



# E-ACT Complaints Policy and Procedure

## Document provenance

This Policy was approved by Trustees as follows –

**Approver:** Audit and Risk Committee  
Executive Leadership Team (ELT)

**Date of Approval:** July 2023

**Owner:**  
Chief Finance Officer

**Date of Review:** July 2024

*Unless there are legislative or regulatory changes in the interim, this Policy will be reviewed every year. Should no substantive changes be required at that point, the Policy will move to the next review cycle and the policy having no changes reported to Trustees.*

### Related documents:

- Data Protection Policy
- Grievance Policy and Procedure
- Whistleblowing Policy and Procedure
- Information Records and Retention Policy

# Complaints Policy and Procedure

## 1. Who can make a complaint?

This complaints policy is based upon [Part 7 of the Education \(Independent School Standards\) Regulations 2014](#), it only applies to complaints from parents/carers with a child registered at the Academy, regarding their child.

Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

Any person, including members of the public, may make a complaint to our Academies about any provision of facilities or services that we provide.

*For non-parental complainants (no child enrolled at the school / no parental rights) there is no requirement for the policy and procedure to cover these complaints, however, we will handle complaints respectfully and expediently. This may be dealt with the Academy directly or the relevant service lead.*

*Please note that we are unable to engage in dialogue or give feedback on personnel, safeguarding and/or confidential matters. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.*

### The difference between a concern and a complaint

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’.

It is in everyone’s interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. E-ACT takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Headteacher of the Academy, will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Headteacher will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, the Academy will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

All data pertaining to a complaint made under this procedure must be kept confidential and regard must be had to the General Data Protection Regulation and the Data Protection Act

2018. Disclosure of the complaint may be permitted in some circumstances to comply with statutory or contractual obligations. Please note our Privacy Notices which outline what data is shared.

## **2. 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 on a complainant, as long as they have appropriate consent to do so and we will have to gain consent to discuss anything with the third party.

Parental complaints against school staff (except the Headteacher) should be made in the first instance, to the Headteacher via the Academy office. Please mark any correspondence as Private and Confidential.

Complaints that involve or initially are about the Headteacher (but not about the response to the complaint from the Headteacher) should be addressed to the Education Director (ED), via [Governance.Team@E-ACT.org.uk](mailto:Governance.Team@E-ACT.org.uk). Please mark them as Private and Confidential.

Complaints about the Chief Executive Officer (CEO) or a Trustee of the Trust, should be addressed to the Chair of Trustees, via [Governance.Team@E-ACT.org.uk](mailto:Governance.Team@E-ACT.org.uk). Please mark them as Private and Confidential.

For ease of use, a template complaint form is included at the end of this document. If you require help in completing the form, please contact the Academy office. You can also ask a third-party organisation for example like the Citizens Advice to help you.

Please note that Subject Access Requests **must** be made separately from any complaint via [DPO@E-ACT.org.uk](mailto:DPO@E-ACT.org.uk).

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

Please note that responses to complainants could be delayed if investigations are taking place, or there is a school holiday. The Academy will keep you informed on when you can expect a response.

## **3. Anonymous complaints**

We will not normally investigate anonymous complaints. However, the Headteacher or Education Director, if appropriate, will determine whether the complaint warrants an investigation.

## 4. Time scales to raise a complaint

You must raise the complaint ideally within ten Academy days of the incident and certainly within three months; where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame only if exceptional circumstances apply.

## 5. Complaints received outside of term time

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

## 6. Scope of this complaints procedure

This procedure covers all complaints about any provision of community facilities or services by the Academy other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
<ul style="list-style-type: none"><li>Admissions to Academies</li></ul>	Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority.
<ul style="list-style-type: none"><li>Matters likely to require a Child Protection Investigation</li></ul>	Complaints about child protection matters are handled under our Child Protection and Safeguarding Policy and in accordance with relevant statutory guidance.  If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH) – information available on the Local Authority website.
<ul style="list-style-type: none"><li>Exclusion of children from school*</li></ul>	Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a> .  <i>*complaints about the application of the Pupil Behaviour policy can be made through the school's complaints procedure.</i>
<ul style="list-style-type: none"><li>Incidents outside of the Academy involving our pupils</li></ul>	Incidents outside of the academy premises should be reported to the police immediately and we should be advised for information. We cannot discuss with or give parents or their representatives access to other pupils' records such as behaviour reports or sanctions as these are subject to GDPR and confidentiality.

