Complaints Policy

Quest Learning Trust

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This document sets out the regulations for the MAT and member academies and remains in force until superseded

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Statement of intent

Quest Learning Trust aims to resolve complaints at the earliest possible stage and, where possible, informally, and is dedicated to continuing to provide the highest quality of education possible in all of its academies throughout the procedure.

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

- Any member of staff.
- Any academy within the trust.
- Any Academy Standards Committee (ASC) of the trust.
- Individual directors or the board of directors.
- The trust as a whole.

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

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 Once a complaint has been made, it can be resolved or withdrawn at any stage.

The headteacher and/or chair of governors of the relevant academy will delegate an appropriate person to be the first point of contact during the complaints procedure.

1. Legal framework

This policy has due regard to all relevant legislation and guidance including, but not limited to, the following:

- Freedom of Information Act 2000
- Education Act 2002
- Equality Act 2010
- Part 7 of The Education (Independent School Standards) Regulations 2014
- Immigration Act 2016
- UK General Data Protection Regulation (UK GDPR)
- Data Protection Act 2018 (DPA)
- HM Government 'Code of Practice on the English language requirement for public sector workers'
- DfE 'Best practice guidance for academies complaints procedures'
- DfE 'Academy trust handbook'
- ICO 'How to deal with data protection complaints'

This policy operates in conjunction with the following school policies:

- Admissions Policy
- Child Protection and Safeguarding Policy
- Behaviour Policy
- Suspension and Exclusion Policy
- Whistleblowing Policy

2. Definitions

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

A "**concern**" is be defined as 'an expression of worry or doubt' where reassurance is required. For the purpose of this policy, concerns will be classed and addressed as complaints.

Any complaint or concern will be taken seriously, whether raised formally or informally, and the appropriate procedures will be implemented.

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 formal stages of the complaints procedure. Any concerns will be taken seriously and every effort will be taken to resolve the matter as quickly as possible.

If an individual has difficulty discussing a concern with a particular staff member, the trust will respect the views of this individual. In these cases, the person managing the complaint will refer the complainant 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.

The trust understands, however, that there will be occasions where people would prefer to raise their concerns formally. In this case, the trust will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

The definition of "**unreasonable complaints**" is outlined in the 'Managing unreasonable complaints' section of this policy.

For the purpose of this policy, "**duplicate complaints**" are identical complaints e.g. complaints regarding the same matter received from a complainant's relative or representative. These complaints will not be addressed again and the individual making the second complaint will be informed that the complaint has been dealt with on a local level. If the individual is dissatisfied with the result, they can appeal to the DfE, as outlined in 'The Role of the DfE' subsection of this policy. Any new details provided by a complainant's spouse, partner or child, however, will be investigated and managed in line with the complaints procedure.

For the purpose of this policy, "**complaints campaigns**" are where the trust, or an academy within the trust, receives large volumes of complaints that are all based on the same subject.

For the purposes of this policy, having "**independence**" from the trust and its academies is defined as having no association with the trust, including through being a member, director or employee, and having no clear connection with any of the trust's academies, including through being an employee or solicitor. Independent panel members will meet the trust's and DfE's definition of independence.

For the purpose of this policy, **'School day'** is any day on which the school is open to pupils. References to a school day include the entirety of that day between the hours of 9am and 5pm.

3. Making a complaint

The trust will not normally investigate anonymous complaints; however, the headteacher or chair of directors, if appropriate, will determine whether the complaint warrants an investigation.

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

- **Admissions** – referred to the appeals process outlined in the Schools Admissions Policies.
- **Statutory assessments of special educational needs** – raised directly with the LA.
- **Child protection** – referred to safeguarding procedures outlined in the Child Protection and Safeguarding Policy.

- **Exclusion** – referred to the procedures outlined in the Behaviour Policy and Suspension and Permanent Exclusion Policy.
- **Whistleblowing** – referred to the internal whistleblowing procedures outlined in the Whistleblowing Policy.
- **Staff grievances** – referred to the internal grievance procedures outlined in the Grievance Resolution Policy.
- **Staff conduct** – referred to the Staff Code of Conduct.
- **Third-party suppliers using school premises or facilities** – referred to separate complaints procedures. The trust will ascertain whether any third-party supplier using school premises or facilities to offer community facilities or services has its own complaints procedures in place.
- **Withdrawal from the curriculum** – referred to separate complaints procedure dealing with parents or carers withdrawing their child from any aspects of religious education, including the Daily Act of Collective Worship.

