



Vanguard Learning Trust

As a group of local primary and secondary schools, Vanguard Learning Trust's mission is to serve its local community by providing outstanding, inclusive education. We have a collective purpose and responsibility to provide effective teaching, through a curriculum based on equality of opportunity and entitlement that allows our students to shine both in and out of the classroom. Each school in the Trust has its own ethos, which also complements the Trust's vision and values, and the common aspiration that all students can achieve their potential.

Complaints policy

May 2024

Contents page

Section 1: Aims and application	3
Section 2: Key principles	5
Section 3: Complaints procedure for parents/carers	7
Section 4: Concerns or complaints from other persons	11
Section 5: Other related information	12
Appendix 1: Matters excluded from the scope of this policy	14
Appendix 2: Summary of complaints procedure for parents/carers	15
Appendix 3a: Complaints form for parents/carers	16
Appendix 3b: Complaints form for member of the community	17
Appendix 4: Questions about how complaints should be handled	18
Appendix 5: Roles and responsibilities	19
Appendix 6: Examples of vexatious complaints	20

Section 1: Aims and application

1.1 Aims

The aims of this policy are to deal with complaints and concerns:

- about a school, the Trust or any individual connected with it by following the correct procedure;
- thoroughly; and
- in an open, honest and fair manner.

1.2 Legislation and guidelines

1.2.1 Education Regulations 2014

The policy has been formulated to comply with Schedule 1, Part 7 of the Education (Independent School Standards) (England) Regulations 2014, as well as the Education and Skills Funding Agency (ESFA) guidance on handling school complaints, equality legislation and the rules of natural justice. In the case of any variance between the procedure outlined in this Complaints Policy and the Regulations, the procedure outlined in the Regulations will apply.

1.2.2 The rules of natural justice

Simply put, the rules of natural justice relate to fairness. The Trust will ensure that all concerns, difficulties or complaints are dealt with in accordance with the following principles:

- All parties will be provided with all information and documentation pertinent to the matters raised;
- All parties will be given the opportunity to prepare and present their case and respond to the other parties involved;
- All persons investigating and making decisions in relation to the matters raised will be impartial and will do so without bias (or apparent bias) to any party involved;
- All decisions will be made on a balanced and considered assessment of the information before the investigator only;
- All decisions will be based upon logical conclusions, applying the principle of balance of probability, and not on mere speculation or suspicion;
- All decisions will be supported by detailed reasons which will be disclosed to all parties involved.

1.2.3 Equality Act 2010

The Trust will deal with concerns, difficulties and complaints in accordance with its duty under the Equality Act 2010 to have due regard to the need to:

- eliminate discrimination, harassment, victimisation and other conduct prohibited by the Equality Act 2010;
- advance equality of opportunity between those who share a relevant protected characteristic and those who do not, by having regard to the need to:
 - remove or minimise disadvantages connected to a relevant protected characteristic; and
 - take steps to meet the different needs of those sharing a relevant protected characteristic; and
 - encourage those who share a relevant protected characteristic to participate in school life and activities in which participation is disproportionately low;
- foster good relations between those who share a relevant protected characteristic and those who do not, by having regard to the need to:
 - tackle prejudice; and
 - promote understanding;

“Relevant protected characteristics” includes sex, age, race, disability, religion or belief, sexual orientation, gender reassignment, pregnancy and maternity and (in the case of persons who are not students) marriage and civil partnership.

1.2.4 Reasonable adjustment for a disability

In addition, the Trust will comply with its duty to make the following reasonable adjustments for persons with a disability:

- Where a provision, criterion or practice places a disabled person at a substantial disadvantage compared to a person who is not disabled, reasonable steps will be taken to avoid that disadvantage;
- Where a disabled person would, but for the provision of an auxiliary aid, be placed at a substantial disadvantage compared with a person who is not disabled, reasonable steps will be taken to provide the auxiliary aid. An auxiliary aid can be a piece of equipment or a service.

If a complainant or other person involved in the complaints procedure requires an interpreter, a signer or any other assistance at meetings or at a complaint committee hearing, they should let the individual school or the Trust know immediately.

1.2.5 Data Protection Act 2018 and Freedom of Information Act 2000

Complaints sometimes include requests for information or documentation. Such requests may constitute a “subject access request” under the Data Protection Act 2018 (where the information requested relates to an identifiable individual) or a request for disclosure of information under the Freedom of Information Act 2000 (where the information is general and not related to an identifiable individual). In both cases, the request to disclose information will be managed in line with the separate policies concerning both of these requests. Further details can be found in the Trust’s Data Protection and Freedom of Information Policies. These are both available on the Trust’s website. Hard copies can be provided upon request.