<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at:  <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p>
<ul style="list-style-type: none"> <li>• Staff grievances</li> </ul>	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>
<ul style="list-style-type: none"> <li>• Staff conduct</li> </ul>	<p>E-ACT expects all its employees to recognise their obligations to their Academy, the public, pupils and other employees and to conduct themselves properly at all times and in accordance with the Employee Code of Conduct and all other policies and procedures.</p> <p>Complaints about staff will be dealt with under the Academy's internal disciplinary policy/procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
<ul style="list-style-type: none"> <li>• Complaints E-ACT (non-Academy based) members of staff.</li> </ul>	<p>Please contact the Governance Team:  <a href="mailto:Governance.Team@E-ACT.org.uk">Governance.Team@E-ACT.org.uk</a> with details of your complaint which will be passed to the relevant line manager.</p>
<ul style="list-style-type: none"> <li>• Complaints about services provided by other providers who may use Academy premises or facilities</li> </ul>	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>Providers should have their own Complaints Procedure to deal with complaints about service. Please contact them directly</p>

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations. If this happens, we will inform you of a proposed new timescale.

If a complainant commences legal action against the Academy in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

## 7. Resolving complaints

At each stage in the procedure, we want to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may 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 reoccur
- an explanation of the steps that have been taken to ensure that it will not happen again
- an undertaking to review school policies in light of the complaint.

**There will be no financial compensation offered as a result of a complaint being made.**

## 8. Withdrawal of a complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

## 9. Complaint from a member of the public

A member of the public wishing to raise a concern about an Academy should refer their concern initially to the Headteacher. The contact details are available on the academy website. A complaint about a Headteacher should be sent to [Governance.Team@E-ACT.org.uk](mailto:Governance.Team@E-ACT.org.uk).

Please note that we are ***not able to comment or provide information on personnel, confidential or legal matters***. Any complaints of this nature will not go through the formal process as we are not able to comment or discuss confidential matters. We will provide assurance that we are looking into a matter reported to the Trust, but cannot engage in any dialogue, or provide feedback. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.

## 10. Confidentiality

A written record will be kept of all complaints along with the outcome for stage one, stage two and stage three.

The Academy will retain a record of complaints, action taken and resolution. This is collated and shared with the Education Director (ED). A monthly overview is shared with the Executive Leadership Team (ELT) and regularly with Trustees.

Correspondence, statements and records relating to individual complaints will be kept confidential except where access is requested by the Secretary of State or where disclosure is required in the course of an academy inspection or under other legal authority.

In accordance with data protection legislation principles, details of individual complaints will be kept only for as long as is considered to be reasonably necessary in the circumstances.

## Initial Stage – Concern

It is to be hoped that most concerns can be expressed and resolved on an informal basis. The aim of this stage is to reach a resolution which is within policy, is good practice and appropriate.

Concerns should initially be raised with either the class teacher, year head / subject head or Headteacher to resolve the matter. You might be signposted to appropriate services or offered mediation to resolve the issues.

The Trust and our Academies expect that anyone raising a concern or a complaint to:

- Treat all staff, parents and pupils with courtesy and respect;
- Respect the needs and well-being of our pupils and staff;
- Avoid any use, or threatened use, of violence to any people or E-ACT property;
- Avoid any aggression, verbal abuse or other intimidating behaviour;
- Ensure that any written communications state the facts surrounding the concern without using threatening or unpleasant language;
- Recognise the time constraints under which members of staff in our academies work and allow the Academy a reasonable time to respond;
- Recognise that resolving a specific problem can sometimes take some time. Should these expectations not be met the trust has the right to reject the complaint.

### Informal resolution of a complaint

We expect that most complaints can be resolved informally. For example, dissatisfaction about some aspect of teaching or pastoral care or a billing error should be able to be resolved by the relevant member of staff in the Academy. Complaints of discrimination, harassment or victimisation are taken very seriously and should be dealt with at Stage one.

**Disciplinary/behaviour concerns: a problem over any disciplinary action taken or a sanction imposed against a pupil should be raised first of all with the member of staff who imposed it before raising it with the Academy senior leadership team. We are unable to discuss sanctions for other pupils.**

The Academy will work in partnership with the complainant to resolve the issue. **Only once this informal process has been followed and completed should a complaint be raised at Stage One.** Again the intent is to reach a resolution with the parent.