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

Complainants may make complaints in writing preferably using the Complaints Form, email, post, telephone or in person. Complaints should be made using the appropriate channels of communication.

Complaints are expected to be made as soon as possible after an incident arises to address the issue in an appropriate timescale. Complaints must be raised within **three months** of the incident or, where a series of associated incidents have occurred, within **three months** of the last of these incidents. Complaints made outside of this time frame will be considered in exceptional circumstances. In the case of any timescales changing, all parties involved will be informed of the changes in a timely manner.

Complaints received outside of term time will be treated as **being received on the first school day after the holiday period**.

If other bodies are investigating aspects of the complaint, e.g. the police or LA safeguarding teams or tribunals, this may impact on the trust's 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, the concerned individual(s) will be informed of a proposed new timescale.

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

Complaints about trust staff or directors

Complaints against staff, excluding the headteacher of an academy in the trust, **will**:

- Be dealt with in the first instance by the headteacher of the academy via the school office. Such complaints must be marked as private and confidential.
- Follow the complaints procedure, including a panel hearing where applicable.

Complaints that involve or are about a headteacher of an academy in the trust **will**:

- Be dealt with by the chair of the ASC via the school office. Such complaints must be marked as private and confidential.
- Follow the complaints procedure, including a panel hearing where applicable.

Complaints against the chair of the ASC or trust board, any individual director or the whole trust board or ASC **will**:

- Be made in writing to the Governance Professional to the trust board, via the school office. Such complaints must be marked as private and confidential.
- Involve a panel hearing where applicable.

Complaints against the chair of directors, **will**:

- Be made in writing to the Governance Professional, who will appoint an appropriate person to investigate the complaint.

Complaints against the CEO or a director of the trust **should**:

- Be addressed to the chair of the trust board via the trust office. Such complaints must be marked as private and confidential.
- Follow the complaints procedure, including a panel hearing where applicable.

Complaints against the trust **will**:

- Be dealt with by the CEO or an appropriate external person.
- Begin with stage two of the 'Complaints procedure' outlined in this policy, i.e. via a formal, written complaint.

Anyone requiring help in raising a complaint can contact the trust office.

4. Roles and responsibilities

The complainant is responsible for:

- Cooperating with the trust, or an academy within the trust, in seeking a solution to the complaint.
- Expressing the complaint and their concerns in full at the earliest opportunity.
- Promptly responding to any requests for information and meetings.
- Asking for assistance as needed.
- Treating anyone involved in the complaint with respect.
- Respecting confidentiality.

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

- For complaints against staff of academies in the trust, the investigator will be the headteacher or their nominee.
- For complaints against headteachers of academies in the trust, the investigator will be the chair of the ASC.
- For complaints against local governors, the investigator will be the chair of the ASC.
- For complaints against directors, the investigator will be the chair of directors.
- For complaints against the chair of directors or an entire ASC, the Governance Professional will appoint an appropriate person to be the investigator.
- For complaints against the CEO, the investigator will be the chair of directors.

The investigator of the complaint is responsible for:

- Providing a sensitive and thorough interviewing process of the complainant to establish what has happened and who is involved.
- Considering all records, evidence and relevant information provided.
- Interviewing all parties that are involved in the complaint, including staff and pupils.
- Conducting interviews with an open mind and being prepared to persist in questioning those involved.
- Analysing all information in a comprehensive and fair manner.
- Consulting with the complainant and clarifying what they consider to be an appropriate resolution to the problem.
- Identifying and recommending solutions and courses of actions to take where appropriate.
- Being mindful of timescales and ensuring all parties involved are aware of these timescales.
- Responding to the complainant in a clear and understandable manner.