1.3 Application of policy

1.3.1 Parents/carers and other individuals

This complaints procedure is not limited to parents/carers of children who are registered at one of the schools within the Trust. Any person, including members of the public, may make a complaint to an individual school within the Trust, or the Trust itself, about any of its provision of facilities or services. Section 3 of this policy outlines how parents/carers of registered students currently attending schools within the Trust can raise a concern or complaint. Concerns or complaints from other persons will be dealt with in accordance with Section 4 of this policy.

1.3.2 Context when policy does not apply including anonymous concerns

This procedure does not apply to concerns and complaints relating to the matters listed in **Appendix 1**. Anonymous concerns or complaints will not normally be investigated under this procedure. The headteacher and/or the chief executive officer (CEO), when appropriate, will determine whether there are exceptional circumstances to justify conducting an investigation into the issues raised.

1.4 Staff

All staff will be made aware of this complaints procedure; staff who are directly involved in handling complaints/concerns are expected to review this policy regularly in order that they are familiar with the Trust’s process of dealing with complaints and can be of assistance when an issue is brought to their attention.

1.5 Terms used in policy

The terms used in this policy are outlined as follows:

- ‘complaint’ means an expression of dissatisfaction however made, about actions taken or a lack of action;
- ‘concern’ means an expression of worry or doubt over an issue considered to be important for which reassurances are sought;
- ‘meeting’ means an in person or virtual meeting (i.e. telephone or video conference where all parties can participate verbally); virtual meetings will only be held in the event that all parties have access to appropriate equipment to attend and are happy to do so;
- ‘parent’ means a parent, carer or anyone with legal responsibility for a child;
- ‘school days’ excludes weekends and school holidays and periods of partial or total school closure and are from 8am to 4pm (therefore communication sent after 4pm will be recorded as being received the next school day);
- ‘school’ refers to one of the schools in the Trust; and
- ‘Trust’ means the multi-academy trust, which is Vanguard Learning Trust.

1.6 Time frame

1.6.1 Changes to time frame

The time frames referred to in this policy are the ones that schools and/or the Trust will seek to adhere to where possible. In more complex cases, in particular those where an independent investigator is commissioned, the time frames can be extended in order that the aims outlined in Section 1.1 are adhered to. If it becomes necessary to alter the time limits and deadlines set out within this procedure, the complainant will be advised accordingly and given an explanation as to why this has been the case and provided with revised timescales.

1.6.2 Third-party involvement

If other bodies are investigating aspects of the complaint, for example the police, local authority safeguarding teams or an awarding body or tribunals/courts, timescales within this procedure will change because of their involvement or may result in the procedure being suspended until those public bodies have completed their investigations. The complainant will be advised of this, including if it is necessary to suspend or delay starting the investigation

1.6.3 Pausing a complaint

Where a complaint is raised but clarity is required from the complainant on the issues and/or desired outcomes, they will be informed of what information is needed to progress the complaint and this procedure will be paused until reasonable clarity is achieved. In addition, an investigation may be suspended when legal action is to be taken as outlined in Section 2.7.

1.7 Reasonable adjustments

Reasonable adjustments will be made to this procedure where required to ensure that all complainants can access and complete this complaints procedure. For example, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

1.8 Confidentiality

Some complaints may lead to internal investigations about staff conduct. This is a confidential process and the parents/carers or external individuals who raised the concerns will not be provided with specific information about the staff other than the matter is being dealt with by the school and/or Trust.

Section 2: Key principles

2.1 Resolution

2.1.1 Informal

The Trust expects all complainants to make reasonable attempts to seek an informal resolution. The Trust encourages parents/carers and others to approach the school, or Trust where appropriate, with any concerns and refrain from airing concerns about the school and/or Trust, including about staff on social media sites.

2.1.2 Formal

If the complaint is proven, either in full or in part, one of the following will be considered by the stage decision maker:

- an explanation;
- an apology;
- reassurance that steps have been taken to prevent a recurrence of events which led to the complaint;
- reassurance that either the individual school, or the wider Trust, will undertake a review of policies and procedures in light of the complaint.

It is important to note that none of the aforementioned will constitute an admission of negligence or an acceptance of liability by the Trust. In addition, whilst the complaints committee can apologise on behalf of the governing body, it can not instruct individuals, including the headteacher, to apologise either orally or in writing.

2.2 Stages

In order to investigate a complaint properly and fairly, the Trust has implemented a staged approach. It is anticipated that almost all complaints that arise will be resolved at Stage 1 or Stage 2. The three stages led by the school are outlined in **Appendix 2**. Complainants - both parents/carers and members of the community - can escalate a complaint to Stage 4 once the school procedures have been completed as outlined in Section 3.4.

