



Complaints Procedure Policy

Monitoring and review

This statement is reviewed annually by the **Board of Trustees**. Any changes made to this policy will be communicated to all members of staff.

All members of staff are required to familiarise themselves with all processes and procedures outlined in this policy as part of their induction programme.

The next scheduled review date for this policy is **September 2025**.

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1. Statement of intent

- 1.1. Schools within the LEARNERS' Trust and the LEARNERS' Trust aim to resolve all complaints at the earliest possible stage and is dedicated to continuing to provide the highest quality of education possible throughout the procedure.
- 1.2. This policy has been created to deal with any complaint against a member of staff or the school as a whole or the Trust as a whole, relating to any aspects of the school/Trust or the provision of facilities or services.
- 1.3. Any person, including a member of the public, is able to make a complaint about the provision of facilities or services that the school/ Trust provides. This policy outlines the procedure that the complainant and school/ Trust must follow.
- 1.4. Once a complaint has been made, it can be resolved or withdrawn at any stage.
- 1.5. The Complaints Co-ordinator (School Administrator) will be the first point of contact when following the complaints procedure for schools. The Chief Operations Officer will be the first point of contact when following the complaints policy for the Trust.

2. Legal framework

2.1. This policy has due regard to statutory legislation, including, but not limited to, the following:

2.1.1. The Education Act 2002

2.1.2. The Freedom of Information Act 2000

2.1.3. The Immigration Act 2016

2.1.4. The Equality Act 2010

2.1.5. The General Data Protection Regulation (GDPR)#

2.1.6. The Data Protection Act 2018

2.1.7. The Education (Independent School Standards) Regulations 2014

2.2. This policy also has due regard to guidance including, but not limited to, the following:

2.2.1. DfE (2019) 'Best practice guidance for school complaints procedures 2019'
ESFA (2015) Creating an academy complaints procedure'

2.2.2. HM Government (2016) 'Code of Practice on the English language requirement for public sector workers'

3. Definition

- 3.1. For the purpose of this policy, a “complaint” can be defined as ‘an expression of dissatisfaction’ which can be regarding actions taken or a perceived lack of action.
- 3.2. A concern can be defined as ‘an expression of worry or doubt’ for which reassurance is sought.
- 3.3. Any complaint or concern will be taken seriously, whether formally or informally, and the appropriate procedures shall be taken.
- 3.4. For the purposes of this policy, days refer to school days.
- 3.5. NB. For the purpose of this policy, “concerns” will be classed and addressed as complaints. Any further references to “complaints” will include “concerns”.

4. Making a complaint

- 4.1. Complaints are not restricted to parents of attending pupils. The school/ Trust will consider all complaints.
- 4.2. The school/ Trust will ensure that all aspects of the complaints procedure are:
 - 4.2.1. Easily accessible and publicised.
 - 4.2.2. Simple to understand and put into practice.
 - 4.2.3. Impartial and fair to all parties involved.
 - 4.2.4. Respectful of confidentiality duties.
 - 4.2.5. Continuously under improvement, using information gathered during the procedure to inform the school/ Trust SLT.
 - 4.2.6. Fairly investigated, by an independent person when necessary.
 - 4.2.7. Used to address all issues in order to provide appropriate and effective responses where necessary.
- 4.3. Complaints are expected to be made as soon as possible after an incident arises in order to amend the issue in an appropriate timescale.
- 4.4. Schools within the LEARNERS' Trust and the LEARNERS' Trust uphold a three-month time limit in which a complaint can be lodged regarding an incident.
- 4.5. Complaints made outside this time limit will not be automatically refused and exceptions will be considered.
- 4.6. In the case of any timescales changing, all parties involved will be informed of the changes in a timely manner.
- 4.7. Complaints should be made using the appropriate channels of communication, including the use of the [Complaints Procedure Form](#).
- 4.8. All complaints shall be considered, whether they are made in person, by telephone, in writing, electronically via email, or via a third party (such as the Citizen's Advice Bureau).
- 4.9. A complaint can progress to the next stage of the procedure even if it is not viewed as "justified". All complainants are given the opportunity to fully complete the complaints procedure.
- 4.10. Any complaint made against a member of staff will be dealt with according to the pathways described in Annex 1.