## Stage One – Formal Complaint

Formal complaints must be made to the Headteacher (unless the concern/complaint is **initially** about the Headteacher). This should be done in writing (preferably on the E-ACT Complaints Form in Appendix A) and should be sent directly to the Academy Office. Even if the Headteacher has dealt with the concern/complaint initially, they will look at the complaint formally at this stage.

When a complaint is raised, we can help a quicker resolution if you, the complainant, provide information which makes it clear what the main issue is and explains how you wish the Academy to help resolve the complaint.

The Academy office will record the date the complaint was received and will acknowledge receipt of the complaint in writing (either by letter or email) within two Academy days. (We will consider complaints made outside of term time to have been received on the first school day after the holiday period). Any complaints received on the weekend will be dealt with on the first school day after receipt of the complaint.

Within this response, the Investigator will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Investigator can consider whether a face-to-face meeting is the most appropriate way of doing this.

***Note: The Headteacher may delegate the investigation to another member of the Academy's Senior Leadership Team to be the investigator and once the investigation is completed, the decision on the outcome will be taken by the Headteacher.***

Complainants should not approach individual Ambassadors or Trustees to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage Three of the procedure.

During the investigation, the investigator will:

- if necessary, interview those involved in making the complaint;
- if necessary, interview those complained of, allowing them to be accompanied if they wish;
- if necessary, interview any person who may have information useful to the investigation.

At the conclusion of the investigation, the complainant will receive a formal response within ten Academy days.

If the Academy is unable to meet this deadline, they will provide the complainant with an update and revised response date.

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

The complainant will be advised, in writing, of how to escalate their complaint should they



remain dissatisfied with the outcome. If you are not satisfied with the outcome of stage one, an individual may make a formal complaint at stage two within ten Academy days of the trust/academy's decision about the complaint raised at stage one.

If the initial complaint raised is about the Headteacher, the Stage One complaint must be made to the Governance Team via [Governance.Team@E-ACT.org.uk](mailto:Governance.Team@E-ACT.org.uk). Please mark as 'Private and Confidential'. Stage One will then be considered by an Education Director. At the conclusion of their investigation, the Education Director will provide a formal written response.

If a concern or a complaint is made direct to the Governance Team without going through the process with the Academy, the complainant will be asked to complete the 'Academy Complaint Form' Appendix A for submission directly to the Academy. A matter will only become a formal complaint requiring Governance support after all attempts to resolve the matter through other stages have been exhausted.

If the issue(s) remains unresolved, the next step is to request the complaint be escalated to Stage Two.

***Please note that if there is a police investigation in place, we may need to pause the process. We will inform you if this is the case.***

***Please note that the complaint stage may be paused here if there are further concerns or complaints are added and/or a Subject Access Request is made and you require the information to progress your complaint. The Trust / Academy is not liable for the delay.***

## Stage Two – Formal Complaint

Stage Two complaints must be made to the Education Director, via the Academy office. This may be done in person or in writing (preferably using the Complaint Form).

The Academy will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within two Academy days. Any complaints received on the weekend will be dealt with on the first school day after receipt of the complaint.

Within this response, the Education Director will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. It could be that the matter is resolved after an informal conversation with the Education Director, therefore the complaint is concluded at this stage. The Education Director may consider whether a face to face meeting is the most appropriate way moving forward at this stage.

***Note: The Education Director may delegate the investigation to another member of the Academy's Senior Leadership Team to be the investigator and once the investigation is completed the decision on the outcome will be taken by the Education Director.***

**There may be instances when the complaint is escalated from the informal stage to stage two, but this will be at the discretion of the Governance Team.**

During the investigation, the investigator will:

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

At the conclusion of the investigation, the complainant will receive a formal response within ten Academy days.

If this deadline cannot be met, the complainant will be provided with an update and revised response date.

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

The complainant will be advised, in writing, of how to escalate their complaint should they remain dissatisfied with the outcome of Stage Two.

If the complaint is about a member of the Ambassadors or Trustees (including the Chair or Vice-Chair), a suitably skilled Trustee/independent person will be appointed to complete all the actions at Stage Two.

Complaints about a member of the Ambassadors or Trustees (including the Chair or Vice-Chair) must be made to the Governance Team, via the Governance Team: [Governance.Team@E-ACT.org.uk](mailto:Governance.Team@E-ACT.org.uk).