2.3 Inappropriate communication

The Trust has a separate policy to deal with unacceptable conduct including communication; this is available on the Trust's website. The posting of negative comments on social media can cause damage and upset and is often counterproductive to students' education. The Trust expects all its members of staff to be addressed in a respectful manner and for communication to remain calm at all times. The procedure set out in Section 5 will only be used on very rare occasions to deal with repetitious and/or vexatious complaints or complaints pursued in an otherwise unreasonable manner.

2.4 Time period for a complaint/concern

Concerns or complaints should be brought to a school's/Trust's attention as soon as possible. Any matter raised more than three months after the incident being complained of (or, where a series of associated incidents have occurred, within three months of the last of these incidents) will not be considered unless the headteacher, or CEO in the case of Trust matters, accepts that there are good reasons to justify the delay or the complaint is about a particularly serious matter. Where a school decides that a late complaint will not be investigated, the school will write to the complainant notifying them of the decision within ten school days of the complaint being received. Where a complaint is received outside of term time, it will be considered to have been received on the first school day following the holiday period; this includes when a complaint has been received on the afternoon of the last day as this is a half day for schools.

2.5 Complaints from a number of individuals

On rare occasions a school or the Trust may receive complaints from a number of individuals relating to the same issue. In order to deal with these complaints efficiently the school/Trust will follow the procedure set out in Section 5.3.

2.6 Governors' and trustees' involvement

Complainants should not approach individual governors or trustees to raise concerns or complaints. They have no power to act on an individual basis and it may prevent them from considering complaints at later stages.

2.7 Legal action

If a complainant commences legal action against the Trust, including any school, in relation to their complaint, consideration will be given as to whether it would be appropriate to suspend the complaints procedure until those legal proceedings have concluded.

2.8 Withdrawal of complaint

If a complainant wishes to withdraw their complaint, they will be asked by the governance professional to confirm this in writing.

2.9 Records of complaints

A record will be kept of all written formal complaints, including at what stage they were resolved and action taken by us as a result of those complaints regardless of whether they were upheld. Correspondence, statements and records relating to individual complaints will be kept confidential except where:

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

The Trust will make the findings and recommendations of the complaints committee available for inspection on the school premises by the Trust and the headteacher.

2.10 Trust involvement

The Trust is not involved directly in a parental complaints process as outlined in Section 3. Whilst parents/carers may wish to escalate the matter to the Trust's CEO, they will be informed that they must follow the staged process outlined in Section 3. Trustees, including the CEO, do monitor parental complaints, on a termly basis in terms of numbers as well as the context.

Section 3: Complaints procedure for parents/carers

This section outlines the four-staged process:

Stage 1: Informal concern

Stage 2: Formal complaint

Stage 3: Complaints committee

Stage 4: Referral to Education and Skills Funding Agency (ESFA)

3.1 Stage 1: Informal concerns

3.1.1 Raising an informal concern

An informal concern can be raised in person, by written communication or by telephone. Concerns may also be raised by a third party acting on behalf of a parent, as long as they have appropriate authority to do so. Most enquiries and concerns can be dealt with satisfactorily by the most appropriate member of staff, eg, form tutor, head of year, without the need to resort to the formal procedure. Informal meetings are encouraged with parents/carers so that any concerns they may have can be discussed and resolved through open dialogue and mutual understanding.

3.1.2 Nature of the concern

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

3.1.3 Headteacher involvement

If the matter is brought to the attention of the school's headteacher, they may decide to deal with the complainant's concerns directly at this stage. If the concerns are about the headteacher, these should be referred directly to the governance professional of the local governing body (LGB) under Stage 2 which is outlined in Section 3.2.

3.1.4 Staff involvement

The school will respect the views of a parent who indicates that they would have difficulty discussing a concern with a particular member of staff. In this case, the headteacher will refer the parent to another designated member of staff. Similarly, if the member of staff directly involved in the circumstances leading to the concern feels too compromised to deal with it, the headteacher may consider referring the parent to another member of staff. The member of staff may be more senior, but this is not essential. Staff members log concerns in line with school's procedures and inform the headteacher of any serious concerns.

3.1.5 Timescale

There is no suggested timescale for resolution at Stage 1 given the importance of dialogue through informal discussion, although it is expected that most issues will be resolved within 15 school days. Where no satisfactory solution has been found, the complainant will be advised that their concerns can be considered further should they write to the headteacher under Stage 2 of this procedure within 15 school days using the complaints form as outlined in Section 3.2.1.

