

Policy for Complaints

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Related Documents:	Trust Funding Agreement (ESFA) guidance on creating a complaints procedure that complies with the above regulations (DfE) guidance on setting up complaints procedures
References:	Section 29 of the Education Act 2002 Part 7 of the schedule to The Education (Independent School Standards) Regulations 2014

Revision History

Version	Date	Summary of Revision	Revision Author
4	Nov '20	Pg. 4 and 5 added Changes in blue	CJH
5	March '21	Page 4 line 1; removed (SET) after Edukos Trust.	LT
5.1	May '22	Updates (in BLUE) to reflect national accountability changes	CJH
5.2	Jan '23	Additions (in ORANGE): Timescales for complainant's response (pgs. 6, 7 & 12). Form to be completed by complainant (appendix 2).	CJH
5.3	Feb '24	Paragraph 20 – 23 added in line with DfE expectations.	CJH
5.4	May '25	Page 7, paragraph 12 and Appendix 1 page 12 updates (in BLUE).	CJH

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Policy Statement

At Edukos Trust we strive to be: **EXCEPTIONAL. TOGETHER.** Creating great schools, ensuring better lives for all who we serve through our 3 core values:

Friendly

Growth

Trust

Purpose

The trust and schools within it, work hard to provide an outstanding service and have a good relationship with children, parents and members of the local community. At the same time, it is recognised that on occasions an individual or group may have a concern or complaint against the Trust, a member of staff or a school itself. It is important that the Trust or schools do not become defensive when this happens but instead see this as an opportunity to learn.

When a concern or complaint occurs, the following principles will apply:

- Every concern or complaint is taken seriously;
- Resolution of problems will be by informal means wherever possible;
- Each complaint will be handled by the most appropriate member of staff;
- Procedures will be impartial and non-adversarial;
- Complaints will be dealt with as swiftly as possible;
- Confidentiality of correspondence, statements and records will be respected at all time, except where the Secretary of State (or someone acting on his/her behalf) requests access to them. In these circumstances legal advice will be sought in respect of third-party information and responsibilities under GDPR;
- A Restorative Practice approach will be taken in which all staff who deal with complaints will have had training;
- The Trust or a school will not respond if a complaint is raised again which has already been dealt with and resolved through the complaints procedure.

Scope

This policy applies to anyone connected with the school, in particular but not exclusive to parents of children at our schools and others, e.g. members of the public who wish to make a complaint about the provision of facilities of services we provide.

For the purposes of this policy the following definitions explain the difference between a concern and a complaint:

- A **concern** is defined as "an expression of worry or doubt over an issue considered to be important for which reassurances are sought"
- A **complaint** is defined as "an expression of dissatisfaction however made, about actions taken or a lack of action"

Responsibilities

The **Trust Board and the CEO** are responsible for monitoring the effectiveness of this policy, ensuring that a consistent approach to Policy for Complaints is applied across the Trust.

The **Head Teachers** are responsible for ensuring that staff adhere to this policy and procedure implementing it as per the requirements set out below.

Employees are required to proactively engage with this policy, upholding the principles as described below, and specifically undertake tasks where the policy may apply to them i.e. a teacher.

Equality and Diversity

Edukos Trust is committed to:

- Promoting equality and diversity in its policies, procedures and guidelines;
- Ensuring staff are protected from unlawful direct or indirect discrimination resulting from a protected characteristic (e.g. age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).
- Delivering high quality teaching and services that meet the diverse needs of its children and its workforce, ensuring that no individual or group is disadvantaged

General principles

1. The trust intends to resolve complaints informally and at the earliest possible stage. There may be occasions when complainants would like to raise their concerns more formally. This policy outlines the procedure relating to handling such complaints.

2. This policy does not cover complaints procedures relating to:
   - Admissions to schools
   - Statutory assessments of special educational needs (SEN)
   - Safeguarding/Child Protection matters
   - Exclusion
   - Whistle-blowing
   - Staff conduct
   - Staff grievances
   - Staff discipline
3. Please see our separate policies for procedures relating to these types of complaint.