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire Trust Board or
- the majority of the Trust Board

Stage Two will be escalated to the CEO of the Trust. In the case of the complaint being about an Ambassador/s the complaint will be escalated to the Trust Board.

Any resolution will be in line with the points outlined in section 7. No financial compensation will be offered as a result of a complaint being made.

***Please note that the complaint stage may be paused here if there are further concerns or complaints are added and/or a Subject Access Request is made and you require the information to progress your complaint. The Trust / Academy is not liable for the delay.***

## Stage Three – Panel Hearing

If the complainant is dissatisfied with the outcome at Stage Two and wishes to take the matter further, they can escalate the complaint to Stage Three – this is the final stage of the complaints procedure.

The aim of the panel hearing is:

- reconciliation
- to put right things that may have gone wrong

A request to escalate to Stage Three must be made to the Governance Team, within ten Academy days of receipt of the Stage Two response. A panel clerk will be appointed (usually a member of the Governance Team) to arrange the hearing, including coordination of the paperwork and taking notes/minutes at the hearing.

Please note that the Governance Team will administer the complaints process and gather the information from the Academy for the hearing to take place. They cannot respond to queries about the aspects of the complaints or about individual staff/Academies.

The Governance Team will record the date the stage 3 complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within two Academy days. Any complaints received on the weekend will be dealt with on the first school day after receipt of the complaint.

The Governance Team will arrange the hearing between the complainant and panel, and write to them to inform them of the date and time of the hearing. The aim will be to convene a meeting within **fifteen Academy days** of receipt of the Stage Three request. If attendance of the complainant is not possible, the clerk will keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire Trust Board or
- the majority of the Trust

Then, stage three will be escalated to the CEO of the Trust. In the case of the complaint being about an Ambassador/s the complaint will be escalated to the Trust Board.

If the complaint is concerning a Trustee or the Trust Board, Stage Three will be heard by three independent panel members.

If the complaint is concerning an Ambassador or the Ambassador group, Stage Three will be heard by the at least one Trustee and up to two independent panel members.

## The Panel

Stage Three will be heard by three panel members including a senior member of staff with no prior direct involvement of the complaint will be appointed. The Academy Ambassadors for the Academy in question may not be included in the panel as they may not be seen as impartial.

If there is not an Ambassador from another Academy available, the panel clerk will source any additional independent Governors/Trustees through another Academy/School, in order to make up the panel.

The panel will consist of at least 3 members, who have had no prior connection with the complaint and at least one of these will be an independent panel member.

A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate. If this is the case, then the Governance Team must be informed before the pack for the hearing is circulated.

For instance, if an Academy 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 will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures if appropriate, but outcomes will not be shared with them.*

Representatives from the media are not permitted to attend.

At least five Academy days before the meeting, the clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the committee at least five Academy school days before the meeting.

Any written material for the pack will be collated by the Academy and circulated by the Governance Team to all parties at least five Academy days before the date of the meeting. The complainant can send any documents to the Academy that they wish for the panel to consider. The committee will not accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Pre Stage. However, there may be instances, where additional complaints are in the same category which may be included at this stage, but this will be at the discretion of the Trust with an aim to reach a resolution.

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

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

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

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

Any resolution will be in line with the points outlined in section 7. **No financial compensation will be offered as a result of a complaint being made.**

The decision, findings and any recommendations will be provided to the complainant, and where relevant the person complained about, in writing by electronic mail, normally within **five Academy days** of the hearing.

The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by the Academy.

Findings and recommendations will be available for inspection on the school premises by the proprietor and the Headteacher.

A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.

All correspondence statements and records relating to individual complaints will be kept confidential, except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

### **Complaints escalated to / about the Trust, CEO, Trustee or Ambassador**

If a complaint is escalated to E-ACT "the Trust" or if a complainant wishes to complain directly about the Trust, then the complaint should be sent to the CEO via [Governance.Team@E-ACT.org.uk](mailto:Governance.Team@E-ACT.org.uk) to be investigated.

The CEO will write to the complainant acknowledging the complaint within **two Academy days** of the date that the written request was received. The acknowledgement will confirm that the complaint will now be investigated under Stage Two of this Complaints Procedure and will confirm the date for providing a response to the complainant.