3.2 Stage 2: Formal written complaints

3.2.1 Escalation from Stage 1 to Stage 2 using the complaint form

If the complainant's concerns are not resolved under Stage 1, they are entitled to put their complaint in writing and send this to the headteacher of the relevant school. It is very important that the complainant includes a clear statement of the actions that they would like the school to take in order to resolve their complaint. Complainants should complete the complaint form provided in **Appendix 3a** of this procedure. If parents/carers require help in completing the form, they can contact the school office or ask third-party organisations such as the Citizens Advice to help them. In all cases, the written complaint must include:

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

3.2.2 Timescale

A Stage 2 complaint will normally be acknowledged in writing within five school days of receipt. The acknowledgement will give a brief explanation of the next steps and a target date for providing a response to the complaint. This will normally be within 15 school days of receipt. As noted in Section 1.6, there are a number of reasons why this time scale will need to be extended, in particular complex matters and/or those involving an investigating officer.

3.2.3 Appointment of an impartial investigating officer

The Trust may engage an impartial person to carry out the investigation into the Stage 2 complaint or to review the investigation and response at Stage 2. This may be appropriate where the complaint is particularly complex or involves legal issues. It will still be made clear who will be considering the Stage 2 allegation, following the completion of the report; this will usually be a school's headteacher or a member of the LGB as the investigating officer is not the decision maker. The report provided by the investigating officer is the property of the school/Trust and the decision maker at Stage 2 will use it to write their outcome letter. The report will not be routinely shared with the complainant as the outcome letter should be sufficient. If, however, a request is made by the complainant, advice will be sought in relation to data protection, in particular the information provided by individuals. Anyone interviewed will be informed that the report may be requested by the complainant.

3.2.4 Meeting with complainant

If appropriate, the headteacher or the impartial investigating officer may invite the complainant to a meeting to clarify their complaints and to explore possible resolutions. If the complainant accepts that invitation, they can be accompanied by one other person, such as a friend, relative or interpreter, to assist them. Where possible, this meeting will take place within 10 school days of receipt of the written complaint; this is likely to be extended in the case of an impartial investigating officer leading the investigation. The headteacher or investigating officer will decide the order in which witnesses are met with and it is likely that the first meeting will be with the complainant but this might not be the case for special circumstances.

3.2.5 Investigation

3.2.5.1 Witnesses

If necessary, witnesses will be interviewed and statements taken from those involved. If the complaint centres on a student, the student will usually be interviewed. Students will normally be interviewed with the member of staff present for those aged 12 and above and a parent for younger children. In the case of younger children, if making arrangements for the parent to be present would seriously delay the investigation of a serious or urgent complaint or if the younger student has specifically said that they would prefer that their parents/carers were not involved, another member of staff with whom the student feels comfortable will be present. If the matter includes a complaint relating to a member of staff, the member of staff will have the opportunity to respond to the complaint and, as noted in Section 1.8, any concerns that relate to misconduct will be a confidential process for this aspect of the complaint.

3.2.5.2 Written response

Once the relevant facts have been established as far as possible, the complainant will be provided with a written response to the complaint, including an explanation of the decision and the reasons for it. This will include what action will be taken to resolve the complaint (if any). They will be advised that if they are dissatisfied with the outcome of the complaint, they may request that their complaint be heard by the complaints committee under Stage 3 of this procedure. The names of individuals other than the complainant, the complainant's family, members of the school's staff and governors, will be redacted and replaced with a letter relevant to that particular individual (for example 'Jane Brown' will be replaced with 'A' throughout, 'John Jones' will be replaced with 'B' throughout) unless they have provided their written consent for their name to be disclosed. If the decision maker, eg. a governor, has recommendations, these will be noted in the letter but not the specific details as they have to be ratified by the LGB. Once the recommendations have been considered, the complainant will be written to again. This should not alter the escalation process in terms of timescale.

3.2.5.3 Use of CCTV

Some of the Trust schools use closed-circuit television (CCTV) within their premises. The Trust's behaviour policy outlines that: *'Parents/carers may request to view CCTV footage of an incident that involves their child. They will not, however, be allowed an electronic copy. There may, however, be circumstances when the headteacher will refuse permission, eg. the student's account is significantly different and/or police involvement.'* In the case of a complaint where CCTV footage could be used as evidence, the headteacher will decide, or the data protection lead if a complaint involves the headteacher, whether the footage can be viewed by an externally appointed investigating officer and/or the members of the complaints committee. Legal advice may be sought if necessary especially if it is deemed that individuals need permission to view the footage.

3.2.6 Complaints raised against the headteacher, CEO, governors or trustees

Appendix 4 outlines a set of questions about the process when a complaint involves those who would normally be involved in making a decision about a complaint. For example, if a Stage 2 complaint involves the headteacher, eg. they have been involved and/or have knowledge about the matter, the Stage 2 decision will be led by the chair of governors or another governor and in rare cases another suitably qualified individual, eg. another headteacher.

