



## Complaints Policy

Approved via Governorhub

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## **Complaints Policy**

### **Introduction**

The Soke Education Trust aims to build good relationships with all its stakeholders and wishes to resolve concerns promptly. The trust recognises that the school has parents from different backgrounds, different cultures and different beliefs and as such we consider a wide range of views in developing our policy and practice.

We establish our policy and plans based on legal requirements, academically researched methodology and the publicised ethos of our school. Therefore, we may not be able to align our practice with your wishes but we are committed to working with you. We are unable to discuss the plans, provision or differentiation used with any child other than your own. We are happy to make time, by appointment, to discuss and resolve anything relating to your child's needs. We are happy to listen and consider parents' views and very much value parental input into plans, provision or differentiation used with your child or children. We actively seek your collaboration and involvement.

This policy sets out the informal and formal steps that will be undertaken when a stakeholder has a complaint and the procedures set out in this policy should be adhered to before the complainant seeks support from external agencies.

### **Legislation and Guidance**

The Trust is required by law (section 29 of the Education Act 2002) to establish procedures and publish those procedures for dealing with complaints relating to the school, or to the provision of facilities or services (unless the issue is covered by other legislation – see Appendix 3). All complaints must be directed to the school. This policy is based on the model policy produced by Browne Jacobson and the guidance produced by Peterborough City Council, Cambridgeshire County Council and the DFE published guidance.

### **Definitions**

#### **The difference between a concern and a complaint**

In this procedure the terms may be defined

- 'complaint' means an expression of dissatisfaction however made, about actions taken or a lack of action;
- 'concern' means an expression of worry or doubt over an issue considered to be important for which reassurances are sought;
- 'meeting' means an in person or virtual meeting (i.e. telephone or video conference where all parties can participate verbally), virtual meetings will only be held in the event that all parties have access to appropriate equipment to attend and are happy to do so;
- 'parent' means a parent, carer or anyone with legal responsibility for a child;
- 'school days' excludes weekends and academy holidays and periods of partial or total academy closure;
- 'trust' means the academy trust.

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 complaint's procedure. Soke Education Trust and all its schools take concerns seriously and will make every effort to resolve the matter as quickly as possible. All staff will be made aware of this complaints procedure and are expected to review this policy regularly in order that they are familiar with our process of dealing with complaints and can be of assistance when an issue is brought to their attention

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

## **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 school in seeking a solution to the complaint;
- respond promptly to requests for information or meetings or in agreeing the details of the complaint;
- ask for assistance as needed;
- treat all those involved in the complaint with respect;
- refrain from publicising the details of their complaint on social media and respect confidentiality.

### **Investigator**

The 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 appropriate interviewing of the complainant to establish what has happened and who has been involved;
- interviewing staff and children/young people (or reviewing records of staff interviews with children) and other people relevant to the complaint;
- consideration of appropriate written 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.

### Governance Professional

The Governance Professional is the contact point for the complainant and the committee 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;
- make a written record of the proceedings;
- circulate the minutes of the meeting;
- notify all parties involved of the committee's decision.

### Local Governance Committee

Each school has a Local Governance Committee which is a committee of the Trust Board and has been delegated the responsibility to investigate and decide on the outcome of complaints related to its school.

### Committee Chair

The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Governance Professional) to provide any additional information relating to
- the complaint by a specified date in advance of the meeting;
- if the complainant is invited to the meeting, that it is conducted in an informal manner,
- is not adversarial, and that, everyone is treated with respect and courtesy;
- complainants who may not be used to speaking at such a meeting are put at ease.
- the remit of the committee 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;
- both the complainant and the school are given the opportunity to make their case and

- seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself;
- the issues are addressed;
- key findings of fact are made;
- the committee is open-minded and acts independently;
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- minutes of the meeting are taken;
- they liaise with the Governance Professional (and complaints co-ordinator, if the school has one).

## Committee Member

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so;
- no governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it; Local governance committees may co-opt a governor from another local governance committee within the trust to ensure no prior involvement.
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant.