- 4.11. Any complaint made against the Trust Board should be made in writing to the clerk of the Trust Board.
- 4.12. The clerk will then determine the most appropriate course of action, depending on the nature of the complaint. This action may involve sourcing an independent investigator to initially deal with the complaint and then getting the complaint to be heard by co-opted board members from another school or Trust.
- 4.13. Under some circumstances, it may be necessary to deviate from the complaints procedure. Any deviation will be documented.
- 4.14. Information about a complaint will not be disclosed to a third party without written consent from the complainant.

Complaints procedure

5. Stage one – Informal concern made to a member of staff

- 5.1. A complaint may be made in person, by telephone or in writing.
- 5.2. The member of staff can discuss the concern with the head teacher or Chief Operations Officer in order to seek support.
- 5.3. In order to prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls are kept and a copy of any written response is added to the record. These notes are kept securely on the school's ICT system and, where appropriate, encrypted. As a minimum, dates and times of meetings as well as any agreed outcomes should be recorded.
- 5.4. All complainants should be referred to the appropriate person in line with the flow chart in Annex 1.
- 5.5. Within 15 school days, the complainant and the relevant member of staff should discuss the issue in a respectful and informal manner to seek a mutual resolution.
- 5.6. At this stage, the complainant will be asked what they think might resolve the issue – any acknowledgement that the school could have handled the situation better is not an admission of unlawful or negligent action.
- 5.7. If an appropriate resolution cannot be sought at this informal level, or if the complainant is dissatisfied with the outcome following the initial discussions, the complainant may wish to proceed to the next level of the procedure.

6. Stage two – Formal complaint made to the headteacher/ Trust Partner/ Chief Executive Officer (Investigating Officer) using the [Complaints Procedure Form](#).

- 6.1. Stage two of the process will be completed within 15 school days. Where the situation is recognised as complex, and it is deemed to be unable to be resolved within this timescale, the Investigating Officer will contact the complainant to inform them of the revised target date via a written notification.
- 6.2. Where there are communication difficulties, support or reasonable adjustments should be made to enable the complainant to complete the Complaints Procedure Form e.g. a scribe.
- 6.3. Where necessary, the Investigating Officer will gather evidence from a range of sources e.g. conduct interviews with any relevant parties, including witnesses and children, and take statements from those involved.
- 6.4. Once all facts are established, the Investigating Officer shall contact the complainant in writing with an explanation of the decision. The complainant will be advised of any escalation options (for example, escalation to stage three) and will be provided with details of this process.
- 6.5. The complainant will also be provided with copies of minutes, where requested, subject to any necessary redactions under the Data Protection Act 2018 and the GDPR.
- 6.6. Any further action the school/ Trust plans to take to resolve the issue will be explained to the complainant in writing.
- 6.7. If the complainant is not satisfied with the outcome suggested, the procedure will progress to stage three.

7. Stage three – Investigation of the process by a Trust Partner independent of the complaint so far or the Chair of Trustees (Investigating Officer)

- 7.1. The complainant should submit any complaint in respect of the Stage 2 Investigating Officer's handling of the investigation so far in writing (or via an alternative method if necessary) to the clerk of the Trust Board.
- 7.2. The Stage 3 Investigating Officer (a Trust Partners who has not been involved in the complaint to date) will carry out an investigation of the *process* and consider all available evidence in relation to the complaint
- 7.3. The complainant and the Stage 2 Investigating Officer will be informed of the outcome within 20 school days of the Stage 3 Investigating Officer receiving the complaint. The complainant will be advised of any escalation options (for example, escalation to stage four) and will be provided with details of this process.
- 7.4. The complainant will also be provided with copies of minutes, where requested, subject to any necessary redactions under the Data Protection Act 2018 and the GDPR.
- 7.5. If the complainant is not satisfied with the manner in which the process has been followed, considers the decision to be perverse, or believes that the Stage 3 Investigating Officer has acted unreasonably, they may request that a Trust panel reviews the complaint (stage four).

