



Complaints Policy

Further advice and guidance on this policy can be obtained from the Governor Services Team or Mike Gee, Head of Governance, mgee@academiesenterprisetrust.org

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1. DEFINITIONS

- 1.1 “Group” – this refers to the AET Group made up of three academy trusts.
- 1.2 “Trust” – this refers to one of the three academy trusts, which make up the AET Group, namely, Academies Enterprise Trust, London Academies Enterprise Trust and Unity City Academy Trust.
- 1.3 “Board of Trustees” – this refers to the Group’s Board of Trustees, who have ultimate responsibility for governance.
- 1.4 “Local Governing Body” – this refers to the local governing body, which has delegated powers from the Board of Trustees in relation to governance for their academy. The members of the local governing body are the “local governors”.
- 1.5 “Management Board” – this refers to the management board, which also has delegated powers from the Board of Trustees in relation to governance for their academy. Management Boards are imposed for a time-limited period, where a local governing body has failed to support and challenge academy leaders effectively. Management Boards are chaired by a senior member of Group staff.
- 1.6 “Academy” – this refers to the individual academy.
- 1.7 “We/Us” – this refers to all employees and stakeholders within the AET Group.
- 1.8 “Department for Education” – this refers to the Government’s Department for Education.
- 1.9 “Local Authority” – this refers to the academy’s local authority, based on its location within England. This may be a county, unitary authority, metropolitan borough or London borough.

2. POLICY STATEMENT

2.1 Individuals should always know how they can raise concerns or lodge a complaint. The policy can be found on the academy website and will also be available in paper format. Procedures should be as timely as possible. Each stage of the procedure has stipulated time limits. Where it is not possible to meet these, information about progress will be given to the complainant.

2.2 Support:

2.2.1 If required, support for the complainant can be offered from individuals or organisations that are clearly separated from those complained against, such as Citizens Advice Bureaux, refugee support organisations and other local advice centres.

2.2.2 Staff who may be questioned as part of a complaint investigation must feel they are being treated in a fair way and that they too will have an opportunity to put their case and be represented. They will be told about the procedure and kept informed of progress. There is an important balance to be maintained between supporting the individual so that their rights and reputation are protected during the course of an investigation.

2.2.3 The complaints procedure is distinct from the formal disciplinary procedure for staff. There may be occasions where a complaint prompts a disciplinary investigation, which puts the complaints procedure on hold. Where this occurs, the complainant will be informed and any non-disciplinary aspects of the complaint will be dealt with by this complaints procedure. The procedure can be used by parents/carers, volunteers and other third parties other than

employees.

- 2.2.4 Within the Residential Special Academies pupils may contact their parents/carers in private as set out in Standard 4 of the National Minimum Standards for Residential Special Schools, and communication aids should be made available for pupils who need them and are involved within the complaint.

2.3 Confidentiality:

- 2.3.1 All conversations and correspondence will be treated with discretion. Where the complaint is raised by a parent/carer they need to feel confident that their complaint will not penalise their child. From the outset all parties to a complaint will need to be aware that some information may have to be shared with others involved in the operation of the complaints procedure. It is at the discretion of the Headteacher as to whether anonymous complaints warrant an investigation. It is usual to disregard anonymous complaints unless somebody is prepared, and able, to substantiate them.

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

2.4 Redress:

- 2.4.1 If the outcome of the complaint shows the Academy and/or any member of staff is at fault it will be appropriate to offer one or more of: an apology, an explanation, an indication that the event complained of will not recur, an undertaking to review academy policies or, in appropriate circumstances, financial compensation.

2.5 Staff Awareness and Training:

- 2.5.1 Staff confidence in handling complaints depends on their having clear information about procedures, and relevant training in the practical interpersonal skills needed in dealing with people who are upset or angry. All staff will have clear information about which staff have specific responsibilities so that complainants are not continually passed from one person to another.

2.6 Record Keeping:

- 2.6.1 Complaints will be recorded in writing and monitored termly by members of the Senior Leadership Team. Recording will begin at the point when a broad concern has become a specific issue that cannot be resolved instantly, but needs investigation. Recording at the earliest stages need only be a basic record with the date, name and nature of the complaint. The record will detail whether the complaints were resolved at the preliminary stage or whether they had to proceed to the formal stages of the procedure.

3. MONITORING AND REVIEW

- 3.1 Staff operating the policy and its core procedures will report on the operation of the policy to the Headteacher as appropriate.
- 3.2 The Headteacher will report to the Local Governing Body and/or Board of Trustees on any relevant aspects of the working of the policy as appropriate.