3.3 Stage 3 Referral to the complaints committee

3.3.1 Escalation from Stage 2

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

3.3.2 Request for a complaints committee

To request a hearing before the complaints committee, complainants should write to the governance email address on vltgovernance@vlt.org.uk within 15 school days of receiving notice of the outcome of Stage 2. Requests received outside of this time frame will be considered only if exceptional circumstances apply. Complainants should ensure that they provide copies of all relevant documents and state all the grounds for their complaint and the outcome that they are looking for.

3.3.3 Complaints committee representatives

The Trust's governance team will arrange for a complaints committee to be convened, made up of at least three committee members, including:

- governors from the local governance tier (as appropriate) with no prior involvement in the matter; and
- one person who is independent of the management and running of the Trust.

The governance professional shall appoint one of these committee members to be the chair of the committee.

3.3.4 Timescale

The complainant's written request will be acknowledged within five school days of receipt. Every effort will be made to enable the hearing to take place within 20 school days of the receipt of their request. As soon as reasonably practicable and in any event at least five school days before the hearing, the complainant will be sent written notification of the date, time and place of the hearing, together with brief details of the committee members who will be present. Fair consideration will be given to any bona fide objection to a particular member of the committee. The complainant will also be informed of the name of the person who will be presenting the case on behalf of the school (referred to in this policy as the 'school representative'). This may be the person who is the subject of the complaint, the person who undertook the investigation at Stage 2 and/or another person with sufficient knowledge of the matter. If, despite best efforts, it is not possible to find a mutually convenient date and time for a hearing within a reasonable timeframe, the governance professional may determine that the hearing proceeds on the basis of written submissions from both parties.

3.3.5 Hearing attendance

Complainants have the right to be accompanied to the hearing by a friend, relative or interpreter; they should notify the clerk in advance if they intend to bring anyone to the hearing. Legal representatives are not permitted at the hearing and/or representatives from the media. The complaints committee itself may take legal advice and/or be supported on matters of law and procedure but a legal representative will not attend the hearing.

3.3.6 Documentation

A copy of the complaint and any other documents provided by the complainant in support of their complaint, or by the Stage 2 decision maker in defence of their findings, will be provided to the complaints committee as soon as practicable on receipt. Copies of these documents will also be provided to the complainant and Stage 2 decision maker at least three school days before the hearing. The complaints committee reserves the right not to consider any documentation presented by either party with fewer than three school days prior to the hearing. The complaints committee is under no obligation to hear oral evidence from witnesses but may do so and/or may take written statements into account. The committee will not accept recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

3.3.7 Hearing procedure

Unless otherwise stated, the procedure for the Stage 3 hearing is as follows:

- the parent and Stage 2 decision maker will enter the hearing together;
- the chair of the committee will introduce the committee members and outline the process;
- the parent will explain the complaint;
- the Stage 2 decision maker and committee members will question the parent;
- the Stage 2 decision maker will explain the school's actions;
- the parent and the committee members will question the Stage 2 decision maker;
- the parent will sum up their complaint;
- the Stage 2 decision maker will sum up the school's actions;
- the chair of the committee will explain that both parties will hear from the committee within five school days;
- both parties will leave together while the committee decides; and
- the clerk will stay to assist the committee with its decision making.

The hearing will be conducted to ensure that each party has the opportunity to address the complaints committee. The procedure to be followed during the hearing will be explained to the parties by letter in advance of the hearing. The clerk will ensure that sufficient notes are taken to record an accurate reflection of the points considered and any decisions taken or actions agreed. Electronic recordings of the hearing will not normally be permitted and, in any event, would require the consent of all those present.

3.3.8 Witnesses

The chair of the complaint committee will decide which witnesses will be permitted to attend the hearing to provide an oral statement rather than relying on a written statement or record of a meeting. Witnesses under the age of eighteen, other than the complainant's own family, will only be allowed to attend the hearing at the discretion of the chair as long as they are accompanied by one of their parents or carers. Any written accounts

provided by the complainant relating to witnesses under the age of eighteen must be signed and dated by the witness and one of the witness's parents or carers. Members of school staff involved in the matters, which gave rise to the complaint, will usually have provided a signed written account or have signed a note of a meeting during the previous stages; in terms of the latter, it will be the member of staff's decision if they agree to the meeting notes to be shared with the complainant. Members of staff will not usually be required to attend hearings.

3.3.9 Changes to procedure

The governance professional and/or complaints committee reserves the right to modify the above procedure at their sole discretion, for example requiring the parent and the Stage 2 decision maker to present their complaint/actions separately to the complaints committee in the absence of the other party. A complaints committee may be adjourned if the complaints committee requires further evidence or in exceptional circumstances (for example, if clarification sought by the complaints committee is essential to the proceedings). The adjourned date must be as soon as possible.