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

- The review panel hearing is independent and impartial and should be seen to be so.
- No individual with prior involvement in the complaint, or the circumstances surrounding it, is permitted to sit on the panel.
- The aim of the panel is to achieve a reasonable resolution and, ultimately, attain reconciliation between the parties involved where practicable.
- Reconciliation between the trust and complainant is not always achievable, and that it may only be possible to establish facts and make recommendations to reassure the complainant that their case has been taken seriously.
- The panel can:

- Dismiss or uphold the complaint, in whole or in part.
- Decide on appropriate action to be taken.
- Recommend changes that the trust can make to prevent reoccurrence of the problem.
- Complainants may feel nervous or inhibited in a formal setting and, therefore, the proceedings should be as welcoming as possible.

Panel members will also be aware that when a child is present at the hearing, extra care needs to be taken to ensure that the child does not feel intimidated, as well as ensuring the child's view is represented equally. It will be considered in advance if any support is needed to help them present their complaint. Where the child/ young person's parent is the complainant, the committee will give the parent the opportunity to say which parts of the meeting, if any, the child needs to attend. The parent, however, will be advised that agreement might not always be possible if the parent wishes the child to attend a part of the meeting that the panel considers is not in the child's best interests.

The panel chair will:

- Ensure that minutes of the hearings are taken on every occasion.
- Explain the remit of the panel to the complainant.
- Ensure that all issues are addressed and that outcomes are reached based on facts and evidence.
- Help to put at ease and console individuals involved who are not used to speaking at such hearings, particularly any pupils involved.
- Conduct the hearing in a manner that ensures everyone is treated with respect and courtesy and is not adversarial.
- Ensure that the room's layout and setting is non-adversarial yet still sets the appropriate tone.
- Confirm that no member of the panel has previously been involved in the earlier stages of the procedure or has an external interest in the outcome of the proceedings.
- Ensure the panel is open-minded and acts independently.
- Give both the complainant and the trust the opportunity to state their case and seek clarity without undue interruption.
- 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.
- Provide copies of any written material or evidence to everyone in attendance of the meeting, ensuring that everyone has seen the necessary material provided that it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or UK GDPR.

- Be mindful that, if a new issue arises, everyone should be given the opportunity to consider and comment upon it, and that this may require a short adjournment of the meeting.
- Continuously consult with the Governance Professional to ensure the procedure runs smoothly.
- Help to provide the support necessary where the complainant is a child.

The complaints coordinator will:

- Ensure that the complainant is fully updated at each stage of the procedure.
- Consult with staff members, headteacher, CEO, chair of directors, or the Governance Professional to ensure the smooth running of the complaints procedure.
- Be aware of issues regarding sharing third party information and 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.
- Maintain accurate and up-to-date records.

The Governance Professional is the contact point for the complainant and the panel and will:

- Ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the DPA and the UK 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 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 committee's decision.

The role of the DfE

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

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

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

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

5. Complaints procedure

This policy is implemented on a trust-wide level. The trust will ensure that the complaints procedure is:

- Easily accessible and publicised on its website.
- Simple to understand and put into practice.
- Impartial and fair to all parties involved.
- Respectful of confidentiality duties.
- Continuously under improvement, using input from the SLTs of all individual academies within the trust.
- Fairly investigated, by an independent person where necessary.
- Used to address all issues to provide appropriate and effective responses where necessary.
- **Informal** – which will usually come in the form of a meeting between a representative of the trust or individual academy and the complainant.
- **Formal** – where the complaint is put in writing to the trust.
- **Panel hearing** – where the panel includes at least three people who were not directly involved in the matters detailed in the complaint and one person who is independent of the management and running of the trust.

At each stage, complainants will be informed of their options for escalation if they are unsatisfied with the outcome of their complaint. The appropriate person will communicate the details of the next stage of the process when delivering the outcome of the current stage, where applicable.

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

Stage one – informal complaint

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

Concerns should be raised with either the class teacher, year head, subject head or headteacher. Complainants should not approach individual governors 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.

Within **10** school days of notification of the complaint, the complainant and the relevant member of staff should discuss the issue in a respectful and informal manner to seek a mutual resolution.

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

At the conclusion of their investigation, the member of staff dealing with the complaint will provide an informal written response within **10** school days of the initial discussion.

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

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

Stage two – formal complaint

Formal complaints must be made in writing, preferably using the Complaints Form and to the headteacher unless they are about the headteacher. A formal complaint should be made within **5** school days of the receipt of the informal response

The headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing, either by letter or email, within **5** school days. Within this response, the headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The headteacher can consider whether a face-to-face meeting is the most appropriate way of doing this. A headteacher may delegate the investigation to another member of the school's SLT but not the decision to be taken.