4. ROLES AND RESPONSIBILITIES

- 4.1** It is the responsibility of the Group to establish a policy and core procedures for handling complaints and for the Academy to monitor the effects of the procedure. The policy and core procedures are derived from The Education (Independent School) Standards 2014 legislation and associated guidance.
- 4.2** It is the responsibility of the Headteacher to ensure that the policy is implemented consistently and using fair criteria, in particular that the Academy's equal opportunities policies are observed. The Headteacher is also responsible for ensuring that staff, parents/carers and pupils know the details of the policy as appropriate.
- 4.3** It is the responsibility of all staff to familiarise themselves and comply with this policy and core procedures in accordance with relevant professional standards. Some staff may be responsible for implementing the policy as part of their overall responsibilities (eg senior leaders, middle leaders, heads of department and managers).

5. CORE PROCEDURES

- 5.1** The core procedures are set out in a series of stages, each one of which should be exhausted before moving to the next stage wherever possible.

5.2 Preliminary Stage 1 – Dealing with complaints informally

- 5.2.1** The vast majority of concerns and complaints can be resolved informally. There are many occasions where concerns are resolved immediately through the class teacher or Headteacher, depending on whom the parents/carers first approached.
- 5.2.2** Individuals must feel able to raise concerns with members of staff without any formality, either in person, by telephone or in writing. On occasion it may be appropriate for someone to act on behalf of a parent/carer.
- 5.2.3** At first, it may be unclear whether an individual is asking a question or expressing an opinion rather than making a complaint. An individual may want a preliminary discussion about an issue to help decide whether he or she wishes to take it further.

5.3 Stage 1 – Dealing with complaints informally

- 5.3.1** Individuals have an opportunity for discussion of their concern with the appropriate member of staff who clarifies with the individual the nature of the concern, and reassures them that the Academy wants to hear about and resolve it. It can be helpful to identify at this point the nature of the outcome the individual is seeking.
- 5.3.2** If the first member of staff to be contacted regarding a concern is unable to deal with it, they should make a note of the date, the name, contact number and address of the concerned person and refer them onto the appropriate person. They should check later to make sure the matter has been pursued.
- 5.3.3** If the concern relates to the Headteacher, the individual should be advised to contact the chair of governors.
- 5.3.4** The staff member dealing with the concern will make sure that the individual knows what action (if any) or monitoring of the situation has been undertaken.

5.4 Stage 2 – Referral to the Headteacher for Investigation

- 5.4.1** At this stage it has become clear that the concern is a definite complaint. One of the reasons

for having graduated stages in the procedure is to reassure complainants that their grievance is being taken to the appropriate level of management.

5.4.2 The Headteacher will acknowledge the complaint orally or in writing within three working days of its receipt. An opportunity will be given for the complainant to meet the Headteacher (or designate) to provide any supplementary information. The complainant may be accompanied at the meeting by a person of his or her own choice who is independent of the complaint.

5.4.3 The Headteacher will interview any witnesses or others who can provide relevant information and take statements from those involved. If the complaint centres on a pupil, the pupil may also be interviewed, normally with the parents/carers present. If a member of staff is complained against, the need to support that person should be borne in mind.

5.4.4 The Headteacher will keep written records of meetings, telephone conversations and other documentation.

5.4.5 Once the facts have been established the Headteacher will write a response or may meet the complainant to discuss/resolve the matter directly. The complainant will be advised that, should they wish to take the complaint further, they should write to the Chair of Governors within two calendar weeks of receiving the outcome letter.

5.4.6 If the complaint is against the Headteacher, stage 2 will be carried out by the Chair of Governors.

5.4.7 If the complaint is against the Local Governing Body of the Academy, then the complaint will be referred to the Chief Executive Officer (CEO) of the Group.

5.5 Stage 3

5.5.1 Complaints should, normally, only rarely reach this formal level, where the complainant is not satisfied by the Headteacher's response. It may be appropriate that the Governors consider this now to be a complaint against the Academy, rather than against the member of staff/pupil whose alleged actions led to the original complaint.

5.5.2 In this situation the Academy will make provision for a hearing led by a panel of the Governing body of the Academy.

5.5.3 The Chair of Governors will acknowledge the complaint in writing and will set up a hearing of a Governing Body Panel within 15 working days of receiving the complaint. The panel will consist of at least two governors who were not directly involved in the matters detailed in the complaint, and an additional person who is independent of the management and running of the Academy. The letter from the Chair of Governors will also explain that the complainant may submit any further relevant documents in advance of the hearing. Governors hearing the complaint will have had no prior involvement with the complaint.

