

Complaints Policy

Trust Policy & Procedures

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<i>Trust/school-mandatory policies</i>	Behaviour Policy Code of Conduct for Trustees and Governors Data Protection Policy Disciplinary and Capability Policy/Procedures Grievance Policy/Procedures Child Protection and Safeguarding Policy
<i>Optional school policies</i>	
<i>External</i>	DfE Academy Trust Handbook

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Please note this list may be updated by the responsible officer when change arises in the organisation, without the need for committee meeting review/approval.

1 Introduction

Athena-GEP (referred to as the 'trust') endeavours to provide the best education possible for all of its pupils in an open and transparent environment. We welcome any feedback that we receive from parents, pupils and third parties, and we accept that not all of this will be positive. Where concerns are raised the trust and its schools deal with them:

- Fairly
- Openly
- Promptly
- Without prejudice

The trustees have approved the following procedure for the handling of complaints made against the trust and its schools.

This policy has been written with due regard to the Education and Skills Funding Agency guidance on best practice for complaints.

Records or logs relating to any complaint will be retained in accordance with the trust' data retention procedure, as referred to in the trust Data Protection Policy.

2 Availability of the complaints policy and procedures

A copy of this policy is available on each school's website, and on the trust website. Copies may also be obtained from each school's office.

3 Scope of this policy

This policy covers complaints about any provision of the trust and its schools, other than complaints that are dealt with under other statutory processes, including those listed below:

Exceptions	Who to contact
Admissions to schools Statutory assessments of Special Educational Needs School re-organisation proposals	Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Surrey County Council.
Matters likely to require a child protection investigation	Complaints about child protection matters are handled under our Child Protection and Safeguarding Policy and in accordance with relevant statutory guidance. If you have concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Children's Single Point of Access (C-SPA). https://www.surreycc.gov.uk/social-care-and-health/concerned-for-someones-safety
Exclusion of children from school*	Further information about raising concerns regarding exclusions can be found at: www.gov.uk/school-discipline-exclusions/exclusions . <i>*complaints about the content and application of a school's behaviour policy can be made through this policy.</i>
Whistle-blowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus . Volunteer staff who have concerns should complain through this complaints policy. They may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of the complaint.
Staff grievances	Complaints from staff will be dealt with under the trust grievance procedure.

Staff conduct	Complaints about staff will be dealt with under the trust disciplinary and capability policy, 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.
Complaints about services provided by other providers who may use a school premises or facility	Providers should have their own complaints procedure to deal with complaints about service. Please contact them directly.
National Curriculum - content	Please contact the Department for Education at: www.education.gov.uk/contactus .

4 Who can raise concerns or complaints?

Complainants do not need to be parents or guardians of children at the trust's schools. The trust will not normally investigate complaints that are submitted anonymously. The person responsible for investigating a complaint will determine whether an anonymous complaint requires investigation.

5 Raising your concerns informally

The trust and its schools strongly encourage those with concerns to raise them informally with an appropriate individual. This will usually be a pupil's classteacher (nursery / primary), form tutor or head of year (secondary / further education), with the school's office, or with a member of the trust central staff. If a complainant is not satisfied with the response to their concern and believe that the issue has not been resolved, they will be able to use the formal complaints procedure detailed below.

All concerns will be dealt with confidentially, although the staff member may need to take notes if they feel that the matter may need to be taken further or it may arise again in the future. Any such notes will be kept in accordance with the trust Data Protection Policy. Notes can be used as evidence if further investigation is required, or if the concern becomes a formal complaint.

6 Timescales for raising concerns and complaints

Concerns must be raised informally with an appropriate member of the school's staff or the school office as soon as possible. Where a complainant wishes to proceed with the formal process set out below, they will normally need to do so within three months of any issue occurring. Complaints older than three months will only be investigated in exceptional circumstances, The person responsible for investigating a complaint will determine whether complaints that are older than three months require investigation. The complainant will be provided with reasons if their request has not been allowed.

The timescales that apply to each stage are stated in the appropriate sections of this policy.

Where other bodies are involved in aspects of a complaint, for example the police, the local authority (LA), safeguarding teams, tribunals or courts, our ability to adhere to the timescales within this procedure may be affected. We may also need to suspend this procedure until other public bodies have completed their processes.

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

7 Formal complaints

Complainants are able to formally complain where they are not satisfied that their concerns have been addressed by using the formal process set out below. The trust and its schools encourage complainants to raise their complaints online using the complaints form – <https://www.athena-gep.co.uk/971/complaints>.

Complaints Process A - complaints about schools

(not including headteachers/principals, the trust or its other units)

Stage 1

Investigation and response from the headteacher/principal or their deputy in the absence of the headteacher (both referred to as "the headteacher").

Stage 2

Headteacher's investigation and response reviewed by at least three members of the trust Local Governing Body (LGB).

Stage 3

The LGB response reviewed by the trust's complaint review panel, consisting of at least two trustees and one independent member (usually a governor from a school within the trust, not connected with the complaint).