## Complaints Procedure

### Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to the school about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

In accordance with administrative law principles, complainants will be given the opportunity to complete the complaints procedure in full, unless the school possesses clear evidence that the complainant meets our serial and unreasonable complaints criteria.

If that is the case and the complainant contacts us again on the same issue, the correspondence may then be viewed as 'serial' or 'persistent' and we may choose not to respond. We will not mark a complainant as 'serial' before the complainant has completed the procedure.

Our approach to responding to serial and unreasonable complaints is detailed in our Serial and Persistent Complaints policy, which is included as Appendix 2 of this policy.

Anonymous complaints will not normally be investigated. However, the Headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

In the event that the school receives a large volume of complaints all based on the same subject and/or from complainants unconnected with the school, we may choose to send a template response to all complainants or publish a single response on the school's website.

The Local Governance Committee will ensure that any third party providers have their own complaints procedures in place if they are using school premises to offer services.

### **How to raise a concern or make a complaint**

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so. Where a person is not able to make a complaint himself or herself, a friend or other family member may do so on their behalf, but that person does not become the complainant. In the first instance, a concern should be raised with the class teacher followed by a Phase Leaders or appropriate member of the Senior Leadership Team

Whilst the school acknowledges that, on rare occasions, parents may wish to contact solicitors, the school will not accept a complaint from a legal representative. The school will not use legal representation within the complaint resolution process but nor will parents' legal representatives be permitted to attend relevant meetings. We recognise, however, there are occasions where legal representation may be appropriate.

Concerns should be raised with either the class teacher, a member of the leadership team or the Headteacher. If the issue remains unresolved, the next step is to make a formal complaint.

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 school in seeking a solution to the complaint;
- respond promptly to requests for information or meetings or in agreeing the details of the complaint;
- ask for assistance as needed;
- treat all those involved in the complaint with respect;
- refrain from publicising the details of their complaint on social media and respect confidentiality.

Complainants should not approach individual local governors 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 3 of the procedure.

Complaints against school staff (except the Headteacher) should be made in the first instance, to the Headteacher via the school office. Please mark them as Private and Confidential. Complaints that involve or are about the Headteacher should be addressed to the Governance Professional, via the school office. Please mark them as Private and Confidential. Complaints about the Chair of Governors, any individual governor or the whole Local Governance Committee should be addressed to the Governance Professional % Gunthorpe Primary School, the Pentlands, Gunthorpe. Please mark them as Private and Confidential. These will be passed to the Trust Board of Directors

For clarity, a template complaint form is included at the end of this procedure which complainants are advised to use. If complainants require help in completing the form, please contact the school office.

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.

### **Purpose of the Complaints Procedure**

The purpose of our Complaints Procedure is to provide a comprehensive, open, transparent, fair and timely vehicle through which:

- something that may have gone wrong can be identified, acknowledged and, where necessary, put right;
- an apology may be made where appropriate;
- the school and its senior management can, where appropriate, learn from the process, making it less likely that a similar complaint will be brought in the future.

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 explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that we will try to ensure the event complained of will not recur;
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timeframe within which any changes will be made;
- an undertaking to review school policies in light of the complaint;
- an apology;
- a decision that no action is necessary or justified with a full explanation.

A written record will be kept of all complaints along with details of how they were resolved following a formal investigation or progression to a panel hearing. Soke Education Trust will not normally award financial compensation unless required to do so by virtue of legislation. If a complainant wishes to withdraw their complaint, we will ask them to confirm this in writing.

### **Timeframes for complaints**

We will aim to consider complaints as quickly and efficiently as possible and any deviation from our published procedure will be recorded and communicated to the complainant.

Complainants must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will only consider complaints made outside of this timeframe if exceptional circumstances apply. This time limit has been established because investigation is more difficult after a period of time: memories may not be as clear as they would have been earlier, records may not be as readily available, and witnesses may no longer be employed at the school. A delay in making a complaint may also disadvantage any person who is the subject of it, making it more challenging for them to defend themselves for the same reasons.