5.5.4 All parties will be given five working days' notice of a hearing. The complainant may be accompanied to the hearing by a person of their choice who is independent of the complaint.

5.5.5 If not the subject of the complaint, the Headteacher will attend the hearing to offer advice and information. Involvement of other staff is subject to the discretion of the Chair of Governors.

5.5.6 The aim of the hearing will be to resolve the complaint and achieve a reconciliation between the Academy and the complainant. However, it has to be recognised that it may only be possible to establish facts and make a determination. The hearing proceedings will be as informal as possible.

5.5.7 The hearing will allow for:

- the complainant to explain their concern and for the Headteacher to explain the Academy's

response

- the complainant and the Headteacher to question each other and for members of the hearing panel also to ask questions
- any party to have the right to call witnesses (subject to the approval of the Chair) and all parties having the right to question all the witnesses
- final statements by both the complainant and the Headteacher.

5.5.8 Following the hearing the panel considering the complaint will send their written decision by electronic mail or otherwise to both parties with five working days. The decision will detail the panel's findings and will make recommendations in regards to the complaint. The written decision will be made available for inspection on the Academy's premises by the Group and the Headteacher.

5.6 Stage 4 – Review by the Group's Chief Executive Officer (CEO).

5.6.1 If the complaint is not resolved at the end of Stage 3 then the complainant may seek to have a review conducted by the Group's Chief Executive Officer (CEO).

5.6.2 The decision of the CEO will be final from an internal perspective.

5.7 Stage 5 – Referral to the Education Funding Agency/Department for Education

5.7.1 Ultimately, and very rarely, complaints can be taken to the Secretary of State on the grounds that a local governing body or the Board of Trustees is acting or proposing to act unreasonably or on the grounds that either has failed to discharge its duties under the Education Acts.

APPENDIX A: How to listen to complaints

- Do not pass the buck - Try not to keep transferring an angry person from one place to another. Make sure you know the contact person for anything you cannot deal with yourself.
- Do not be flippant - First impressions count. You and the Academy may be judged on your immediate reaction.
- Treat all complaints seriously - However small or trivial it may seem to you; the complaint will be an important problem for anyone who takes the trouble to complain.
- Treat every complaint individually - Even if you have received several complaints the same day, it is probably the person's first chance to have their say.
- Be courteous and patient - Be sympathetic and helpful, but do not blame other colleagues.
- Say who you are - If you are unknown to the person, introduce yourself.
- Ask for their name and use it - Anonymous complaints are acceptable only where there are special circumstances.
- Take time to find out exactly what the problem is. It is easy for someone to forget to tell you an important detail, particularly if they are upset or annoyed.
- Do not take the complaint personally. To an angry or upset person, YOU are the Academy and the only one to whom they can express their feelings.
- Stay cool and calm. Don't argue with the person – be polite and try to find out exactly what the person thinks is going wrong, or has gone wrong.
- Check you are being understood. Make sure that the person understands what you are saying. Don't use jargon – it can cause confusion and annoyance to someone “not in the know”.
- Do not rush. Take your time. Let people have their say and let off steam if they need to. Listen carefully and sympathetically to their problems before replying and attempting to find a solution or offer a next step.



HOW TO MAKE A COMPLAINT

If anyone has a concern or complaint with one of our academies, then they should feel free to raise this with the academy concerned. Below is the procedure for raising a concern or making a complaint.

1. Raising the Concern or Complaint

The vast majority of concerns or complaints can be resolved informally. Should you have a particular issue, then you should contact the academy immediately and should usually raise the issue with the person with whom you have an issue. This may be a teacher, senior member of staff or the Headteacher.

Concerns or complaints may be raised formally or informally either in person, by telephone or in writing. On occasion, it may be appropriate for someone to act on behalf of the person wishing to raise a concern or complaint.

At this stage it may be unclear whether an individual is asking a question or expressing an opinion rather than making a complaint. An individual may want a preliminary discussion about an issue to help decide whether he or she wishes to take it further and this is perfectly acceptable.

2. Dealing with the Concern or Complaint

Stage 1

In the first instance after raising an issue with the academy individuals should have an opportunity for discussion of their concern with the appropriate member of staff who clarifies with the individual the nature of the concern, and reassures them that the academy wants to hear about and resolve it. It can be helpful to identify at this point the nature of the outcome that is being sought.

If the first member of staff contacted regarding an issue is unable to deal with it, they will make a note of the date, the name, contact number and address of the concerned person and refer them onto the appropriate person. They will ensure that the appropriate person makes contact with the person raising an issue and that it is dealt with promptly.

