



**COMPLAINTS  
PROCEDURE**

## **Rationale**

It is a requirement for all academies to have a complaints procedure. This procedure must meet the standards set out in the Education (Independent School Standards (England) Regulations 2014 Schedule 1, Part 7. These Regulations set out how complaints procedures should be drawn up and used effectively to handle complaints from parents of pupils.

This document sets out the procedures that will be followed when dealing with complaints at academies within the KWEST Multi Academy Trust.

In line with the Department for Education's good practice recommendations, this document is available to view and download via the Trust and individual Trust academy school websites

## **Scope**

This policy applies to all concerns and complaints other than safeguarding/child protection issues and exclusions where separate procedures apply. Separate procedures are also in place to deal with staff grievance or discipline matters. These distinct procedures may, however, be triggered as a result of following the procedure for managing a complaint.

## **Aims**

The core aims of this policy are:

- to establish a consistent, transparent approach to managing complaints across KWEST Multi Academy Trust academies;
- to ensure that complaints are managed sympathetically, efficiently and at the appropriate level;
- to ensure that complaints are resolved as soon as possible;
- to endeavour to resolve all complaints in a manner that, as far as possible, achieves a positive outcome for all involved;
- to maintain confidentiality in respect of all complaints raised, whether informal or formal.

## **Why do we need a complaints procedure?**

Most concerns raised by parents and carers about academy matters are handled quickly by academy staff without the need for formal procedures. The requirement to have a formal complaints procedure should not undermine each academies' efforts to resolve concerns informally in the first instance. By taking concerns seriously at the earliest stage, it is less likely that these concerns will develop into formal complaints.

However, not all concerns can be resolved in this way and the trust must therefore have in place a procedure to deal with complaints relating to any of its academies, and any community facilities or services that each academy provides.

## **Cut-off limits**

It is reasonable to expect complaints to be raised as soon as possible after the incident arises. The trust recognises that, in exceptional circumstances, there may be reasons why the complainant has not made the complaint earlier. However, where these circumstances do

not exist, KWEST MAT academies will not be obliged to investigate complaints raised more than three months after the incident in question.

### **Procedure for responding to a complaint**

The Trust complaints procedure has three clear stages as follows:

- Stage 1 (informal): complaint heard by a staff member (though not the subject of the complaint)
- Stage 2 (formal): complaint heard by the Headteacher/Head of School of the academy in question;
- Stage 3 (formal): complaint heard by the Complaints Panel.

Complaints vary significantly and may demand the need for some flexibility. For example, the resolution of a particular complaint may necessitate further meetings between the complainant and the member of staff directly involved or further investigations may be required by the Headteacher/Head of School after a meeting with the complainant. The stages therefore serve as a framework for managing a complaint whilst retaining the aforementioned flexibility.

An unsatisfied complainant can always take a complaint to the next stage.

#### Stage 1: complaint heard by staff member (informal stage)

##### **Concerns:**

Most concerns, where a parent/carer seeks intervention, reconsideration or some other action to be taken, can be resolved informally. Examples might include dissatisfaction about some aspect of teaching, disciplinary matters or issues outside of the classroom.

Parents/carers should raise the concern initially with the Class Teacher or the Year Group Leader concerned as appropriate. The complaint will then be heard by the most appropriate member of academy staff; this usually involves a meeting with the complainant.

The academy will ensure that informal complaints are resolved within ten working days of being raised.

##### **Unresolved concerns:**

A concern which has not been resolved by informal means within ten working days from the receipt of the complaint can be notified as a formal complaint in accordance with Stage 2 below.

##### **Record of concerns:**

In the case of concerns raised under Stage 1 of this procedure, the only record of the concern and its resolution will be file notes by the person dealing with the complaint and/or file correspondence between the person raising the concern and the respondent

##### **Redirecting complaints:**

The Executive Headteacher/Head of School/ Deputy Headteacher or another Senior Leader/Teacher may receive a complaint in the first instance. Occasionally concerns may come to the attention of a member of the academy's Administration Team. Normally the parent will be directed to take the complaint to the member of staff involved. In most cases this will be their child's class teacher. In the case of complaints relating to pupil behaviour or

behaviour management, the matter may be referred to a Year Group Leader or the academy's Lead Behaviour Professional as appropriate.

**Confidentiality:**

If the complainant indicates that he/she would have difficulty discussing the complaint with a particular member of staff, the academy will respect their views. When the approach is made to a member of the Board of Trustees or a member of the academy's Learning Improvement Team (LIT), he or she should refer the complainant to the Executive Headteacher/Head of School of the academy in question. Most complaints will be resolved at this stage.