8. Stage four – Complaints appeal panel (the remit and operation of this panel is described within the Roles and responsibilities section of this policy)

- 8.1. Following receipt of a stage three outcome, the request for a review of the Stage 3 investigation from the complainant should be made in writing to the Chair of Trustees within 10 school days.
- 8.2. Where there are communication difficulties, support or reasonable adjustments should be made to assist the complainant.
- 8.3. In order to prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls are kept and a copy of any written response is added to the record. These notes are kept securely CPOMS and, where appropriate, encrypted.
- 8.4. Written acknowledgement of the complaint will be made within three school days. This will inform the complainant that a panel will hear the complaint within 20 school days.
- 8.5. Neither the school/ Trust nor the complainant should bring legal representation to the panel proceedings; however, there are occasions where legal representation will be necessary, for example where a school employee is a witness in a complaint, they may be entitled to bring union or legal representation.
- 8.6. The Chair of Trustees, or another nominated Trustee, will convene a panel comprising of:
 - 8.6.1. three people not involved in the complaint so far and one of which is independent of the management and running of the Trust. Trustees and Local Governors (School Champions) from a different school within the Learners' Trust MAT may be used if they have no conflict of interest or prior knowledge of the complaint. However, it is important to note that neither Trustees or Champions are independent of the management or running of the Trust. Therefore, one independent panel member should be sought (for instance, a CEO/Headteacher from a different MAT) to meet the above requirement.
- 8.7. A minimum of five days' notice will be given to all parties attending the panel, including the complainant.

- 8.8. At the hearing, all participants will be given the opportunity to put their case across and discuss any issues.
- 8.9. The panel will consider issues raised in the original complaint and any procedural issues which have been highlighted during the complaints process.
- 8.10. The meeting should allow for:
 - 8.10.1. The complainant to be present and accompanied at the hearing if they wish.
 - 8.10.2. The complainant to explain their complaint and the Investigating Officers to explain the reasons for their decision.
 - 8.10.3. Members of the panel to question both the complainant and the Investigating Officers.
 - 8.10.4. Final statements to be made by both parties involved.
- 8.11. The complainant will receive a written response explaining the panel's findings and recommendations within 15 school days. This letter will also explain whether there are any further rights of appeal and to whom they need to be addressed.
- 8.12. The complainant 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 GDPR. Where relevant, the same information will be shared with the person being complained about, subject to the above data conditions. In all cases, this information will be available for inspection on the school premises by the proprietor (Chief Executive Officer) and the head teacher.

9. Final stage – Appeal

9.1. If a complainant has exhausted the academy's complaints procedure, they will be advised that they can submit a complaint to the ESFA using the [online form](#) or in writing to:

Ministerial and Public Communications Division

Department for Education

Piccadilly Gate

Store Street

Manchester

M1 2WD

9.2. There are exceptional circumstances to the provisions outlined in 5.44. These are outlined in [section 9](#) of this policy.

10.Roles and responsibilities

The complainant will:

- 10.1. Co-operate with the school in seeking a solution to the complaint.
- 10.2. Express the complaint and their concerns in full at the earliest possible opportunity.
- 10.3. Promptly respond to any requests for information or meetings.
- 10.4. Ask for assistance as needed.
- 10.5. Treat any person(s) involved in the complaint with respect.

The Investigating Officer will:

- 10.6. Ensure that all parties involved in the complaint are fully updated throughout each stage of the procedure.
- 10.7. Guarantee that all parties involved in the procedure are aware of any relevant legislation, including the Equality Act 2010, GDPR, Data Protection Act 2018 and Freedom of Information Act 2000.
- 10.8. Keep up-to-date records throughout the procedure – these records will be kept securely on CPOMS and retained in line with the school's Records Management Policy.
- 10.9. Liaise with all parties involved to ensure the complaints procedure runs smoothly.
- 10.10. Be aware of issues with regards to sharing third party information.
- 10.11. Understand the complainant's need for additional support, including interpretation support, and will be aware of any issues concerning this.

An investigator is involved in the first three stages of the procedure. Their role includes:

- 10.12. Providing a sensitive and thorough interviewing process of the complainant in order to establish what has happened and who is involved.
- 10.13. Considering all records, evidence and relevant information provided.

- 10.14. Gathering appropriate information from a range of sources which may include interviewing parties that are involved in the complaint, including staff and children.
- 10.15. Analysing all information in a comprehensive, timely and fair manner.
- 10.16. Liaising with the complainant and prior Investigating Officers to clarify an appropriate resolution to the problem.
- 10.17. Identifying and recommending solutions and courses of actions to take.
- 10.18. Being mindful of timescales and ensuring all parties involved are aware of these timescales.
- 10.19. Responding to the complainant in a clear and understandable manner.