3.3.10 Hearing outcome

After the hearing, the complaints committee will consider their decision and inform the complainant and, where relevant, the person complained about, of their decision in writing within five school days. The letter will set out the decision of the committee together with the reasons underpinning that decision. The committee can (by a majority if necessary):

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the school or Trust systems or procedures to ensure that problems of a similar nature do not happen again.

If the committee has a finding which is partly upheld or dismissed, the letter will make clear which aspects of the complaint the parts relate to. **Appendix 5** outlines the roles and responsibilities of individuals involved in complaints committees and can be referred to in preparation for a complaints committee hearing. If the panel has recommendations, these will be noted in the letter but not the specific details as they have to be ratified by the LGB. Once the recommendations have been considered, the complainant will be written to again.

3.4 Stage 4 Referral of complaint to Education and Skills Funding Agency (ESFA)

If the complainant is dissatisfied with the decision of the complaints committee, they are entitled to refer their complaint to the ESFA. The ESFA will only investigate whether the complaint was handled properly and in accordance with education legislation and any statutory policies connected with the complaint. At the time of writing this procedure, details about the ESFA procedure and the ESFA school complaints form are available at: [How ESFA handles complaints about academies - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Or a letter can be sent to the ESFA at the following address:

Academy Complaints and Customer Insight Unit
Education and Skills Funding Agency
Cheylesmore House
5 Quinton Road
Coventry
CV1 2WT

Section 4: Concerns or complaints from other persons

Section 3 of this complaints policy applies only to complaints made by parents/carers of current registered students of the Trust and is managed at a school level. However, the Trust wishes to work closely with other members of the local community and will deal with their concerns and complaints as follows:

Stage 1: A concern regarding a school or Trust, including its operations, may be made by a member of the local community. The school will try to resolve the matter promptly and a member of the school's senior leadership team (SLT) will be appointed by the headteacher to deal with the concern. It is expected that most concerns will

be responded to orally within five school days or in writing within ten school days. If a longer period is required, the member of the local community will be kept informed of the progress of the investigation.

Stage 2: Where a concern is not resolved at Stage 1, the member of the community can make a formal complaint by completing **Appendix 2b** and sending it to the school for the attention of the school's headteacher. The headteacher may delegate the task of investigation and/or responding to the complaint to a member of SLT or may escalate the complaint straight to Stage 3. A formal response to the complaint will usually be provided within 15 school days of receipt of the letter of complaint although if a longer period is required to respond the principle outlined in Section 1.6.1 will apply.

Stage 3: If the member of the local community is not satisfied with the response at Stage 2, they may request a review by writing to the governance professional of the LGB of the school within 15 school days of receipt of the letter at Stage 2. Requests received outside of this time frame will only be considered if exceptional circumstances apply. The governance professional will usually arrange for a governor to consider the complaint alone. The decision at this stage will usually be sent to the member of the community within 15 school days of receipt of the request for a review.

Stage 4: If the member of the community is dissatisfied with the decision at Stage 3, they are entitled to refer their complaint to the ESFA as outlined in Section 3.4.

Concerns or complaints regarding a Headteacher or the Trust's CEO should be referred directly to the governance professional via the Trust's governance email address on vltgovernance@vlt.org.uk who will arrange for the stages above to be considered by an appropriate person.

Section 5: Other related information

5.1 Repetitious and vexatious complaints and complaints pursued in an otherwise unreasonable manner

There are rare circumstances in which the complaints procedure set out in this policy in Sections 1 to 4 will not be followed. These include, but are not limited to, those outlined in this subsection, including repetition, vexatious and unreasonable complaints.

5.1.1 Repetitious, including serial and/or persistent, complaints

Where the complainant's complaint is the same, similar to or based on the same facts of a complaint which has already been considered in full and there is evidence that the school or Trust has:

- taken every reasonable step to address the complainant's concerns; and
- given the complainant a clear statement of the school's/Trust's position and their options, the school/Trust will write to the complainant to advise that the complaints procedure has been exhausted and that the school/Trust will not be responding to any further correspondence in relation to these matters. The complainant will be referred to Stage 4.

5.1.2 Vexatious complaints

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

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

Examples of vexatious complaints are outlined in **Appendix 6**.

5.1.3 Complaints pursued in an otherwise unreasonable manner

Where the complainant's behaviour or language towards staff, governors, trustees or members is aggressive, abusive, offensive, discriminatory or threatening or insulting personal comments are made about, or threats are made towards, staff. In the circumstances outlined in (2) and (3) above, the school/Trust may:

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

5.2 Decision maker

The governance professional will appoint an independent person to consider any referrals by the school in relation to 5.1 to 5.3. This independent individual will make the decision and may put in place some boundaries to ensure the concerns of the school are addressed whilst ensuring the principles of fairness and natural justice. The independent individual, such as the CEO, may restrict the complainant's access to the school, eg. requesting contact in a particular form (for example, letters only), requiring contact to take place with a named person only, restricting telephone calls to specific days and times or number of contacts or banning the complainant from the school's premises in line with the Trust's policy for dealing with unacceptable behaviour on school premises which is available on the Trust website. Where the complainant's behaviour is so extreme that it threatens the immediate safety and welfare of staff, governors, trustees or members, the school/Trust will consider other options - for example, reporting the matter to the police or taking legal action. In such cases, the school/Trust may not give the complainant prior warning of that action.