Stage 2: complaint is put in writing (formal stage)

**Notification:**

An unresolved concern under Stage 1, a complaint which needs significant investigation, or a more serious complaint relating to some aspect of the academy's policies, procedures, management or administration should be set out in writing using the appropriate Complaints Form (see Appendix 1). The complainant should provide as much detail as possible and should return the completed form, along with any relevant supporting documentation, for the attention of the Headteacher/Head of School of the academy school concerned (or, for complaints regarding the Executive Headteacher/Head of School, for the attention of the Chair of the LIT).

Should a formal written complaint be received by another member of the academy's staff it should be immediately passed to the Headteacher/Head of School (or Chair of the LIT as appropriate).

**Acknowledgement:**

The complaint will be acknowledged in writing, normally within 3 working days of receipt during term time and as soon as practicable during the holidays. The acknowledgement will indicate the action that is being taken and the likely timescale for resolution.

**Investigation and resolution:**

The Executive Headteacher/Head of School of the academy school concerned may deal with the matter personally or delegate a senior member of staff to act as investigating officer. The investigating officer may request additional information from the complainant and will fully investigate the issue. In most cases the Executive Headteacher/Head of School or investigating officer will meet or speak with the parent/carer to discuss the matter.

**Outcome:**

The aim is to inform any complainant of the outcome of an investigation and the resolution to the complaint within 15 working days from the receipt of the complaint. Please note that any complaint received during a school holiday or within 15 working days of the end of term or half term may take longer to resolve.

**Record of complaints:**

Written records will be kept of any meetings and interviews held in relation to the complaint.

**Unresolved Complaints:**

Where the complainant is not satisfied with the academy's response to their complaint they may have their complaint considered by an independent Complaints Panel.

### Stage 3: referral to the Complaints Panel

#### **Referral:**

If the complainant is not satisfied with the response received under Stage 2, he or she should write to the Clerk of the LIT, within 10 working days, to request that their complaint is considered via appeal to the Complaints Panel.

#### **Acknowledgement:**

The Clerk will acknowledge, in writing, receipt of the appeal within three working days and inform the complainant of the steps involved in the process. The clerk will inform the complainant of their right to attend the meeting and to be accompanied by a representative. The Clerk will be the contact point for the complainant.

#### **Panel Hearing:**

The Clerk will aim to convene the Complaints Panel hearing as soon as possible, normally no later than twenty working days after receipt of the Stage 3 request.

#### **Panel Membership:**

The Complaints Panel will consist of two Governors on the academy's LIT who have not previously been involved in the complaint, and one person drawn from the leadership of another KWEST academy school (e.g. Executive Headteacher/Head of School or Deputy Headteacher) who is independent of the day-to-day management and leadership of the academy (the process used for selecting the independent person will conform to relevant guidance). In deciding the make-up of the Complaints Panel, consideration will be given to the nature of the complaint and due sensitivity will be shown to the issues of race, gender and religious affiliation. The Panel will select its own Chair.

#### **The remit of the Complaints Panel:**

The aim of the hearing is to resolve the complaint and achieve reconciliation between the academy and the complainant.

#### **The Panel can:**

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the academy's systems or procedures to ensure that problems of a similar nature do not recur.

#### **Attendance:**

The following are entitled to attend a hearing, submit written evidence and address the Panel:

- the parents/carers and/or one representative;
- the Executive Headteacher/Head of School and/or one representative;
- any other person who the Complaints Panel considers to have a reasonable and just interest in the appeal and whose contribution would assist the Panel in their decision making.

#### **Evidence:**

All parties will be given the opportunity to submit written evidence to the Panel in support of their position including:

- documents;
- chronology and key dates;
- written statements setting out further details.

All written evidence must be received by the Clerk no later than five working days in advance of the Panel Hearing. The Clerk will distribute the evidence to all parties no later than three working days in advance of the Panel Hearing.

All evidence will be considered by the Panel along with the initial submission.

### **Roles and Responsibilities:**

#### The role of the Clerk:

- act as the contact point for the complainant;
- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- Notify all parties of the panel's decisions.

#### The role of the Chair of the LIT Governors or Nominated Governor:

- if a hearing is appropriate, notify the clerk to arrange the panel;
- maintain an overview of proceedings to ensure that the correct procedure has been followed and an appropriate outcome reached.

#### The role of the Chair of the Panel is to ensure that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents or others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in a professional manner with each party treating the other with respect and courtesy;
- the panel is open minded and acts independently;
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties;
- if a new issue arises, all parties are given the opportunity to consider and comment upon.

