy will be made available on request. It will also be published on the academy's website, as recommended by the ESFA.