Where a number of complaints are made in one letter of complaint, some of which lie outside the timeframe, the nominated investigating officer will determine which complaints can be considered, taking account of their relevance to the substantive complaint or complaints made within the timescale.

If the complaint is received outside of term time, the calendar day timings for managing the complaint will start on the first school day after the holiday period.

Where it is clear that published timescales cannot be met, new time limits will be set, and the complainant will be sent details of the new deadline and an explanation for the delay. If other bodies are investigating aspects of the complaint (eg the police), there may be an impact on the school's ability to adhere to timescales, or the procedure may have to be suspended until those investigations are complete. If a complainant commences legal action in relation to their complaint, the procedure may have to be suspended until those proceedings have concluded.

### **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 and timescales outlined in this policy shall be from such date in sitting school days following this.

### **Records of complaints**

A record will be kept of all written formal complaints, including at what stage they were resolved and action taken by us as a result of those complaints regardless of whether they were upheld.

Correspondence, statements and records relating to individual complaints will be kept confidential except where:

- access is requested by the Secretary of State;
- disclosure is required in the course of an academy school inspection;
- an individual has a legal right to access their own personal data contained within such documentation; or
- under other legal authority.

We will make the findings and recommendations of the Complaints Committee available for inspection on the academy school premises by the Trust and the Headteacher.

### **Part 1 - Complaints made by Parents/Carers**

An informal concern can be raised in person or by telephone. Concerns may also be raised by a third party acting on behalf of a parent, as long as they have appropriate authority to do so. Most enquiries and concerns can be dealt with satisfactorily by the class teacher or other members of staff without the need to resort to the formal procedure. We value informal meetings and discussions and encourage parents to approach staff with any concerns they may have, and aim to resolve all issues with open dialogue and mutual understanding.

It is always helpful if you can fully explain the nature of the concern and identify the outcome you are looking for. Where appropriate, you may be invited to an informal meeting with the member of staff most appropriate for dealing with that concern. The member of staff dealing with the concern will make sure that you are clear on what action (if any) has been agreed. This may be put in writing if appropriate.



If the matter is brought to the attention of the Headteacher they may decide to deal with your concerns directly at this stage. If the concerns are about the Headteacher these should be referred directly to the Governance Professional under Stage 2.

The academy school will respect the views of a parent who indicates that they would have difficulty discussing a concern with a particular member of staff. In this case, the Headteacher will refer the parent to another designated member of staff. Similarly, if the member of staff directly involved in the circumstances leading to the concern feels too compromised to deal with it, the Headteacher may consider referring the parent to another member of staff from the Trust. The member of staff may be more senior, but this is not essential.

Staff members should log all informal concerns and inform the Headteacher of any serious concerns.

There is no suggested timescale for resolution at this stage given the importance of dialogue through informal discussion, although it would be expected that most issues will be resolved within 15 school days. Where no satisfactory solution has been found, you will be advised that if you wish your concerns to be considered further you should write to the Headteacher under Stage 2 of this procedure within 15 school days.

## **Stage 2 – Making a formal complaint to the Headteacher**

If your concerns are not resolved under Stage 1, you are entitled to put your complaint in writing and send this to the Headteacher of the relevant academy school.

It is very important that you include a clear statement of the actions that you would like us to take to resolve your complaint. We strongly encourage you to use the Complaint Form provided at Annex 2 of this procedure. If you require help in completing the form, please contact the academy school office. You can also ask third party organisations like the Citizens Advice to help you. In all cases your written complaint must include:

- the nature of the complaint;
- details of how the matter has been dealt with so far;
- the names of potential witnesses, dates and times of events and copies of all relevant documents; and
- a clear statement of the actions that you would like us to take to resolve your complaint.

Your complaint will normally be acknowledged in writing within five school days of receipt. The acknowledgement will give a brief explanation of the Trust's complaints procedure and a target date for providing a response to the complaint. This will normally be within 15 school days of receipt.