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

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

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

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

Once all facts are established, the person managing the complaint shall contact the complainant in writing with an explanation of the decision. This should be within **15** school days

of the receipt of the complaint. The complainant will be advised of any escalation options (e.g. escalation to stage three) and will be provided with details of this process.

The complainant will also be provided with copies of minutes, subject to any necessary redactions under the Data Protection Act 2018 and the UK GDPR. Any further action the trust plans to take to resolve the issue will be explained to the complainant in writing.

If the complainant is not satisfied with the outcome suggested, the procedure will progress to stage three. A request by the complainant to escalate to stage three will be made to the Governance Professional to the board of directors within **5** school days of the end of stage two, i.e. communication of an outcome. Requests made outside of this time frame will only be considered if exceptional circumstances apply.

Stage three – panel hearing

Where the complaint progresses to stage three, a panel will be constituted to hear the complaint, consisting of at least three individuals who were not directly involved in the matters detailed in the complaint, and at least one independent panel member. Where the complaint concerns an individual academy, the independent panel member will have no clear connection with that academy, such as having conducted work for the academy. Where possible, the independent panel member will also have no association with the trust. Where this is not possible, however, and the complaint concerns an individual academy, in line with the DfE's guidance, a local governor serving on the ASC of a different academy within the trust may occupy this role, as they will be sufficiently separate from the academy being complained about.

The Governance Professional will record the date the escalation request was received and acknowledge receipt of the complaint in writing, either by letter or email, within **5** school days,

The Governance Professional will write to the complainant and inform them of the scheduled time and date of the panel hearing in writing. The meeting will be convened within **20** school days of the receipt of the escalation request where possible. Where this is not possible, the Governance Professional will provide an anticipated date and ensure the complainant is kept up to date.

5 days' notice will be given to all parties attending the panel hearing, including the complainant. If the complainant rejects the offer of the proposed dates, without good reason, the Governance Professional 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, an independent panel will be appointed to hear stage 3.

Prior to the hearing, the Governance Professional will have written to the complainant informing them of how the review will be conducted. The headteacher of the academy in question, the chair of governors and the chair of directors will also have a copy of this letter. The Governance Professional will request copies of any further written material to be submitted to the committee at least **15** school days before the meeting. Any written material will be circulated to all parties at least **5** 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 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 stage one of the procedure.

The meeting will be held in private. Electronic recordings or conversations are not normally permitted unless a complainant's own disability or special needs requires 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.

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

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

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

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

The complainant will receive a written response explaining the panel's findings and recommendations within **5** school days. This letter will also explain whether there are any further rights of appeal and to whom they need to be addressed.

The panel will make findings and recommendations, and a copy of those findings and recommendations will be made available for inspection on the academy premises by the board of directors and the headteacher. 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 where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

Where relevant, the person complained about will receive a summary of the panel's findings and recommendations. They will also receive a copy of the minutes, subject to any necessary redactions under the Data Protection Act 2018 and the UK GDPR.

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. Elements of these records may be redacted for safeguarding and GDPR purposes.

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 to the DfE

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

- Complaints Team
- Education and Skills Funding Agency

Cheylesmore House
Coventry
Quinton Road
Coventry
CV1 2WT

Resolving complaints

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

- An explanation
- An admission that the situation could have been managed better
- An assurance that the trust will try and ensure the incident will not occur again
- An outline of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which changes will be made
- An undertaking to review trust policies in light of the complaint
- An apology

Withdrawal of a complaint

Where a complainant wishes to withdraw their complaint, the trust will ask them to confirm this in writing. The trust and academy will not under any circumstances ask or pressure an individual to withdraw a complaint.

Record keeping

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

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

The trust will retain records of complaints and related documents in line with the Data Protection Policy and Records Management Policy. Personal data will only be kept for as long as necessary.

6. Interviewing witnesses

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

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

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

7. Recording a complaint

A written record shall be kept of any complaint made, whether made via phone, in person or in writing, detailing:

- The main issues raised, the findings and any recommendations.
- Whether the complaint was resolved following an informal route, formal route or panel hearing.
- Actions taken by the trust as a result of the complaint (regardless of whether the complaint was upheld).