The panel chair will:

- 10.20. Ensure that minutes of the meeting are taken.
- 10.21. Explain the remit of the panel to the complainant.
- 10.22. Ensure that all issues are addressed and that outcomes are reached based on facts and evidence.
- 10.23. Help to put at ease and console individuals involved who are not used to speaking at such hearings, particularly any children involved.
- 10.24. Conduct the hearing in an informal manner, ensuring that everyone is treated with respect and courtesy.
- 10.25. Ensure that the room's layout and setting is informal and non-adversarial, yet still sets the appropriate tone.
- 10.26. 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.
- 10.27. Give both the complainant and the school the opportunity to state their case and seek clarity without undue interruption.
- 10.28. Provide copies of any written material or evidence to everyone in attendance of the meeting, ensuring that everyone has seen the necessary material.
- 10.29. Organise a short adjournment of the hearing if required.
- 10.30. Continuously liaise with the clerk and Investigating Officers to ensure the procedure runs smoothly.
- 10.31. Help to provide the support necessary where the complainant is a child.

All panel members will be aware that:

- 10.32. The review panel hearing is independent and impartial.
- 10.33. No individual with prior involvement in the complaint, or the circumstances surrounding it, is permitted to sit on the panel.
- 10.34. The aim of the panel is to achieve a reasonable resolution and, ultimately, attain reconciliation between the parties involved.
- 10.35. Reconciliation between the school 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:

- 10.36. Dismiss or uphold the complaint, in whole or in part.
- 10.37. Decide on appropriate action to be taken.
- 10.38. Recommend changes that the school can make to prevent reoccurrence of the problem.
- 10.39. Reassure complainants who may feel nervous or inhibited in a formal setting and ensure the proceedings are as welcoming as possible.
- 10.40. Make reasonable adjustments for a child who is present at the hearing.

The panel clerk will:

- 10.41. Continuously liaise with the Investigating Officers.
- 10.42. Record the proceedings.
- 10.43. Set the date, time and venue of all hearings, ensuring that this is appropriate, convenient and accessible to all parties involved.
- 10.44. Collate all written material or evidence involved and send it to the parties involved in timely advance of the hearing.
- 10.45. Greet all parties as they arrive at the hearing.
- 10.46. Ensure that the minutes of the panel hearing are circulated.
- 10.47. Notify the relevant parties of the panel's decision and any other actions to be taken.

11. Interviewing witnesses

- 11.1. When interviewing children in order 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.
- 11.2. The school/ Trust will ensure that the conduct of interviews does not prejudice an LA designated officer's (LADO), or police, investigation.
- 11.3. All participants must commit to the importance of ensuring a friendly and relaxed area which is free from intimidation.
- 11.4. All children interviewed will be made fully aware of what the interview concerns and their right to have someone with them.
- 11.5. 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.
- 11.6. The interviewer will not express opinions in words or attitude, so as to not influence the interviewee.
- 11.7. The interviewee will sign a copy of the transcription of the interview.

12. Recording a complaint

- 12.1. A written record shall be kept of any complaint made, initially by the person receiving the complaint at stage 1, whether made via phone, in person or in writing, detailing:
 - 12.2. The main issues raised, the findings and any recommendations.
 - 12.3. Whether the complaint was resolved following an informal route, formal route or panel hearing.
 - 12.4. Actions taken by the school/ Trust as a result of the complaint (regardless of whether the complaint was upheld).
 - 12.5. Where there are communication difficulties or disabilities, the school will provide all reasonable support to ensure that the complainant is able to access all relevant information.
 - 12.6. The school will not accept, as evidence, any recordings that were obtained covertly and without the informed consent of all parties being recorded.

- 12.7. Complainants have a right to access copies of these records under the GDPR and the Freedom of Information Act 2000.
- 12.8. The school/ Trust will hold all records of complaints centrally. Correspondence, statements and records relating to individual complaints are kept confidential except where the Secretary of State or a body conducting an inspection request to access them.