4. Arrangements for handling complaints from parents of children with special educational needs (SEN) about the school's support are within the scope of this policy, therefore, procedures set out below should be followed. Our Policy for SEND and Protected Characteristics, includes information about the rights of parents of children with disabilities who believe that their school has discriminated against their child.

5. Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

Timescales

6. The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.
7. We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.
8. When complaints are made out of term time, we will consider them to have been received on the first school day after the holiday period.
9. If at any point we cannot meet the time scales we have set out in this policy, we will:
   - Set new time limits with the complainant
   - Send the complainant details of the new deadline and explain the delay.

Withdrawal of a Complaint

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

Stage 1 – informal procedures

11. Every effort is made to resolve a concern or complaint at this stage. A phone call or a meeting with a member of staff should be sufficient to resolve most concerns. This initial response should be made within 2 working days. On occasions a senior member of staff might become involved to help resolve an issue. The complainant may wish to meet with a member the school's Senior Leadership Team to discuss their concerns. The member of staff will make clear their response to the concerns raised and may agree certain actions to help resolve the complaint. The complainant will have two working days to reply to the response, indicating how they wish to proceed i.e., they are content with the response – no further action required or,

they wish to take it to Stage 2 of this policy. Where an approach is made directly to a member of a school's Local Governing Board, the Governor will refer the complainant to a member of a school's Senior Leadership Team.

Stage 2 – formal complaint

12. Where the complainant is not satisfied with the response at stage 1, they can choose to take the matter to the formal complaints stage. They should put their complaint in writing, using the form provided (appendix 2), addressed to the Head Teacher in relation to a school or CEO if in relation to the Trust. If the complaint is about the Head Teacher or CEO this should be addressed to the Chair of the Local Governing Board or Board of Trustees. The Complainant must state what they would like to see happen in order to resolve their complaint. The person responsible for assessing the complaint and deciding the outcome is the Head Teacher or CEO. Where the complaint is about the Head Teacher or CEO, the Chair of Governors or Chair of Trustees will act in this capacity. The formal complaint will be investigated and the decision conveyed in writing within 15 working days of receiving the formal complaint. The complainant will then have 15 working days to reply to the written response, indicating how they wish to proceed i.e., they are content with the response – no further action required or, they wish to take it to Stage 3 of this policy. If no further written correspondence is received from the complainant within 15 working days, the complaint will not progress to Sage 3 and will be considered as closed.

13. Having investigated the complaint, the investigator will decide on the outcome of the complaint. The decisions available to the investigator can be found in the section 'Resolving a Complaint'

14. The number and nature of formal complaints will be reported at the next full Governors' meeting via the Head Teacher's report to be included in Part B. No details of individuals will be contained in this report.

Stage 3 (final stage) – complaints committee (panel hearing)

15. If the complainant is not satisfied with the outcome of stage 2, they can choose to take the matter to the next stage. They should request this in writing to the Chair of Governors of the individual school or the Chair of Trustees. The Chair will convene a meeting of the Governors' or Trusts' complaints panel within 15 working days of receiving this letter.

16. The Governors' or Trusts' complaints panel will contain 3 or 5 members and for schools, will be chaired by a member of the Board of Trustees, in the case of the Trust it will be chaired by a person independent of any school or the Trust itself. It will not contain Governors or Trustees who have had previous involvement with this complaint. It will contain 1 member who is independent of the management and running of the school i.e. another school's Head Teacher or CEO and the school's Chair of Governors.
17. The complainant will be invited to attend the meeting/panel hearing and may be accompanied if they wish. The complainant will be given reasonable notice of the date of the panel hearing and clear information on the process to enable them to attend will be given.

18. It is vital that during the meeting all parties act in a reasonable way. Any behaviour which is perceived as aggressive or threatening will not be tolerated. If a complainant behaves unacceptably they may be asked to leave the meeting.