Following the investigation, the CEO will write to the complainant confirming the outcome within **ten Academy days**. If this time limit cannot be met, the CEO will write to the Complainant within **five Academy days**, explaining the reason for the delay and providing a revised date.

If the complaint concerns the CEO or a Trustee, the complaint should be investigated by the Chair of the Trust Board. If a formal complaint form is received about the Chair, the complaint will be referred to the Vice Chair for investigation.

*NB. Where the Chair of the Trust Board has investigated the complaint, they will write the letter of outcome to the Complainant and provide a copy to the CEO.*

The clerk will write to the complainant to inform them of the date of a proposed meeting. They will aim to convene this meeting within ten Academy days. If this is not possible, the clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire trust board or
- the majority of the trust board

Stage Three will be heard by an independent committee panel. The Complaint Panel will consist of three members. None of the three members of the Complaint Panel will have been involved in the incidents or events which led to the complaint, or have been involved in dealing with the complaint in the previous stages, or have any detailed prior knowledge of the complaint.

This means that the independent Complaint Panel member will not be a Trustee or an employee of the Trust. This could be an Trustee/Governor from another school or Trust.

A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate. If this is the case, then the Governance Team must be informed before the pack for the hearing is circulated.

For instance, if a trust 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 will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary policy/procedures, if appropriate, but outcomes will not be shared with the complainant.*

Representatives from the media are not permitted to attend.

At least five school days before the meeting, the clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible.
- request copies of any further written material to be submitted to the committee at least 5 school days before the meeting.

Any written material depending on the nature of the complaint will be collated by the Academy and circulated by the Governance Team to all parties at least five school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded. The complainant can send any documents to the Academy they wish for the panel to consider.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Pre Stage One of the procedure. There may be instances, where additional complaints are in the same category which may be included at this stage, but this will be at the discretion of the Trust with an aim to reach a resolution.

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

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

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

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint and/or
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

Any resolution will be in line with the points outlined in section 7 and in writing. **No financial compensation will be offered as a result of a complaint being made.**

The decision, findings and any recommendations will be provided to the complainant, and where relevant the person complained about, in writing by electronic mail, normally within **five Academy days** of the hearing.

Any final letter relating to the resolution will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by E-ACT.



The panel will ensure that those findings and recommendations will be available for inspection on the school premises by the Trust.

A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.

All correspondence statements and records relating to individual complaints will be kept confidential, except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

## **Next Steps**

If the complainant believes the Academy / Trust did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the ESFA after they have completed Stage Three.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by the Academy. They will consider whether the Academy has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed [Part 7 of the Education \(Independent School Standards\) Regulations 2014](#).

The complainant can refer their complaint to the ESFA online at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by telephone on: 0370 000 2288 or by writing to:

Academy Complaints and Customer Insight Unit  
Education and Skills Funding Agency  
Cheylesmore House  
5 Quinton Road  
Coventry  
CV1 2WT

## **Managing serial and unreasonable complaints (inc. unreasonable or persistent contact not directly associated with, or resulting from, formal complaints)**

### **Dealing with vexatious, persistent or unreasonable concerns or complaints**

The Academy is committed to dealing with all concerns and complaints fairly and impartially. In the case of vexatious, persistent or unreasonable concerns/complaints, if the complainant remains unsatisfied after all the stages have been exhausted, the CEO will inform the complainant in writing that the procedure has been exhausted and that the matter is now closed. Should any individual's approach to their concern/complaint become disturbing, intimidating or harassing, legal advice may be sought. E-ACT have a duty of care to their staff and this will be upheld, as we do not expect our teaching or operational staff to tolerate unacceptable behaviour that may be deemed abusive, threatening or offensive.

The Academy is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with our school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

The Trust defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if 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 co-operate 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 they expect to be taken into account and commented on;
- raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed

including referral to the Department for Education;

- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with;
- uses threats to intimidate;
- uses abusive, offensive or discriminatory language or violence;
- knowingly provides falsified information or
- publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the school that relates to their complaint, while the 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.

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

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

A complaint may also be considered unreasonable if it is manifestly unjustified, inappropriate, or an improper use of formal procedure.