### **Decision:**

The Panel will reach a decision, and make any recommendations within ten working days of the hearing. The decision reached is final.

**Notification of the Panel's decision:**

The Panel's findings will be sent, in writing, by the Clerk, to:

- the complainant;
- the members of the LIT; and
- the Executive Headteacher/Head of School.

Where relevant, the decision may also be communicated to the person who is the subject of the complaint. The letter will clearly state the decision of the Panel and the reasons for the decision reached, along with any recommendations made by the Panel. The letter needs to explain that any further appeal should be addressed to the Education Funding Agency (see Referral to the Education Funding Agency).

Written notification will be issued within ten working days of the Panel reaching its decision.

**Record Keeping:**

The academy will keep a record of all appeals, decisions and recommendations in relation to the Complaints Panel. This written record will include any formal documentation but may also include informal notes of conversations, records of meetings and the like. Access to these records may be requested at any time through Freedom of Information or Subject Access requests.

**Referral to the Education Funding Agency**

Once a complaint has been through all the stages of this Complaints Policy the complainant can refer the complaint to the Education Funding Agency for consideration.

The EFA will check whether the complaint has been dealt with properly by the academy. They will consider complaints that fall into any of the following three areas:

- where there is undue delay or the academy did not comply with its own complaints procedure when considering a complaint;
- where the academy is in breach of its funding agreement with the Secretary of State;  
or
- where an academy has failed to comply with any other legal obligation.

The complainant should be aware that the Education Funding Agency will not overturn an academy's decision about a complaint. However, if they find an academy did not deal with a complaint properly they will request the complaint is looked at again and procedures meet the requirements set out in the Regulations.

If the academy's complaints procedure does not meet the Regulations, they will ask the academy to put this right. They may seek to enforce the decision under the terms of the funding agreement on behalf of the Secretary of State, if appropriate.

The Complainant can find further information about referring a complaint to the Education Funding Agency at: <https://www.gov.uk/complain-about-school>

**Review**

This procedure will be reviewed every two years or when updated guidance is issued by DfE/EFA, whichever is sooner.

## **Appendices**

Appendix 1: Complaints form

Appendix 2: Guidance for resolving complaints

Appendix 3: Serial and persistent complaints

Appendix 4: Unacceptable behaviour

## Appendix 1: Complaints Form

Please complete and return to ..... who will acknowledge receipt and explain what action will be taken.

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address:          Postcode:  Day time telephone number:  Evening telephone number:
Please give details of your complaint.
What action, if any, have you already taken to try and resolve your complaint. (Who did you speak to and what was the response)?

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

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

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date

## Appendix 2: Guidance for resolving complaints Investigating Complaints:

### Core Principles

It is suggested that at each stage, the person investigating the complaint makes sure that they:

- establish what has happened so far, and who has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would put things right;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct the interview with an open mind and be prepared to persist in the questioning;
- keep notes of the interview or arrange for an independent note taker to record minutes of the meeting.

### Resolving Complaints

At each stage in the procedure the investigating officer should keep in mind ways in which a complaint might be resolved. In certain circumstances, it might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review academy policies in light of the complaint.

It would be useful if complainants were encouraged to state what actions they feel might resolve the problem at any stage. An admission that the academy could have handled the situation better is not the same as an admission of negligence.

When working to resolve complaints it is important to identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

## Appendix 3: Serial and persistent complaints

### Serial complaints

There may be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the chair of the Local Improvement Team will inform them in writing that the procedure has been completed and that the matter is now closed. If the complainant writes again on the same issue, then the correspondence may be recognised as 'serial' or 'persistent' and there will be no obligation on the part of the academy to respond.

Should a complainant raise an entirely new, separate complaint, it must be responded to in accordance with the complaints procedure. It is not the complainant who is marked as 'serial' or 'persistent'; it is the complaint.

### **Unreasonably persistent complaints**

The Trust is accountable for the proper use of public money and must ensure that money is spent wisely. In doing so it must strive to achieve value for both complainants and the wider public.

The Trust is committed to dealing with all complaints fairly and impartially and to providing a high-quality service to those who make them. As part of this service it does not normally limit the contact complainants have with the academy. However, there are a small number of complainants who, because of their frequent contact with the academy, hinder consideration of their or other people's, complaints. Such complainants are referred to as 'unreasonably persistent complainants' and, exceptionally, steps may be taken to limit their contact with the academy.

These are some of the actions and behaviours of unreasonable and unreasonably persistent complainants which academies often find problematic. It is by no means an exhaustive list.