13. Complaints not covered by this procedure

- 13.1. Complaints regarding the following topics should be directed to the LA:
 - 13.1.1. Statutory assessments of SEND
 - 13.1.2. School re-organisation proposals

14. Admissions to schools

- 14.1. Complaints about child protection matters will be handled in line with the school's Child Protection and Safeguarding Policy and in accordance with relevant statutory guidance. Any child protection complaints should be directed to the LA designated officer (LADO) or the multi-agency safeguarding hub (MASH).
- 14.2. Complaints concerning admissions will be directed to the appropriate admissions authority.
- 14.3. Complaints about children being excluded from the school should be dealt with by following the process explained at: <https://www.gov.uk/school-discipline-exclusions/exclusions>.
- 14.4. The school has an internal whistleblowing procedure for all employees, including contractors and temporary staff. Complaints of this nature should not be addressed using this complaints procedure. These concerns can be directed to Ofsted by telephone on: 0300 123 3155 or via email at: whistleblowing@ofsted.gov.uk.
- 14.5. Volunteers who have concerns about the school or a member of staff should make their complaint in line with this policy. Volunteers may also be able to complain to the LA or DfE, depending on what the complaint is about.

- 14.6. Staff grievances and disciplinary procedures will be dealt with using the school's internal grievance procedure. In these cases, complainants will not be informed of the outcome of any investigations; however, they will be notified that the matter is being addressed.
- 14.7. This complaints procedure is not to be used when addressing any complaints made about services provided by a third party who may use the school premises or facilities. All complaints concerning this should be directed to the service provider.
- 14.8. Complaints about the content of national curriculum should be made to the DfE.
- 14.9. Complaints about how the school delivers the curriculum, including RE and RSE, will be dealt with using this complaints procedure.
- 14.10. Any complaints about the content of collective worship should be made to the LA, the local Standard Advisory Council on Religious Education or another relevant body.
- 14.11. Complaints from parents who are dissatisfied with the handling of a request to withdraw their child from RE or collective worship will be handled in line with this complaints procedure.

15. Exceptional circumstances

- 15.1. The DfE expects complainants to have completed the school's complaints procedure before directing a complaint to them. The exceptions to this include when:
 - 15.1.1. Children are at risk of harm.
 - 15.1.2. Children are missing education.
 - 15.1.3. A complainant is being prevented from having their complaint progress through the school's complaints procedure.
 - 15.1.4. The DfE has evidence that the school is proposing to act or is acting unlawfully or unreasonably.
 - 15.1.5. If a social services authority decides to investigate a situation, the school/Trust may postpone the complaints procedure.
- 15.2. Where a matter can be resolved through a legal appeal, it will not be considered as a formal complaint.

- 15.3. The key areas are: admissions decisions, certain decisions relating to formal assessment of SEND, and decisions to permanently exclude a child.
- 15.4. If a complainant commences legal action against the school/ Trust in relation to their complaint, the school/ Trust will consider whether to suspend the complaints procedure, until those legal proceedings have concluded.

16. Managing Unreasonable Complaints

- 16.1. The academy is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. The academy will not normally limit the contact complainants have with the academy itself; however, the academy 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.
- 16.2. For the purposes of this policy, “unreasonable complaints” include:
 - 16.2.1. Vexatious complaints, which:
 - 16.2.1.1. Are obsessive, persistent, harassing, prolific, or repetitious.
 - 16.2.1.2. Insist upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason.
 - 16.2.1.3. Insist upon pursuing meritorious complaints in an unreasonable manner.
 - 16.2.1.4. Are designed to cause disruption or annoyance.
 - 16.2.1.5. Demand for redress which lacks any serious purpose or value.
 - 16.2.2. Serial or persistent complaints, which:
 - 16.2.2.1. Are duplicated, sent by the same complainant once the initial complaint has been closed.
 - 16.2.2.2. Are new complaints that are submitted additionally, as part of an existing open complaint, by the same complainant.
 - 16.2.3. A complaint may also be regarded as unreasonable when the complainant:
 - 16.2.4. Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance.

- 16.2.5. Refuses to cooperate with the complaints investigation process while still wishing their complaint to be resolved.
- 16.2.6. Refuses to accept that certain issues are not within the scope of a complaints procedure.
- 16.2.7. Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- 16.2.8. 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.
- 16.2.9. Makes unjustified complaints about staff who are trying to deal with the issues and seeks to have them replaced.
- 16.2.10. Changes the basis of the complaint as the investigation proceeds.
- 16.2.11. Repeatedly makes the same complaint despite previous investigations or responses concluding that the complaint is groundless or has been addressed.
- 16.2.12. 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 ESFA.
- 16.2.13. Seeks an unrealistic outcome.
- 16.2.14. 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.
- 16.3. A complaint may also be considered unreasonable if the complainant:
 - 16.3.1. Acts maliciously or aggressively.
 - 16.3.2. Uses threats, intimidation or violence.
 - 16.3.3. Uses abusive, offensive or discriminatory language.
 - 16.3.4. Knows the complaint to be false.
 - 16.3.5. Uses falsified information.
 - 16.3.6. Publishes unacceptable information in media such as social media websites and newspapers.