5.3 Complaint campaigns

For the purposes of this policy, a complaint campaign is defined as a complaint from three or more separate individuals (whether or not connected with the school) which are all based on the same subject. Depending on the subject in question, the school/Trust may deviate from the procedure set out in this policy and instead:

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

Version history

Revision date	By	Summary of Changes Made
May 2024	Board of trustees	New paragraph added in sections on written response and hearing outcome that notes the new process of getting recommendations ratified by the LGB before sharing them with the complainant
December 2023	Board of trustees	Significant changes in all sections based on a Trust model policy
May 2019	Board of Trustees	One stage removed and some final alterations
February 2019	Board of Trustees	Clarification of the timescales to convene a Complaints panel under stage 4 of the process
July 2018	Board of Trustees	Major policy revision, to largely adopt existing Ruislip High Complaints Policy. Change of company name
July 2015	Board of Trustees	Post MAT revisions. Policy Agreed
June 2015	Ryefield LGB	First issue
June 2015	Vyners School Resources Committee February 2013	Inclusion of para on vexatious / unreasonable complaints. Inclusion of new formal stage
March 2015	Vyners School HR Committee February 2013	First issue

Appendix 1: Matters excluded from the scope of this policy

Excluded matters	Signposting
Admissions	The process for challenging admissions decisions is set out in our admissions policy in accordance with relevant statutory guidance.
Child protection matters	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).
Exclusions	The process for challenging exclusions decisions is set out in the DfE's statutory guidance and information can be found at: School suspensions and permanent exclusions - GOV.UK (www.gov.uk)
National Curriculum content	Please contact the Department for Education at www.education.gov.uk/contactus
School re-organisation proposals	Where concerns are not adequately addressed by the school, complaints can be raised directly with the Department for Education.
Complaints about services provided by other providers who may use school premises or facilities	Providers should have their own complaints procedure to deal with complaints about service. Please contact them directly.
Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.
Staff conduct	Certain complaints about staff may need to be dealt with under the school's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.
Statutory assessments of Special Educational Needs (SEN)	Concerns about statutory assessments of special educational needs should be raised directly with the local authority.
Whistleblowing	The Trust has an internal whistleblowing procedure for all our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for whistleblowers in education who do not want to raise matters directly with their employer. Referrals can be made at: www.education.gov.uk/contactus Volunteer staff who have concerns should complain through the school's complaints procedure. They may also be able to complain direct to the Department for Education (see link above), depending on the substance of the complaint

Appendix 2: Summary of complaints procedure for parents/carers

Stage 1: Informal concerns	Parent brings complaint to attention of member of staff
	Issue to be resolved (guide: within 15 school days)
	Where no satisfactory solution has been found, parent to be advised that they should proceed to Stage 2
Stage 2: Formal written complaint	Parent to put complaint in writing using Complaint Form within 15 school days
	Complaint to be acknowledged within five school days
	Meeting with parents/carers within 10 school days (where appropriate)
	Response to the complaint sent within 15 school days
Stage 3: Referral to complaints committee	Parent to request hearing within 15 school days of receiving notice of the outcome of Stage 2
	Request to be acknowledged within five school days
	Hearing to take place within 20 school days of receipt of request
	Notification of date, time and place of the hearing and details of the committee members present sent at least five school days before the hearing
	School representative and parents/carers to submit evidence in support of their case to governance professional at least three school days before the hearing
	Complaints committee decision sent not more than five school days after the hearing

Appendix 3a: Complaints form for parents/carers

Your name:
Student's name:
Your relationship to student:
Your address and postcode:
Your daytime telephone number:
Your evening telephone number:
Your email address:
Your complaint is: (if you have more than one complaint, please number these)
What action have you already taken to try and resolve your complaint(s) in accordance with Stage 1 of the school's complaints procedure? (Who did you speak to and what was the response?)
What would you like as an outcome from your complaint(s)?
Are you attaching any paperwork? If so, give details here:

Your signature..... Date

All functions of the complaints procedure must adhere to the requirements of the Data Protection Act 2018 and the Freedom of Information Act 2000.

Please complete and return to the school office in a sealed envelope addressed, or to the governance email address: vltgovernance@vlt.org.uk for the attention of the headteacher (or if the headteacher is involved or has dealt with the concerns at Stage 1, the chair of governors). A Word version of this form is available on the Trust's website ([click here](#)).