Complaints Process B - complaints about Headteachers/Principals; the trust and its other units

(not including schools)

Stage 1

Investigation and response by the trust chief executive (with the exceptions detailed in sections 8 and 9 below).

Stage 2

Investigator's response reviewed by the trust complaint review panel, consisting of at least two trustees and one independent member (usually a governor from a school within the trust, not connected with the complaint).

At each stage of this procedure, the trust and its schools want to resolve complaints in partnership with complainants. Where a complaint is upheld in part, or its entirety, the following resolutions are available at all stages of the process:

- An explanation
- An admission that the situation could have been handled differently or better
- An assurance that we will try to ensure the matter complained of will not reoccur
- An explanation of the steps that have been, or will be, taken to help ensure that the matter complained of will not happen again and an indication of the timescales within which any changes will be made
- An undertaking to review the trust or school policies in light of the complaint
- An apology
- Mediation

Where there are multiple complaints that are similar in their nature, the trust and its schools reserve the right to issue template responses or to publish responses on their websites.

At all stages of this policy, the trust and its schools will act in a manner that is:

- Lawful
- Rational
- Reasonable
- Fair
- Proportionate

To accommodate differing circumstances, there may be occasions where it is deemed appropriate to hold a complaint-related meeting virtually.

7.1 Stage 1 – investigations

Complainants must set out, in writing:

- The grounds of the complaint.
- Details of the informal discussions that took place in order to attempt to resolve the matter.
- Why any informal measures have not been successful, which have resulted in the complaint remaining unresolved.
- What measures they are seeking, in order to resolve their complaint.

The complaint will be acknowledged in writing within ten term-time working days.

An investigation will be carried out, during which further information from the complainant either in writing, verbally, or via a meeting may be sought. A headteacher or the chief executive may delegate any investigation to a suitably qualified or experienced member of staff, but only the headteacher or chief executive may provide a formal response (except where another individual is investigating in accordance with sections 8 and 9 below).

The individual responsible for investigating the complaint will:

- If necessary, seek statements or information from those involved in the matter. These individuals may be accompanied by a friend or relative if they wish.
- Retain a written record of the investigations, including notes of any meetings or discussions that have taken place.

At the conclusion of the investigation, the headteacher or chief executive (or other investigator appointed in accordance with sections 8 and 9 below) will provide a formal written response within thirty term-time working days of the date of receipt of the complaint. If this deadline cannot be met, the complainant will be provided with the reasons for this, and a date by which the individual expects to be able to provide a formal response. A formal response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions The trust and/or its schools will take to resolve the complaint.

The complainant will be advised on how they are able to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

7.2 Stages 2 and 3 – review panels

In order to proceed to these stages, the complainant must set out in writing, the reasons why they feel that the complaint has not been fully investigated, which element(s) of their complaint remain unresolved, and what outcome they are seeking from the complaint review panel.

The complainant must make their request within ten term-time working days of receiving the decision letter from the earlier stage or it will not be considered, except in exceptional circumstances. The chair of the trust board or the trust local academy committee, as appropriate, will determine whether an out of time request for a review panel shall be accepted. The complainant will be provided with reasons if their request is not allowed. Where the chair is unable to act, their appointed deputy shall do so in their absence.

The aim of a complaint review meeting is to review how the complaint was handled - not to reinvestigate the complaint itself. This will include reviewing evidence and outcomes from earlier stages, evaluating whether

relevant policies and procedures have been followed, and considering whether the resolution offered was reasonable and appropriate. Consideration should also be given to achieving reconciliation between The trust and/or the school and the complainant, however, it is recognised that this is not always possible.

The clerk to the panel will acknowledge receipt of the complaint within ten term-time working days and attempt to convene a panel within thirty term-time working days of its receipt. Reasonable attempts will be made to establish a date that is convenient for all parties. The documents for the hearing (including the procedure to be followed) will normally be circulated five term-time working days before the hearing.

The clerk will prepare and circulate the minutes (which form a summary of the proceedings) and decision letter as soon as reasonably practicable after the hearing.

Where any deadline cannot be met, the clerk will contact the complainant detailing the reasons for this. Where a mutually convenient date cannot be established, or any party does not attend as arranged, hearings are able to proceed in their absence so long as the requisite panel members and clerk are present.

All panel members must have no prior knowledge of the complaint.

The following parties would normally be invited to complaints review hearings:

- The complainant.
- The headteacher/chief executive and/or any appointed complaint investigator (as applicable).
- Relevant witnesses.
- An adviser and/or clerk to the panel.

The complainant may be accompanied by a friend, relative, representative or advocate. This would not normally be a member of the trust or school staff. The complainant should advise the clerk to the panel of the name and role of any person they wish to accompany them. The presence of attendees and the manner in which they are able to participate in the hearing is subject to the agreement of the chair of the panel.