If appropriate, the Headteacher (or someone appointed by them) may invite you to a meeting to clarify your complaints and to explore possible resolutions. If you accept that invitation, you may be accompanied by one other person, such as a friend, relative or interpreter, to assist you. Where possible, this meeting will take place within 15 school days of receipt of the written complaint.

If necessary, witnesses will be interviewed and statements taken from those involved. If the complaint centres on a pupil, the pupil will usually be interviewed. Pupils will normally be interviewed with their parent present, but if this would seriously delay the investigation of a serious or urgent complaint or if the pupil has specifically said that they would prefer that their parents were not involved, another member of staff with whom the pupil feels comfortable will be present. If the matter includes a complaint relating to a member of staff, the member of staff will have the opportunity to respond to the complaint.

Once the relevant facts have been established as far as possible, you will be provided with a written response to the complaint, including an explanation of the decision and the reasons for it. This will include what action will be taken to resolve the complaint (if any). You will be advised that if you are dissatisfied with the outcome of the complaint, you may request that your complaint be heard by the Complaints Committee under Stage 3 of this procedure.

The Trust may engage another member of the Trust or a member of one of the Local Governance Committees or an independent, external person to carry out the investigation into the Stage 2 complaint or to review the investigation and response at Stage 2. This may be appropriate where the complaint is particularly complex or involves legal issues.

**Q. What if the complaint is about the Headteacher or the Headteacher has already considered your complaint under Stage 1?**

In these cases, your complaint should be sent to the Chair of Governors via using the school's office email or postal address, who will arrange for a governor to carry out the Stage 2 procedure.

**Q. What if the complaint is about a governor on the Local Governance Committee?**

Complaints about the Chair of LGC or any individual local governor should be addressed to the Chair of Governors via the school office. Please mark them as Private and Confidential. The Chair will arrange for another governor or trustee (as applicable) to investigate the concerns in accordance with Stage 2.

If the complaint is about the Governance Professional or the Local Governance Committee as a whole, you should send your complaint to the Governance Professional c/o Soke Education Trust, Gunthorpe Primary School, the Pentlands, Gunthorpe, PE4 7YP who will then determine the most appropriate action with regards to Stage 2 and Stage 3.

**Q. What if the complaint is about the Chief Executive Officer?**

If the complaint is about the Chief Executive Officer of the trust, or if they have been closely involved at Stage 1, your complaint should be sent to the Governance Professional c/o Soke Education Trust, Gunthorpe Primary School, the Pentlands, Gunthorpe, PE4 7YP who will arrange for a trustee to carry out all the Stage 2 procedures.

**Q. What if the complaint is about a trustee, Governance Professional or a member of the trust?**

If the complaint is about a trustee or member of the trust, you should contact the Governance Professional to the Trustees c/o Soke Education Trust, Gunthorpe Primary School, the Pentlands, Gunthorpe, PE4 7YP who will arrange for another trustee to investigate the concerns in accordance with Stage 2.

If the complaint is about the Governance Professional your complaint should be sent to the Chair of the Trustees c/o Soke Education Trust, Gunthorpe Primary School, the Pentlands, Gunthorpe, PE4 7YP. If your

complaint is about the trust board as a whole, you should send your complaint to the Governance Professional who will arrange for the matter to be independently investigated.

Please be aware that where your complaint relates to an employee a copy of the complaint may be shared with them in order to investigate the issues raised.

### Stage 3 - Referral to the Complaints Committee

If you are dissatisfied with the decision under Stage 2, you may request that a Complaints Committee be convened to consider your complaint. The Complaints Committee will principally consider how the complaint was handled at the previous stages but has discretion to review other aspects of the complaint as it sees fit. The Complaints Committee will not review any new complaints at this stage or consider evidence unrelated to the initial complaint. New complaints must be dealt with from Stage 1 of the procedure.