- 16.4. The above applies regardless of the method the complaint is made, e.g. face-to-face, by telephone, in writing or electronically.
- 16.5. 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.
- 16.6. Whenever possible, the member of staff or trustee leading the response to a complaint will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.
- 16.7. 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.
- 16.8. 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 academy may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after six months.
- 16.9. A decision to stop responding will only be considered in circumstances where the following statements are true:
- 16.9.1. Every reasonable step has been taken to address the complainant's concerns
 - 16.9.2. The complainant has been given a clear statement of the trust's position and their options
 - 16.9.3. The complainant contacts the academy repeatedly, making substantially the same points each time
 - 16.9.4. If the above criteria are met, in making a decision to stop responding, the academy will also consider if the complainant is often abusive or aggressive in their communication, makes insulting personal comments about or threats towards staff, or if the academy believes their intent is to disrupt or inconvenience the academy.
- 16.10. The academy will not stop responding to a complainant on the basis that they are difficult to deal with or they ask complex questions.

- 16.11. 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.
- 16.12. The school/ Trust will act in a manner they believe to be appropriate when dealing with an individual who consistently makes the same complaints or who continuously asks the school to reconsider their position.
- 16.13. If a complainant attempts to re-open an issue which has previously fully completed the complaints procedure, the school/ Trust will inform the complainant that the matter is now closed.
- 16.14. If the complainant contacts the school/ Trust regarding the same issue again, the complaint may be classed as 'serial' or 'persistent' and the school/ Trust does not have an obligation to respond.
- 16.15. The school/ Trust must ensure that a complaint is not classed as 'serial' before they have fully completed the complaints procedure.
- 16.16. The school/ Trust will not take the decision to stop responding to an individual lightly. The school/ Trust will ensure that:
- 16.16.1. They have previously taken every reasonable step to address the problem.
 - 16.16.2. They have provided the complainant with a statement of their position.
 - 16.16.3. The complainant is contacting the school repeatedly with the same complaint.
- 16.17. If the school/ Trust believes that the complainant is continuously contacting the school/ Trust to cause disruption or inconvenience, including making multiple simultaneous complaints, or if the complainant is being abusive or threatening, the school/ Trust has the right to not respond to the correspondent.
- 16.18. Once the school/ Trust decides to no longer respond to a complainant, the individual will be informed of this decision in writing.
- 16.19. The complainant has the right to a third-party representative, such as the Citizens' Advice Bureau, throughout the complaints procedure.
- 16.20. Any new complaint made by a 'serial' complainant will be responded to.
- 16.21. Complainants hold the right to refer their complaint to their local MP. This would not, in itself, make the individual a 'serial' or 'persistent' complainant.

17. Complaints campaigns

- 17.1. For the purposes of this policy, “complaints campaigns” are where the school receives large volumes of complaints that are all based on the same subject from complainants that are not connected to the school.
- 17.2. Where the school becomes the subject of a complaints campaign, a standard, single response will be published on the school’s website.
- 17.3. If complainants remain dissatisfied with the school’s response, they will be directed to the DfE.

18. Barring From Premises

- 18.1. Please refer to the appropriate policy.

19. Role of the school complaints unit (SCU)

- 19.1. 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.
- 19.2. If a complainant wishes to escalate a complaint of bias, the DfE will require evidence to be submitted with the complaint.
- 19.3. The Secretary of State will only intervene when they believe that the school/ Trust has acted unlawfully or unreasonably.
- 19.4. The SCU will not overturn the school’s/ Trust’s decision about a complaint except in exceptional circumstances, such as the school/ Trust acting unlawfully.
- 19.5. When making a final decision about a complaint, the school/ Trust reserves the right to seek advice from the SCU on whether they are acting reasonably and lawfully; however, they will not be able to advise on how to resolve the complaint.

20. Transferring data

- 20.1. When a pupil changes school, the pupil's educational record will be transferred to the new school and no copies will be kept.
- 20.2. The school will hold records of complaints separate to pupil records while a complaint is ongoing, so that access to these records can be maintained.
- 20.3. Information that the school retains relating to a complaint will be stored securely and in line with the school's Records Management Policy.