## Communication strategy for persistent correspondents

If an individual's behaviour is causing a significant level of disruption, regardless of whether or not they have raised a complaint, the Academy/Trust can implement a tailored communication strategy. For example:

- restrict the individual to a single point of contact via an email address
- limit the number of times they can make contact, such as a fixed number of contacts per term

In assessing this, the Academy/Trust shall have regard to all the circumstances of the case and the nature of the complaint itself rather than the nature of the complainant. In assessing all of the circumstances of the case the Academy/Trust will consider a range of factors including:

- o whether a complaint has reasonable foundation;
- o the history and context of the complaint (and any evidence where relevant);
- o whether the time and cost of investigating the complaint is proportionate to the issue(s) complained of;
- o whether an investigation of the complaint is likely to cause a disproportionate or unjustified level of disruption, irritation or distress;
- o unexplained delay in raising a complaint or issue;
- o if the purpose of the complaint is to obtain an outcome which is unavailable via the complaints procedure, such as a claim for compensation, damages or a refund of fees paid;
- o any evidence of a complaint being brought for an improper purpose.

Whenever possible, the Headteacher or Educational Director (or senior member of the Trust) will discuss any concerns with the complainant informally before applying an '*unreasonable*' marking.

If the behaviour continues, the Headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact the Academy causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

In response to any serious incident of aggression or violence, we will immediately inform the police, and when relevant the DfE and ESFA, and communicate our actions in writing. This may include barring an individual from the Academy.

## Complaint campaigns

Occasionally, the Academy/Trust may become the focus of a campaign and receive large volumes of complaints:

- all based on the same subject
- from complainants unconnected with the Academy/Trust

If this is a case, then we

- will send a standard response to all complainants
- may publish a statement on our website and refer complainants to this

We will look into the complaint, and provide assurance to the complainant that we are doing so.

## Appendix A Stage One Complaint Form

Please complete and return to the Academy Office, 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>Contact numbers, please state preferred contact time:</b>
<b>Email address:</b>
<b>Please give details of your complaint, including whether you have spoken to anybody at the Academy about it.</b>

**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:**

**Action taken:**

**Date:**

## Appendix B Stage Two Complaint Form

Please complete and return to the Academy Office, 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>Contact numbers, please state preferred contact time:</b>
<b>Email address:</b>
<b>Details of complaint:</b>



**Why was the Headteacher's (or representative's) response not satisfactory?  
What further actions would the Education Director need to consider in order to resolve this complaint?**

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

**Signature:**

**Date:**

**Official use**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Action taken:**

**Date:**

## **Appendix C Roles and Responsibilities**

### **Complainant**

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

- explain the complaint in full as early as possible
- co-operate with the Academy 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.

### **Investigator**

The appointed investigator'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 co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator 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 for the Headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

- The Headteacher or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

## **Complaints Co-ordinator (this could be the Headteacher or other staff member providing administrative support)**

### **The complaints co-ordinator should:**

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, Headteacher, CEO, Chair of Trust or the Clerk and to ensure the smooth running of the complaints procedure
- 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.

## **Clerk to the Panel**

The appointed Clerk is the contact point for the complainant and the panel and should:

- ensure that all people involved in the complaint procedure 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)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example: stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the panel's decision.

## **Panel Chair**

The Panel chair, who is appointed in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Panel Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, 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 it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.

If a new relevant issue arises it would be 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 the Academy 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 procedure
- the meeting is minuted
- they liaise with the Panel Clerk

## **Panel Member**

Panel members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so.

No Ambassador/Trustee may sit on the panel if they have had a 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 the school and the complainant.

We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.

- many complainants will 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 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 panel should ask in advance if any

support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the panel should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.

However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the panel considers is not in the child/young person's best interests.

- the welfare of the child/young person is paramount.

## **E-ACT Ambassadors**

The trust recognises the vital role that our volunteer ambassadors play in sustaining high quality engagement with our communities and stakeholders. They are invited to participate on sitting on panels as impartial members of the community.

- Ambassadors will not attempt to resolve issues or concerns.
- Academy ambassadors do not investigate complaints.
- Ambassadors can sit as a panel member on a stage three complaint hearing panel for their academy or another E-ACT academy.

On occasions ambassadors may be invited to sit on stage three complaint hearing panels outside of their region at the request of the Governance Team.

- Any ambassador who is involved in stage three of the complaints process must be trained to recognise safeguarding concerns and be fully conversant with how to report safeguarding concerns.

When inviting Ambassadors to sit on stage three panels the Governance Team and the Headteacher must give due consideration to any potential conflicts of interest in relation to the ambassadors' participation.