To request a hearing before the Complaints Committee, you should write to the Governance Professional at c/o Soke Education Trust, Gunthorpe Primary School, the Pentlands, Gunthorpe, PE4 7YP within 15 school days of receiving notice of the outcome of Stage 2. Requests received outside of this time frame will only be considered if exceptional circumstances apply. You should ensure that you provide copies of all relevant documents and state all the grounds for your complaint and the outcome that you are looking for.

- Your written request will be acknowledged within five school days of receipt.
- The Governance Professional will arrange for a Complaints Committee to be convened, made up of at least three committee members, including:
  - Local governors of a Local Governance Committee and/or Trustees of the trust (as appropriate) with no prior involvement in the matter; and/or,
  - one person who is independent of the management and running of the academy trust.
  - the Governance Professional shall appoint one of these committee members to be the Chair of the Committee.
- The Trust Board is mindful of the challenges that volunteer governors can encounter in finding time to prepare for a review and in finding a date and time when all members are available. The Trust Board has decided that it is more preferable to allow sufficient time for the process than it is to set a deadline that may be all too easy to miss. The Trust Board therefore has decided that a review panel should meet within, what it considers to be **the reasonable time frame of 20 school days**, starting from the day when the request for a review was received, or the next school day if that was not a school day. If there are exceptional reasons why there is slippage to the timeframes laid down, the Governance Professional will explain the reasons for this to the complainant in writing.
- As soon as reasonably practicable and in any event at least five school days before the hearing, you will be sent written notification of the date, time and place of the hearing, together with brief details of the committee members who will be present. Fair consideration will be given to any bona fide objection to a particular member of the committee. You will also be informed of the name of the person who will be presenting the case on behalf of the school/trust (referred to in this policy as the 'academy representative'). This may be the person who is the subject of the complaint, the person who undertook the investigation at Stage 2 and/or another person with sufficient knowledge of the matter.
- If, despite best efforts, it is not possible to find a mutually convenient date and time for a hearing within a reasonable timeframe, the Governance Professional may determine that the hearing proceeds on the basis of written submissions from both parties.
- You have the right to be accompanied to the hearing by a friend, relative or interpreter. You should notify the Governance Professional in advance if you intend to bring anyone to the hearing. We do not encourage either party to bring legal representatives to the Complaints Committee meeting. Representatives from the media are not permitted to attend. The Complaints Committee itself may

take legal advice and/or be supported by a legal advisor at the hearing on matters of law and procedure.

- A copy of the complaint and any other documents provided by you in support of your complaint, or by the academy representative in defence of the complaint, will be provided to the Complaints Committee as soon as practicable upon receipt. Copies of these documents shall also be provided to you or academy representative (as applicable) at least 5 school days before the hearing. The Complaints Committee reserves the right not to consider any documentation presented by either party less than 5 school days prior to the hearing. The Complaints Committee is under no obligation to hear oral evidence from witnesses but may do so and/or may take written statements into account. The committee will not normally accept recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.
- The hearing will be conducted to ensure that each party has the opportunity to address the Complaints Committee. The procedure to be followed during the hearing will be explained to the parties by letter in advance of the hearing. The Governance Professional will ensure that sufficient notes are taken to record an accurate reflection of the points considered and any decisions taken or actions agreed. Electronic recordings of the hearing will not normally be permitted and, in any event, would require the consent of all those present.
- Unless otherwise stated, the procedure for the Stage 3 hearing is as follows:
  - the parent and academy representative will enter the hearing together;
  - the Chair of the Committee will introduce the committee members and outline the process;
  - the parent will explain the complaint;
  - the academy representative and committee members will question the parent;
  - the academy representative will explain the school/trust's actions;
  - the parent and the committee members will question the academy representative;
  - the parent will sum up their complaint;
  - the academy representative will sum up the school/trust's actions;
  - the Chair of the Committee will explain that both parties will hear from the committee within five school days;
  - both parties will leave together while the committee decides;
  - the Governance Professional, and any legal advisor assisting the committee (if applicable), will stay to assist the committee with its decision making.
- The Governance Professional and or Complaints Committee reserves the right to modify the above procedure at their sole discretion, for example requiring the parent and the academy representative to present their complaint/actions separately to the Complaints Committee in the absence of the other party.
- A Complaints Committee may be adjourned if the Complaints Committee require further evidence or in exceptional circumstances (for example, if clarification sought by the Complaints Committee is essential to the proceedings). The adjourned date must be as soon as possible.
- After the hearing, the Complaints Committee will consider their decision and inform you and, where relevant, the person complained about of their decision in writing within five school days. The letter will set out the decision of the committee together with the reasons underpinning that decision. The committee can (by a majority if necessary):
  - 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 school or trust systems or procedures to ensure that problems of a similar nature do not happen again.