21. Availability

- 21.1. A copy of this Complaints Procedures Policy will be made available on request. It will also be published on the school/ Trust website, as recommended by the ESFA.

22. Reviewing the procedure

- 22.1. The complaints procedure will be reviewed every year, taking into account the latest guidance issued by the DfE.
- 22.2. Responsibility for reviewing the procedure belongs to the Trust Board.
- 22.3. All projected review dates will be adhered to.
- 22.4. Information gathered through reviewing the complaints procedure will be used to continuously improve and develop the process.
- 22.5. The monitoring and reviewing of complaints will be used to help evaluate the school's/ Trust's performance.

23. Sample Policy for Unreasonable Complainants

- 23.1. The LEARNERS' Trust is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. We will not normally limit the contact complainants have with the school/ Trust; however, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.
- 23.2. The school/ Trust defines unreasonable complainants as 'those who, because of the frequency or nature of their contacts with the school/ Trust, hinder our consideration of their or other people's complaints'.
- 23.3. A complaint may be regarded as unreasonable when the person making the complaint:
 - 23.4. Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance.
 - 23.5. Refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
 - 23.6. Refuses to accept that certain issues are not within the scope of a complaints procedure.
 - 23.7. Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
 - 23.8. Introduces trivial or irrelevant information which the complainant expects 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.
 - 23.9. Makes unjustified complaints about staff who are trying to deal with the issues and seeks to have them replaced.
 - 23.10. Changes the basis of the complaint as the investigation proceeds.
 - 23.11. Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed).
 - 23.12. Refuses to accept the findings of the investigation into that complaint where the school's complaints procedure has been fully and properly implemented and completed including referral to the DfE.
 - 23.13. Seeks an unrealistic outcome.

- 23.14. 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.
- 23.15. A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:
- 23.15.1. Maliciously
 - 23.15.2. Aggressively
 - 23.15.3. Using threats, intimidation or violence
 - 23.15.4. Using abusive, offensive or discriminatory language
 - 23.15.5. Knowing it to be false
 - 23.15.6. Using falsified information
 - 23.15.7. Publishing unacceptable information in a variety of media such as in social media websites and newspapers
- 23.16. Complainants should limit the numbers of communications with a school 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.
- 23.17. Whenever possible, the Investigating Officer will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.
- 23.18. If the behaviour continues, the Investigating Officer will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the school/ Trust causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after six months.
- 23.19. 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.



Complaints Procedure Form

If you have tried unsuccessfully to resolve your complaint at Stage 1 and wish to take the matter further, please complete this form and send it to the Investigating Officer via the school office. (If your complaint is against the headteacher, you will need to send the form to the school's Trust Partner via the school office.)

Name:	Address:
Pupil's name:	
Pupil's date of birth:	
Daytime telephone number:	
Evening telephone number:	
Email:	Postcode:
What is your complaint concerning, and what action would you like the school/Trust to take?	
When did you discuss your concern/complaint with the appropriate member of staff?	
What was the result of the discussion?	
Signed:	Date:

Example Letter to Complainant for a Stage Three Complaint

Dear addressee's name,

Thank you for your letter dated date setting out the reasons why you are not satisfied with the headteacher's response to your complaint about details of the complaint.

I am writing to let you know that I will be arranging for a complaints appeal panel to consider your complaint, in accordance with our school's complaints procedure.

Yours sincerely,

Investigating Officer

APPENDIX 1

Complaints Procedure Flow Chart

Stages	Point of Contact					Timescale
Pre-stage	School Administrator					As soon as possible
Complaint concerning	Child	Class Teacher	HT	Trust	External Complaint	
1	Classroom Teacher	Classroom Teacher	Head Teacher	Chief Operations Officer	Head Teacher	15 days to investigate and report back
2	Head Teacher	Head Teacher	Trust Partner	Chief Executive Officer	Trust Partner	15 days to investigate and report back
3	Trust Partner	Trust Partner	Another Trust Partner	Chair of Trustees	Another Trust Partner	20 days to investigate and report back
4	Panel	<p>Complainant to request panel review within 10 days</p> <p>Acknowledgement of complaint within 3 days</p> <p>Panel meeting to be held within 20 days</p> <p>5 days notice for appeal panel meeting</p> <p>15 days for panel to provide written response</p>				
Final	DfE					

NB: Days are defined as working days within term time and school hours.