The person dealing with the concern will make sure that the individual knows what action (if any) or monitoring of the situation is being undertaken.

If the concern relates to the Headteacher, then the matter should be raised with the Chair of Governors, whose details are available from the academy.

At this stage it should become clear if the issue needs to be considered as an actual complaint rather than general concern.

3. Procedures for Specific Complaints

If it is decided that the matter is an actual complaint, then the following specific procedures will be followed. One of the reasons for having graduated stages in the procedure is to reassure complainants that their grievance is being taken to the appropriate level of management and taken seriously.

Stage 2 – Referral to the Headteacher for Investigation

- The Headteacher will acknowledge the complaint orally or in writing within 3 working days of its receipt. An opportunity will be given for the complainant to meet the Headteacher (or designate) to provide any supplementary information. The complainant may be accompanied at the meeting by a person of his or her own choice who is independent of the complaint.
- The Headteacher will interview any witnesses or others who can provide relevant information and take statements from those involved. If the complaint centres on a pupil, the pupil may also be interviewed, normally with the parents/carers present. If a member of staff is complained against, the need to support that person should be borne in mind.
- The Headteacher will keep written records of meetings, telephone conversations and other documentation.
- Once the facts have been established the Headteacher will write a response or may meet the complainant to discuss / resolve the matter directly. The complainant will be advised that should they wish to take the complaint further, then they should write to the Chair of Governors within two calendar weeks of receiving the outcome letter.
- If the complaint is against the Headteacher, this stage will be carried out by the Chair of Governors.
- If the complaint is against the Local Governing Body of the academy, then the complaint will be referred to the Chief Executive Officer (CEO) of the Group.

Stage 3

- Complaints should, normally, only rarely reach this formal level, where the complainant is not satisfied by the Headteacher's response. It may be appropriate that the governors consider this now to be a complaint against the academy, rather than against the member of staff/pupil whose alleged actions led to the original complaint.
- In this situation the academy will make provision for a hearing led by a panel of the local governing body of the academy.
- The Chair of Governors will acknowledge the complaint in writing and will set up a hearing of a local governing body panel within 15 working days of receiving the complaint. The panel will consist of at least two governors who were not directly involved in the matters detailed in the complaint, and an additional person who is independent of the management and running of the academy. The letter from the chair of governors will also explain that the complainant may submit any further relevant documents in advance of the hearing. Governors hearing the complaint will have had no prior involvement with the complaint.
- All parties will be given five working days' notice of a hearing. The complainant may be accompanied to the hearing by a person of their choice who is independent of the complaint.
- If not the subject of the complaint, the Headteacher will attend the hearing to offer advice and information. Involvement of other staff is subject to the discretion of the Chair of Governors.
- The aim of the hearing will be to resolve the complaint and achieve a reconciliation between the academy and the complainant. However, it has to be recognised that it may only be possible to establish facts and make a determination. The hearing proceedings will be as informal as possible.

- The hearing will allow for:
 - The complainant to explain their concern and for the Headteacher to explain the academy's response.
 - The complainant and the Headteacher to question each other and for members of the hearing panel also to ask questions.
 - Any party to have the right to call witnesses (subject to the approval of the chair) and all parties having the right to question all the witnesses.
 - Final statements by both the complainant and the Headteacher.
- Following the hearing the panel considering the complaint will send their written decision by electronic mail or otherwise to both parties with 5 working days. The decision will detail the panel's findings and will make recommendations in regards to the complaint. The written decision will be made available for inspection on the academy's premises by the Group and the Headteacher.

Stage 4 – Review by the Group's Chief Executive Officer (CEO).

- If the complaint is not resolved at the end of Stage 3 then the complainant may seek to have a review conducted by the Group's Chief Executive Officer (CEO).
- The decision of the CEO will be final from an internal perspective.

Stage 5 – Referral to the Education Funding Agency/Department for Education

- Ultimately, and very rarely, complaints can be taken to the Secretary of State on the grounds that a local governing body or the Board of Trustees is acting or proposing to act unreasonably or on the grounds that either has failed to discharge its duties under the Education Acts.

APPENDIX C: Complaints out of scope of the procedures and how to deal with persistent complainants

The complaints procedure covers all complaints about any provision of facilities or services that the academy provides with the **exceptions** listed below, for which there are separate (statutory) procedures.