A written record will be kept of the complaint together with the outcomes. Correspondence, statements and records relating to the complaint will be filed confidentially.

The review decision letter concludes the school complaints process, and the school will not enter into any further correspondence with the complainant about the issues raised. The information about redress beyond the school will be included in the panel response letter.

#### **Stage 4 Referral of complaint to Department for Education**

If the complainant believes the school / 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 DfE after they have completed Stage 3.

The DfE will only consider a complaint which has not been through the Trust's own Complaints Procedure if a child is at risk of harm or missing education.

The DfE cannot:

- overturn the panel's decision
- re-investigate the original complaint
- review the accuracy of minutes taken or documents provided
- order that compensation is paid
- direct the school to discipline / exclude pupils
- force the school to discipline / dismiss staff
- instruct the school to apologise.

The role of the DfE is to make sure the complaint is handled properly by following a published procedure that complies with part 7 of the Education (Independent School Standards) Regulations 2014.

The DfE will only consider a complaint if the complainant can provide evidence that the school or trust:

- does not have a complaints procedure
- did not provide a copy of its complaints procedure when requested
- does not have a procedure that complies with statutory regulations
- has not followed its published complaints procedure
- has not allowed its complaints procedure to be completed

The DfE will intervene when a school or trust has:

- breached a clause in its funding agreement (b)
- failed to act in accordance with its duties under education law (c)
- acted (or is proposing to act) unreasonably when exercising related education functions.

The complainant can refer their complaint to the DfE in the following ways:

- online at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus)
- by telephone on: 0370 000 2288
- by writing to: Academy Complaints and Customer Insight Unit Education and Skills Funding Agency  
Cheylesmore House 5 Quinton Road Coventry CV1 2WT

### **Repetitious and vexatious complaints and complaints pursued in an otherwise unreasonable manner**

There are rare circumstances where we will deviate from the Complaints Procedure set out in Parts 1 and 2. These include, but are not necessarily limited to:

#### **Repetitious, including serial and/or persistent, complaints**

Where the complainant's complaint is the same, similar to or based on the same facts of a complaint which has already been considered in full and we have:

- taken every reasonable step to address the complainant's concerns; and
- given the complainant a clear statement of our position and their options,

We will write to the complainant to advise that the complaints procedure has been exhausted and that we will not be responding to any further correspondence in relation to these matters. The complainant will be referred to Stage 4.

#### **Vexatious complaints**

The Office of the Independent Adjudicator defines the characteristics of a 'frivolous' or 'vexatious' complaint as:

- complaints which are obsessive, persistent, harassing, prolific or repetitious;
- insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason;
- insistence upon pursuing meritorious complaints in an unreasonable manner;
- complaints which are designed to cause disruption or annoyance; and
- demands for redress that lack any serious purpose or value.

Examples include but are not limited to:

- refusal to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refusal to co-operate with the complaints investigation process;
- refusal to accept that certain issues are not within the scope of the complaints procedure;
- insistence on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice;
- introducing trivial or irrelevant information which they expect to be taken into account and commented on;
- raising large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- making unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changing the basis of the complaint as the investigation proceeds;
- seeking an unrealistic outcome, such as the inappropriate dismissal of staff;
- making 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;
- knowingly providing falsified information;
- publishing unacceptable information on social media or other public forums.