- The composition of stage three panels is set out in our Scheme of Delegation on our E-ACT website.
- Ambassadors are volunteers and can decline invitations to participate on panels.

**Ambassadors are not required to give a reason for declining.**

## Appendix D

### Hearing the Complaint at the Complaints Appeal Panel Hearing

The aim of the hearing will be to resolve the complaint and achieve reconciliation between the school and the complainant. The hearing should be kept as informal as possible and heard in private.

In the interest of natural justice, the introduction of previously relevant undisclosed evidence or witnesses would be a reason to adjourn the hearing so that both sides have time to consider and respond to the new evidence. The Chair will make the decision to adjourn the meeting.

There will be a time limit allocated to the meeting by the Chair as the panel will be have had time to consider the contents of the pack and the details of the complaint. The objective of the meeting is

**The recommended conduct of the hearing is as follows (the order and attendees are subject to change depending on the nature of the complaint):**

1. The Chair of the Panel (“Chair”) will welcome the complainant, introduce the panel members and explain the procedure.
2. The Chair will invite the investigator to summarise the complaint and their findings.
  - The panel members may question the investigator about the complaint.
  - The complainant may question the investigator about the complaint.
3. The complainant will be asked if they would like to summarise and add anything else relevant to the complaint.
  - The panel members may question the complainant about the complaint.
  - The Chair will invite the Headteacher (or representative) to ask any questions of the complainant relevant to the complaint.
4. The Chair will invite the Headteacher (or representative) to make a statement in response to the complaint. At the discretion of the Chair, the Headteacher (or representative) may invite members of staff directly involved in the complaint to supplement the Headteacher’s response; the Headteacher (or representative) may ask them questions.
  - The panel may ask questions of the Headteacher (or representative) and the members of staff called about the response to the complaint.
  - The Chair will allow the complainant to ask questions of the Headteacher (or representative) and members of staff about the response to the complaint.
5. The Chair will invite the Headteacher (or representative) to summarise a final statement to sum up their case.
6. The Chair will invite the complainant to summarise a final statement to sum up their case.
7. The Chair will explain to the complainant and the Headteacher that the panel will now consider all the information available to them and reach a decision.

- The Chair will then ask all parties to leave except the members of the panel.
- The panel will then consider the complaint and all the evidence presented and reach a decision on the complaint and the reasons for it; and decide upon the appropriate action to be taken to resolve the complaint.
- A written decision will be sent to both parties (and where appropriate, to the specific individual against whom the complaint was made) within five Academy days. This should include notification of any recommendations made.

Please note the Chair may have to ask the Academy and complainant to stop if information that has already been shared with the panel is being read again or repeated. This is to ensure there is not a duplication of information being shared and to keep the meeting flowing as appropriate.

### Code of conduct for meetings

The objective of the complaints procedure is to resolve complaints by working within our policies in partnership with parents. We therefore request that all parties all polite and respectful at all times.

We ask everyone to be respectful of each other and to be polite and remain calm during meetings. Any meeting will be stopped and/or adjourned/concluded if there is any use of any inappropriate language, accusations or use of derogatory terms. E-ACT has a zero tolerance to harassment, bullying and, discrimination and aggressive behaviour be it violent or abusive, and it will not be tolerated and may result in you being removed from the Academy. This also includes:

- Using bad language or swearing at staff, parents, pupils or visitors
- Any physical violence towards any staff, parents, pupils or visitors, such as pushing or shoving
- Verbal abuse towards the staff, parents, pupils or visitors in any form including verbally insulting the staff
- Racial abuse and sexual harassment will not be tolerated
- Persistent or unrealistic demands that cause stress to staff will not be accepted. Requests will be met wherever possible and explanations given when they cannot

## Appendix E

Please note that we are not able to comment or provide information on personnel, confidential or legal matters. Any complaints of this nature will not go through the formal process as we are not able to comment or discuss confidential matters. We will provide assurance that we are looking into a matter reported to the Trust, but cannot engage in any dialogue, or provide feedback. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.

### **Standard statement to non-parental complaints, correspondence which is part of a complaints campaign, to members of the public, non-parental complaints:**

Thank you for your email. We are aware of concerns relating to xxxxxxxxxxxxxx. We take any allegation of xxxxx incredibly seriously. We are reviewing xxxxx that has come to our attention and we will handle this through our usual internal processes. Please note that we will not correspond further on this matter.