Exceptions	Who to contact
<ul style="list-style-type: none"> • Admissions to schools • Statutory assessments of Special Educational Needs (SEN) • School re-organisation proposals • Matters likely to require a Child Protection Investigation 	<p>Concerns should be raised direct with the Group or local authorities (LA).</p> <p>For school admissions, complaints may be made to the Group, which is the admissions authority for AET academies.</p> <p>Complaints about admission appeals for Group academies are dealt with by independent panels organised by local authorities (LA) on behalf of individual academies.</p>
<ul style="list-style-type: none"> • Exclusion of children from school 	<p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.</p>
<ul style="list-style-type: none"> • Whistleblowing 	<p>Academies have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: whistleblowing@ofsted.gov.uk or by writing to:</p> <p>WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD.</p> <p>The Department for Education is also a prescribed body for whistleblowing in education.</p>
<ul style="list-style-type: none"> • Staff grievances and disciplinary procedures 	<p>These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.</p>
<ul style="list-style-type: none"> • Complaints about services provided by other providers who may use school premises or facilities. 	<p>Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.</p>

Serial and Persistent Complainants

Academies should do their best to be helpful to people who contact them with a complaint or concern or a request for information. However, in cases where an academy is contacted repeatedly by an individual making the same points, or who asks them to reconsider their position, academies will need to act appropriately.

There will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. It is important for academies to recognise when they really have done everything they can in response to a complaint. It is a poor use of academies' time and resources to reply to repeated letters, emails or telephone calls making substantially the same points. If a complainant tries to re-open the same issue, the Chair of Governors or the Group Chief Executive (CEO) can inform them that the procedure has been completed and that the matter is now closed.

If the complainant contacts the academy again on the same issue, then the correspondence may be viewed as 'serial' or 'persistent' and the academy may choose not to respond. However, academies must be careful that they do not mark a complaint as 'serial' before the complainant has completed the procedure.

Note: The Department for Education does not itself use the term 'vexatious' when dealing with serial or persistent correspondents as it could potentially be inflammatory. However, it is a recognised term. In the context of Freedom of Information (FOI) requests, the Upper Tribunal concluded that 'vexatious' could be defined as the '*...manifestly unjustified, inappropriate or improper use of a formal procedure.*' An exemption therefore exists in Section 14(1) of the Freedom of Information Act 2000. However, this exemption can only be applied to requests themselves, and not the individuals who submit them.

More information about dealing with vexatious requests for information is available on the [Information Commissioner's Office \(ICO\) website](#).

Under no circumstances should an individual be marked as serial for exercising their democratic right to refer their complaint to their local MP regardless of which stage the complaint has reached. The application of a 'serial or persistent' marking should be against the subject or complaint itself rather than the complainant.

Is it time to stop responding?

The decision to stop responding should never be taken lightly. An academy needs to be able to say yes to all of the following:

- The academy has taken every reasonable step to address the complainant's needs;
- The complainant has been given a clear statement of the academy's position and their options (if any); and
- They are contacting the academy repeatedly but making substantially the same points each time.

The case is stronger if the academy agrees with one or more of these statements:

- The academy has reason to believe the individual is contacting them with the intention of causing disruption or inconvenience - have they actually said as much in a letter, email or telephone call?

- Their letters/emails/telephone calls are often or always abusive or aggressive.
- They make insulting personal comments about or threats towards staff.

Academies should not stop responding just because an individual is difficult to deal with or asks complex questions. In most circumstances the subject matter is what you can refuse to respond to, not the correspondent.

Academies must provide parents with the information they are entitled to under The Education (Pupil Information) (England) Regulations 2005.

However, where an individual's behaviour is causing a significant level of disruption academies may wish to implement a tailored communications strategy such as restricting them to a single point of contact via an email address or by limiting the number of times they make contact; e.g. a fixed number of contacts per term.

Complainants have a right to have any new complaint heard and failure to respond at all to a complainant could mean that the academy is failing to comply with its legal obligations. An academy needs to ensure that they are acting reasonably and that any genuine complaint can still be heard.

If academy staff find it difficult to deal direct with a complainant because of their unreasonable behaviour and other strategies are not working, they may be able to approach the governor services team to ask for assistance. If this is agreed, complainants can be advised not to contact the academy but to communicate instead with the Group who will co-ordinate any response.

Complainants who may have been restricted in their communications with the school can also be advised to ask a third party to act on their behalf, such as the local Citizen's Advice Bureau.

Ultimately, if a complainant persists to the point that the academy considers it to constitute harassment, legal advice should be sought as to the next steps. In some cases, injunctions and other court orders have been issued to complainants because of their behaviours.

Different procedures apply to FOI and Data Protection (DP) correspondence. You should talk to your FOI/DP advisor contact about those or approach the ICO for further advice.

Once an academy has decided that it is appropriate to stop responding, they will need to let the complainant know; ideally, through a hard copy letter but an email will suffice.