Office use

Date and time received:

Date and time acknowledgement sent:

Responsible member of staff:

Appendix 3b: Complaints form for member of the community

Your name:
Your address and postcode:
Your daytime telephone number:
Your evening telephone number:
Your email address:
Your complaint is: (if you have more than one complaint, please number these)
What action have you already taken to try and resolve your complaint(s) in accordance with Stage 1 of the school's or Trust's complaints procedure? (Who did you speak to and what was the response?)
What would you like as an outcome from your complaint(s)?
Are you attaching any paperwork? If so, give details here:

Your signature Date

All functions of the complaints procedure must adhere to the requirements of the Data Protection Act 2018 and the Freedom of Information Act 2000.

Please complete and return to the school office in a sealed envelope addressed, or to the governance email address: vltgovernance@vlt.org.uk, for the attention of the headteacher (or if the headteacher is involved or has dealt with the concerns at Stage 1, the chair of governors). For any concerns related to the Trust, the form should be addressed for the CEO's attention or for the chair of trustees if it involves the CEO or they dealt with the complaint at Stage 1. [Click here](#) for a Word version of the form.

Office use

Date and time received:

Date and time acknowledgement sent:

Responsible member of staff:

Appendix 4: Questions about how complaints should be handled

Question 1. What if the complaint is about the headteacher or they have already considered your complaint under Stage 1?

In these cases, your complaint should be sent to the chair of governors who will arrange for a governor to carry out the Stage 2 procedure as noted on the complaints form.

Question 2. What if the complaint is about a governor of the local governing body?

Complaints about the chair of governors or any individual governor should be addressed to the governance professional via the governance email address: vltgovernance@vlt.org.uk. Please mark them as Private and Confidential. The governance professional will arrange for another governor to consider the concerns in accordance with Stage 2. If the complaint is about the LGB as a whole, the governance professional will then determine the most appropriate action with regards to Stage 2 and Stage 3.

Question 3. What if the complaint is about the chief executive officer (CEO)?

If the complaint is about the CEO of the Trust your complaint should be sent to the governance professional via the governance email address: vltgovernance@vlt.org.uk who will refer it to the chair of trustees and a trustee will be agreed to carry out all the Stage 2 procedures.

Question 4. What if the complaint is about a trustee, governance professional or a member of the Trust?

If the complaint is about a trustee or member of the Trust, the governance professional, via the governance email address: vltgovernance@vlt.org.uk, who will arrange for another trustee to investigate the concerns in accordance with Stage 2. If your complaint is about the Trust board as a whole, you should send your complaint to the governance professional who will arrange for the matter to be independently investigated.

Appendix 5: Roles and responsibilities

The role of the governance professional

The governance professional is the contact point for the complainant and the complaints committee, and should:

- ensure that the complainant is fully updated at each stage of the procedure;
- liaise with staff, headteacher, or chair of governors of a school or CEO and chair of the trustee board (as applicable) to ensure the smooth running of the complaints procedure;
- be mindful of the timescales to respond to complaints;
- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR);
- ensure that the complaints committee has access to legal advice, where appropriate;
- set the date, time and venue of the meeting, taking reasonable steps to find a date that is convenient to all parties and that the venue and proceedings are accessible;
- collate any written material relevant to the complaint (for example: Stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale;
- minute the meeting;
- notify all parties of the complaint committee's decision;
- assist the school/Trust in issuing a summary letter to the complainant.

The role of the headteacher (or other individual as applicable in accordance with the procedure) at Stage 2

- to ensure that the complainant is fully updated at each stage of the procedure;
- to ensure that the correct procedure has been followed;
- to ensure that an investigation is carried out, and a report compiled;
- to meet the complainant, if appropriate;
- if the complaint is being referred to Stage 3, notify the governance professional to arrange the complaints committee.

The role of the chair of the complaints committee

The chair of the complaints committee has a key role, ensuring that:

- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy;
- complainants who may not be used to speaking at such a meeting are put at ease;
- the remit of the complaints committee is explained to the complainant;
- the written material is seen by everyone in attendance (provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR);
- key findings of fact are made, and that any issues not previously mentioned in writing should not be raised at the meeting and, if they are mentioned at the meeting, these are not noted or considered by the complaints committee;
- both the complainant and the school/Trust are given the opportunity to make their case, and seek clarity, either through written submissions ahead of the meeting, or orally in the meeting itself;
- the complaints committee is open-minded, acts independently and no committee member has an external interest in the outcome or any involvement in an earlier stage of the procedure; and
- minutes of the meeting are taken.

Appendix 6: Examples of vexatious complaints

Examples include but are not limited to:

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