Parties are discouraged from being accompanied by a legal representative. Due to the confidential nature of the panels, electronic copies of the proceedings are not normally allowed and members of any media outlet are not permitted to attend.

If the attendance of any pupils is required at the hearing, parental permission will be sought if the pupil is under the age of 18. Particular care will be taken to consider the vulnerability of children where they are present at a complaints hearing.

The resolutions detailed in section 7 of this policy are available to complaints review panels.

Panel meetings will be carried out in accordance with the general principals of natural justice.

Parties will be informed in writing of the hearing's outcome, along with the panel's reasons, as soon as reasonably practicable after the hearing.

These are the final stages at which the trust and its schools will consider the complaint. The clerk will advise the complainant of next steps in the panel's decision letter.

8 Complaints about the chief executive

Where a complaint relates to the chief executive, an investigation and response will be carried out by a trustee, in accordance with complaints process B.

9 Complaints about members, trustees and governors

Where a complaint relates to an individual trustee, an investigation and response will be carried out by the chair of the trust board, in accordance with complaints process B.

Where a complaint relates to member(s), the trust board, or the chair of the trust board, an investigation and response will be carried out by a suitably qualified/experienced person who is independent of the trust, in accordance with complaints process B.

Where a complaint relates to an individual governor, an investigation and response will be carried out by the chair of the local academy committee, in accordance with complaints process B.

Where a complaint relates to a trust LGB, an investigation and response will be carried out by a trustee, in accordance with complaints process B.

Any investigation and response will be carried out in accordance with the principles set out in section 7 above.

10 Withdrawal of complaints

Complainants are able to withdraw their complaints at any point by writing to the individual handling their complaint.

11 Persistent, frivolous or vexatious complainants

Parties are expected to act in a decent manner and treat each other with respect through all stages of the complaints process.

The policy for the handling of persistent, frivolous or vexatious complainants is referenced under Appendix 1.

12 Adjustments to this policy

The trust periodically reviews its policies to ensure that they are appropriate and follow all necessary legislation and guidance.

Requests for reasonable adjustments to this policy, on the basis of the Equality Act 2010, will be considered on a case-by-case basis.

Where this policy does not specify a particular course of action, the chief executive is able to authorise appropriate actions to be taken.

12.1 Next Steps

If a complainant believes that the trust or its schools did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties, they can contact the Education and Skills Funding Agency after they have exhausted the steps detailed in this complaints process.

The Education and Skills Funding Agency (ESFA) will not normally reinvestigate the substance of complaints or overturn any decisions made by trusts (except where children are at risk of harm or are missing education). The ESFA will consider whether the trust has adhered to education legislation and any statutory policies connected with the complaint.

Details on how to complaint to the Education and Skills Funding Agency are online - <https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy>.

13 Appendix 1: Persistent, frivolous or vexatious complainants

The trust and its schools are committed to dealing with all complaints fairly and impartially, and to providing a high quality service to the community. We will not normally limit the contact complainants have with our school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from such behaviour, including that which is abusive, offensive or threatening.

The trust and its schools define unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- refuses to co-operate with the complaints investigation process
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- changes the basis of the complaint as the investigation proceeds
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Education and Skills Funding Agency
- seeks an unrealistic outcome
- makes 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
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the school that relates to their complaint, while the complaint is being progressed. Repeated correspondence about a complaint is likely to delay any outcome being reached.

13.1 Procedure for handling persistent, frivolous or vexatious complainants

If a complainant's behaviour is considered unreasonable, the chief executive will initially write to them to explain that their behaviour is unreasonable and ask that they change it.

If, after the chief executive has written to the complainant asking them to modify their behaviour, the complainant's unreasonable behaviour continues, the following options are available to the chief executive:

- Creation of a communication plan which sets out acceptable methods communication and/or names of individuals that the complainant may correspond with. Such plans will be reviewed by the chief executive at appropriate intervals.
- Stop responding where **all** of the following apply:
 - Every reasonable attempt to address the complainant's concerns have been taken.
 - The complainant has received a clear statement of the options available to them and of the trust's position.
 - There is repeated correspondence, making substantially the same points each time. The trust considers that the case to end communications is stronger where the complainant is abusive, aggressive, insulting, threatening, or intending to cause disruption to the activities of a school or the trust.

- Barring the complainant from the school/trust premises, where their behaviour is a particular cause for concern.

The chief executive will write to the complainant to explain why they have been barred from a school/trust site. The complainant will be given an opportunity to object to a decision to bar them from a site by writing to the chief executive within 10 days of receiving a notice informing them of the chief executive's decision. The complaints panel will review the chief executive's reasons for barring an individual from a site and any written objection to it, and may uphold or decline to uphold the decision to bar an individual from a site. The complaints panel will decide the length of the bar and when it shall be reviewed by the chief executive.

Further applications to bar an individual from a site (or extend an existing bar) may be made in accordance with the procedure above.

Further DfE guidance on barring individuals from sites.