## **Complaints pursued in an otherwise unreasonable manner**

Where the complainant's behaviour or language towards staff, local governors, trustees or members is aggressive, abusive, offensive, discriminatory or threatening or insulting personal comments are made about, or threats are made towards, staff.

In the circumstances outlined in (2) and (3) above, we may:

- inform the complainant that we consider their complaint to be vexatious or the manner in which they are pursuing their complaint to be unreasonable and why, and ask them to desist;
- conduct the Complaints Committee on the papers only i.e. not hold a hearing;
- refuse to consider the complaint any further and refer the complainant directly to Stage 4.

We may also restrict the complainant's access to the school, e.g. requesting contact in a particular form (for example, letters only), require contact to take place through a Tailored Communication Plan including with a named person only, restricting telephone calls to specified days and times or number of contacts or banning the complainant from the school's premises in line with our Adult Code of Conduct Policy.

Where the complainant's behaviour is so extreme that it threatens the immediate safety and welfare of staff, local governors, trustees or members we will consider other options - for example, reporting the matter to the police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

## **Complaint campaigns**

For the purposes of this policy, a complaint campaign is defined as a complaint from three or more separate individuals (whether or not connected with the school) which are all based on the same subject.

Depending on the subject in question, we may deviate from the procedure set out in this policy and instead:

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

## **Part 2: Concerns or complaints from other persons**

Part 1 of this complaints policy applies only to complaints made by parents or carers of current registered pupils of the trust. However, the trust wishes to work closely with other members of the local community and will deal with their concerns and complaints as follows:

**Stage 1** - a concern regarding an academy or its operations may be made to any member of staff. That member of staff will attempt to resolve the matter immediately or may, if appropriate, refer the matter to their line manager or member of the senior leadership team (SLT) who is best placed to deal with the concern. It is expected that most concerns will be responded to orally or in writing within five school days. If a longer period is required, you will be kept informed of the progress of the investigation.

**Stage 2** - where a concern is not resolved at Stage 1, or you wish your concerns to be dealt with immediately as a formal complaint, you should put your complaint in writing and send this to the Headteacher of the relevant academy to investigate. The Headteacher may delegate the task of investigation and/or responding to the complaint to a member of SLT or may escalate the complaint straight to Stage 3. A formal response to

the complaint will usually be provided within 15 school days of receipt of the letter of complaint although if a longer period is required to respond, you will be kept updated.

**Stage 3** - if you are not satisfied with the response at Stage 2, you may request a review by writing to the Governance Professional of the academy. You should write to the Governance Professional within 15 school days of receipt of the letter at Stage 2. Requests received outside of this time frame will only be considered if exceptional circumstances apply. The Governance Professional will usually arrange for a governor to consider the complaint alone or may refer the matter and convene a Complaints Committee on the same terms as set out in Part 1 of this complaints policy. The decision at this stage will usually be sent to you within 15 school days of receipt of the request for a review or within five school days of the Complaints Committee hearing (as applicable).

**Stage 4** - if you are dissatisfied with the decision at Stage 3, you are entitled to refer your complaint to the Education and Skills Funding Agency (ESFA) as outlined in Part 1 of this complaints policy.

Concerns or complaints regarding the Headteacher or the trust should be referred direct to the Governance Professional c/o Soke Education Trust, Gunthorpe Primary School, the Pentlands, Gunthorpe, PE4 7YP who will arrange for the stages above to be considered by an appropriate person.