- Refusing to specify the grounds of a complaint, despite offers of assistance with this from the academy's staff.
- Refusing to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- Refusing to accept that issues are not within the remit of a complaints procedure despite having been provided with information about the procedure's scope.
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Making what appear to be groundless complaints about the staff dealing with the complaints, and seeking to have them replaced.
- Changing the basis of the complaint as the investigation proceeds and/or denying statements he or she made at an earlier stage.
- Introducing new information which the complainant expects to be taken into account and commented on, or raising large numbers of detailed questions which are particularly time consuming and costly to respond to and insisting they are all fully answered.
- Electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved.
- Adopting a 'scattergun' approach: pursuing a complaint or complaints with the academy and, at the same time, with a Member of Parliament/a councillor/the Authorities' independent auditor/the Local Authority/local police/solicitors/the Ombudsman/OFSTED.
- Making unnecessarily excessive demands on the time and resources of staff whilst a complaint is being looked into, by for example excessive telephoning or sending emails to numerous school staff, writing lengthy complex letters every few days and expecting immediate responses.
- Submitting repeat complaints, after complaints processes have been completed, essentially about the same issues, with additions/variations which the complainant

insists make these 'new' complaints which should be put through the full complaints procedure.

- Refusing to accept the decision or repeatedly arguing the point and complaining about the decision.

The decision to restrict a persistent/unreasonable complainant's access to the academy will be taken by the Executive Headteacher/Head of School and will normally follow a prior warning to the complainant. Any restrictions imposed will be appropriate and proportionate. The options we are most likely to consider are:

- requesting contact in a particular form (for example, letters only);
- requiring contact to take place with a named member of staff;
- restricting telephone calls to specified days and times; and/or
- asking the complainant to enter into an agreement about their future contacts with the academy.

In all cases where a KWEST MAT academy decides to treat someone as an unreasonably persistent complainant, the academy will write to tell the complainant why we believe his or her behaviour falls into that category, what action the academy is taking and the duration of that action. The academy will also tell them how they can challenge the decision if they disagree with it. If the academy decides to carry on treating someone as an unreasonably persistent complainant and is still investigating their complaint six months later, it will carry out a review and decide if restrictions will continue.

Where a complainant whose case is closed persists in communicating about the same issue, this will be treated as a serial complaint in respect of the issue concerned.

New complaints from people who have previously been identified as unreasonably persistent complainants will be treated on their merits.

#### **Appendix 4: Unacceptable Behaviour**

The trust recognises that it has a statutory duty to ensure that complaints raised about its academies are taken seriously and dealt with in accordance with this policy. However, the trust also has a duty to ensure the safety and welfare of its pupils, parents and, in particular, its staff.

The trust does not expect any of its staff to tolerate unacceptable behaviour by complainants which is, for example, abusive, offensive, or threatening, and it will take action to protect staff from that behaviour. This applies to unacceptable behaviour on any part of the academy premises, including the grounds.

If a KWEST Executive Headteacher/Head of School considers that a complainant's behaviour is unacceptable the complainant will be told why their behaviour is deemed to be unreasonable and will be asked to change it. If the unacceptable behaviour continues, the Executive Headteacher/Head of School will take action to restrict the complainant's contact with the academy.

The following are some of the actions and behaviours of unreasonable and unreasonably persistent complainants. It is by no means an exhaustive list.

- foul and abusive language towards staff, other parents and pupils;
- behaviour that staff consider to be harassing and intimidating, including in person, over the telephone, or any other type of communication;

- undermining academy policies by actively encouraging pupils to ignore staff requests;
- Making unnecessarily excessive demands on the time and resources of staff, by for example excessive telephoning or sending emails to numerous staff, writing lengthy complex letters every few days and expecting immediate responses.

The decision to restrict access to an academy will be taken by the Executive Headteacher/Head of School of the academy in question. Any restrictions imposed will be appropriate and proportionate. The options most likely to be considered are:

- requesting contact in a particular form (for example, letters only);
- requiring contact to take place with a named member of staff;
- restricting telephone calls to specified days and times; and/or Asking the complainant to enter into an agreement about their conduct.

In all cases the complainant will be contacted in writing to explain why the academy believes his or her behaviour is unacceptable, what action is being taken and the duration of that action. Where a complainant continues to behave in a way which is unacceptable, the academy may decide to terminate contact with that complainant and discontinue any investigation into their complaint.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of the academy staff or other stakeholders, alternative courses of action will be considered/taken such as reporting the matter to the police or taking legal action. In such cases, the complainant may not receive prior warning of that action.