19. Once the Complaints Committee has reached a decision the Chair will inform all parties of the decision, in writing, within 5 working days. The decisions available to the panel can be found in the section 'Resolving a Complaint'.

20. The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by Edukos Trust. The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Edukos Trust will take to resolve the complaint.

21. The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about.

22. Furthermore, they will be available for inspection on the school premises by the proprietor and the head teacher. 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.

23. 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.

24. At this point it should be made clear that the complaints procedure has been exhausted.

Resolving a complaint

25. At each stage in the procedure, we want to resolve the complaint. If appropriate, we will acknowledge that the complaint is dismissed or upheld in whole or in part.
26. 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 every attempt is made that it will not happen again and an indication of the timescales within which any changes will be made;
    - an undertaking to review school policies in light of the complaint;
    - an apology.

Next Steps

27. If the complainant believes their complaint was not handle in accordance with the published complaints procedure or that the school/trust acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 3.

28. The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by the school or trust. They will consider whether the school or trust has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:
Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD.

Learning lessons

29. Each school within the Trust should provide the Board of Trustees with an annual report to inform them of what has been learnt from all representations, including compliments, concerns and complaints made to their school in order to share best practice.

Persistent complaints

Unreasonably persistent complaints

30. Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:
    - Has made the same complaint before, and it's already been resolved by following the complaints procedure
    - Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
    - Knowingly provides false information
    - Insists on pursuing a complaint that is unfounded, or out of scope of this policy
    - Pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refuses to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the time frames it sets out
    - Changes the basis of the complaint as the investigation goes on
    - Makes a complaint designed to cause disruption, annoyance or excessive demands on school time
    - Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

Steps we will take

31. We will take every reasonable step to address the complainant's concerns and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined within) wherever possible.
32. If the complainant continues to contact the school in a disruptive way, we may put communications strategies in place. We may:
    - Give the complainant a single point of contact via an email address
    - Limit the number of times the complainant can make contact, such as a fixed number per term
    - Ask the complainant to engage a third party to act on their behalf, such as Citizens Advice

- Put any other strategy in place as necessary

Stopping responding

33. We may stop responding to the complainant when all of these factors are met:
    - We believe we have taken all reasonable steps to help address their concerns
    - We have provided a clear statement of our position and their options
    - The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience

34. Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.
35. 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 our school site.

36. Anonymous complaints

37. We will not normally investigate anonymous complaints. However, the Head Teacher/CEO or Chair of Trustees/Governors, if appropriate, will determine whether the complaint warrants an investigation.

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Record of Formal Complaints

Date complaint was received:		Stage of Complaint:	2nd	3rd

Date of response given:	
Decision:	
Notes about the decision	

Date complaint was received:		Stage of Complaint:	2nd	3rd

Date of response given:	
Decision:	
Notes about the decision	

Flow Chart of Timescale Responses

Stage One

- you will have a response within two working days
- you have two working days to reply to the response

Stage Two

- you will have a written response within 15 working days
- you have 15 working days to reply to the written response after which the complaint will be closed.

Stage Three

- a meeting convened within 15 working days of receiving the letter

Complaint Form – Stage Two

Please complete this form^ and return it to Head Teacher, CEO (or Governance Professional), who will acknowledge its receipt and inform you of the next stage in the procedure.

^ the Trust will accept the complaint in another format if you would prefer to do so. You must ensure that all information required in this form is given.

Your name: Your relationship with school or Trust: Child's name (if relevant to complaint):   Your address: Best contact number:

Please give concise details of your complaint, (including dates, names of witnesses etc...), to allow the matter to be fully investigated (you may continue on separate paper/page or attach additional comments, if you wish):

What action, if any, have you already taken to try to resolve your complaint? (i.e., who have you spoken with or written to and what was the outcome?)

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

Signature	Date

School/Trust use
Date form received:
Received by:
Date acknowledgment sent:
Acknowledgment sent by:

Complaint referred to:	Date