## Issues outside of the scope of the complaints policy

| Exceptions                                                                                                                                                                          | Who to contact                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>• Admissions to schools</li> <li>• Statutory assessments of Special Educational Needs</li> <li>• School re-organisation proposals</li> </ul> | Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with <u>Make a complaint - Peterborough City Council or Cambridgeshire County Council</u> according to geographic location                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <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.<br>If you have serious concerns about the safety or welfare of a child, then you may contact the local safeguarding board: <u>Making a Referral   Cambridgeshire and Peterborough Safeguarding Partnership Board (safeguardingcambspeterborough.org.uk)</u>                                                                                                                                                                                                                                                                 |
| <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> .<br><i>*complaints about the application of the Behaviour policy can be made through the school's complaints procedure.</i>                                                                                                                                                                                                                                                                                                                                                      |
| <ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>                                                                                                                  | We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.<br>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.<br>Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a> .<br>Volunteer staff who have concerns about a school should complain through the school's complaints procedure. You may also be able to complain direct to the Department for Education (see link above), depending on the substance of your complaint. |
| <ul style="list-style-type: none"> <li>• Staff grievances</li> </ul>                                                                                                                | Complaints from staff will be dealt with under a school's internal grievance procedures.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <ul style="list-style-type: none"> <li>• Staff conduct</li> </ul>                                                                                                                   | Complaints about staff will be dealt with under a school's internal disciplinary procedures, if appropriate.<br>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.                                                                                                                                                                                                                                                                                                                                                                      |
| <ul style="list-style-type: none"> <li>• Complaints about services provided by other providers who may use school premises or facilities</li> </ul>                                 | Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <ul style="list-style-type: none"> <li>• National Curriculum - content</li> </ul>                                                                                                   | Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

## **Serial and persistent complaints policy**

This policy outlines how the Trust and its constituent schools will respond to serial and persistent complaints, which may be deemed unreasonable in nature.

Soke Education Trust and all its schools are 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.

We define 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;
- 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.

Whenever possible, the Headteacher or Chair of Governors 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 school 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 communicate our actions in writing. This may include barring an individual from the school premises.

## Summary of Complaints Process with Timelines

### INFORMAL STAGE

School staff seek to resolve the complaint informally through discussion with the complainant. If required, the complainant should submit a formal complaint within **three months** of the cause for complaint. If the complaint is received outside of term time, the calendar day timings for managing the complaint will start on the first school day after the holiday period.

### FORMAL PROCEDURE

#### Stage 1

Formal complaint to the Headteacher:

- Complaint received by the Headteacher\*
- Acknowledgement – 5 school days;
- Investigation (including any discussion with the complainant);
- Formal written response (from the Headteacher – within 10 school days from receipt).

\*If the complaint is about the Headteacher then the complaint will be directed to the Local Governance Committee and considered as a Stage 2 complaint.

#### Stage 2

Complaint to the Local Governance Committee requesting review of the Headteacher's decision or a complaint about the Headteacher:

- Received by the Local Governance Committee (within 10 school days of the Headteacher's response);
- Acknowledgement – 5 school days;
- Investigation (including any discussion with the complainant);
- Formal written response (from the Chair of Governors or Governance Professional) – within 10 school days from receipt.

#### Stage 3

Request for a meeting of a Governors' Review Panel:

- Received by Governance Professional (within 10 school days of the Chair of Governor's response);
- Acknowledgement – 5 school days;
- Review panel meet - 20 school days from receipt of request;
- Formal written response – within 5 school days of review meeting.

The conclusion of Stage 3 ends the governors' role in considering the complaint. Complainants who remain dissatisfied may wish to contact the Department for Education.

## APPENDIX 4

### Complaint Form

| Please provide your details                                                                                                                                   |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| Full name                                                                                                                                                     |  |
| Address<br>(including postcode)                                                                                                                               |  |
| Email address                                                                                                                                                 |  |
| Phone number                                                                                                                                                  |  |
|                                                                                                                                                               |  |
| <b>Details of Complaint.</b> Please provide below details of your complaint, including whether you have spoken to anybody at the school about it already.     |  |
| If you are completing this form electronically, this box will expand as required. If you are completing by hand, please use a continuation sheet if required. |  |
|                                                                                                                                                               |  |
| <b>Resolution:</b> What would represent for you an acceptable resolution to the complaint?                                                                    |  |
|                                                                                                                                                               |  |
| <b>Further Information:</b> Do you have any further relevant information to add?                                                                              |  |
|                                                                                                                                                               |  |
| Signed: _____ Date: _____                                                                                                                                     |  |