All records are made available for inspection on the academy premises by the trust.

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

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

8. Exceptional circumstances

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

- Pupils are at risk of harm.
- Pupils are missing education.
- A complainant is being prevented from having their complaint progressed through the trust's complaints procedure.

- The DfE has evidence that the trust is proposing to act or is acting unlawfully or unreasonably.

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

9. Managing unreasonable complaints

The trust is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. The trust will not normally limit the contact complainants have with the trust itself or any of its academies; however, the trust does not expect staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

For the purposes of this policy, **"unreasonable complaints"** include:

- Vexatious complaints, which:
    - Are obsessive, persistent, harassing, prolific, or repetitious.
    - Insist upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason.
    - Insist upon pursuing meritorious complaints in an unreasonable manner.
    - Are designed to cause disruption or annoyance.
    - Demand for redress which lacks any serious purpose or value.
- Serial or persistent complaints, which:
    - Are duplicated, sent by the same complainant once the initial complaint has been closed.

A complaint may also be regarded as unreasonable when the complainant:

- Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance.
- Refuses to cooperate with the complaints investigation process while still wishing their complaint to be resolved.
- Refuses to accept that certain issues are not within the scope of a complaints procedure.
- Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Introduces trivial or irrelevant information which they expect to be taken into account and commented on or raises large numbers of detailed but unimportant questions and insists they are fully answered, often immediately and to their own timescales.
- Makes unjustified complaints about staff who are trying to deal with the issues and seeks to have them replaced.
- Changes the basis of the complaint as the investigation proceeds.

- Repeatedly makes the same complaint despite previous investigations or responses concluding that the complaint is groundless or has been addressed.
- Refuses to accept the findings of the investigation into that complaint where the trust's complaints procedure has been fully and properly implemented and completed, including referral to the DfE.
- Seeks an unrealistic outcome.
- Makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the complainant:

- Acts maliciously or aggressively.
- Uses threats, intimidation or violence.
- Uses abusive, offensive or discriminatory language.
- Knows the complaint to be false.
- Uses falsified information.
- Publishes unacceptable information in media such as social media websites and newspapers.

The above applies regardless of the method the complaint is made, e.g. face-to-face, by telephone, in writing or electronically.

Complainants should limit the number of communications with the trust while a complaint is being progressed. It is not helpful if repeated correspondence is sent, either by letter, phone, email or text, as it could delay the outcome being reached.

Whenever possible, the member of staff, local governor or director leading the response to a complaint will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

Serial or persistent complaints will only be marked as 'serial' once the complainant has completed the complaints procedure. It is the complaint that will be marked as 'serial', meaning the complainant can complain about a separate issue if necessary. A complaint will not be marked as serial where a complainant has exercised their right to refer their complaint to their MP.

If the behaviour continues, the individual handling the complaint will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the trust or any of its academies causing a significant level of disruption, the trust may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after six months.

A decision to stop responding will only be considered in circumstances where the following statements are true:

- Every reasonable step has been taken to address the complainant's concerns
- The complainant has been given a clear statement of the trust's position and their options
- The complainant contacts the trust or any of its academies repeatedly, making substantially the same points each time

If the above criteria are met, in making a decision to stop responding, the trust will also consider if the complainant is often or always abusive or aggressive in their communication, makes insulting personal comments about or threats towards staff, or if the trust believes their intent is to disrupt or inconvenience the trust or its academies.

The trust will not stop responding to a complainant on the basis that they are difficult to deal with or they ask complex questions.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the premises.

10. Complaints campaigns

Where the trust becomes the subject of a complaints campaign from complainants who are not connected with the trust, **a standard, single response will be published on the trust's website**.

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

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

11. Barring from the premises

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

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

The headteacher will notify the parties involved in writing, explaining that their implied licence for access to the premises has been temporarily revoked and why, subject to any representations that the individual may wish to make. The individual involved will be given the opportunity to formally express their views regarding the decision to bar them.

12. Handling data protection complaints

The trust will maintain a clear, consistent and accessible process for handling data protection complaints across all academies, in line with legal requirements and good practice. The trust is the data controller and retains overall responsibility for compliance, although complaints may be received and managed at academy level on its behalf.

The trust will treat as a data protection complaint any concern that personal data has been managed in breach of data protection law, e.g. rights requests, data security, collection, use, retention or accuracy of data.

Complainants will not be required to use legal terminology. Where unclear, the trust will seek clarification. Complaints primarily about service issues that include a data rights request will not automatically be treated as data protection complaints.

The trust will provide accessible ways for individuals to submit complaints. This may be done in person, in writing, email or post using the Complaint Form, telephone or in person.

Where complaints are received via insecure channels, e.g. social media, the trust will request a secure method of communication. The trust will inform individuals of their right to complain at the point of data collection and within relevant responses, using clear and age-appropriate language.

The trust will:

- Treat a complaint as received when it is received by any academy or the trust's central team.
- Acknowledge receipt within **5** school days from the day after receipt.
- Ensure arrangements are in place across the trust and all academies to meet this timescale, including during staff absence.
- Confirm receipt and next steps using the complainant's preferred or original contact method where appropriate.
- Verify identity where necessary and request only proportionate evidence.
- Verify authority where a complaint is made on behalf of another individual before proceeding.

Investigation

The trust will:

- Begin investigating without undue delay, regardless of whether the complaint is managed locally or centrally.
- Ensure clear internal escalation and coordination between academies and central trust teams.
- Make appropriate and proportionate enquiries, including reviewing records, consulting with relevant staff across academies, and assessing compliance with policies and law.
- Seek further information from the complainant where needed and clarify the desired outcomes.
- Take into account the complexity, scale (including multi-academy issues) and potential harm when determining timescales.
- Keep the complainant informed of the complaint investigation progress and any delays.

Children and additional considerations

The trust recognises that children have the same data protection rights as adults and will:

- Communicate in clear, age-appropriate language.
- Assess their understanding, where required.
- Provide mechanisms for children to raise concerns, including indicating urgency.
- Prioritise safeguarding concerns and act promptly where risk is indicated.

Outcome

The trust will:

- Provide a clear outcome without undue delay, explaining any findings, decisions and actions taken.
- Respond to each aspect of the complaint and provide supporting information where appropriate.
- Inform the complainant of their right to raise concerns with the ICO.
- Ensure outcomes are not delayed by alignment with wider complaints processes where the data protection element can be resolved sooner.
- Consider offering a review where appropriate, noting that individuals may contact the ICO at any time.

Record keeping and learning

The trust will:

- Maintain a central or coordinated record of complaints received across all academies.
- Record key information including receipt, acknowledgement, investigation, outcome and actions taken.
- Ensure records are accurate, secure, organised and retained only as long as necessary.
- Monitor trends across academies to identify compliance risks and areas for improvement.

Responsibilities and governance

The trust will:

- Ensure clear roles and responsibilities between academies and central teams for logging, investigating and responding to complaints.
- Ensure all staff across academies are trained to recognise and escalate data protection complaints promptly.
- Involve the trust's DPO where appropriate, particularly in complex or high-risk cases.
- Ensure appropriate arrangements are in place with any processors to support investigations and provide necessary information.
- Maintain consistent procedures, templates and standards across all academies.

Regulatory context

The trust will comply with its obligation to provide a complaints process, respond without undue delay, and acknowledge complaints within 30 days. Where a complaint is escalated, the trust will function as the primary point of contact with the ICO and will cooperate as required.

13. Transferring data

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

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

14. Availability

A copy of this policy will be made available on request. It will also be published on the trust website, and the websites of individual academies within the trust, as recommended by the DfE.

15. Monitoring and review

The complaints procedure will be reviewed **annually**, taking into account any legislative changes and the latest guidance issued by the DfE.

Responsibility for reviewing the procedure belongs to a committee of the board of directors.

Information gathered through reviewing the complaints procedure will be used to continuously improve and develop the process.

Complaint Form

Please complete and return to the appropriate school Governance Professional who will acknowledge receipt and explain what action will be taken.

Your name:	
School pupil attends (if relevant):	
Pupil's name (if relevant):	
Your relationship to the pupil (if relevant):	
Address:	
Phone number:	
Email address:	
Please give details of your complaint, including whether you have spoken to anybody at the school about it.	

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:	

Procedure flowchart

