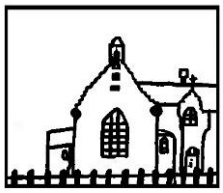


Kirkby la Thorpe
Church of England Primary Academy
and Pre-School

Policy Title	Complaints Policy
Governance Function Area	Finance and General Purpose
Date reviewed/amended	September 26
Date for next review and frequency	Biennially September 28



Kirkby la Thorpe
Church of England Primary Academy and Pre-School

Complaints Policy

1. Purpose

Kirkby la Thorpe CE Primary School aims to resolve complaints at the earliest possible stage and, where possible, informally, and is dedicated to continuing to provide the highest quality of education possible in the academy throughout the procedure.

This policy has been created to handle complaints relating to any aspects of the provision of facilities or services against:

- Any member of staff.
- The academy.
- Individual trustees or the board of trustees.

It is designed to ensure that the Academy's complaints procedure is straightforward, impartial, non-adversarial, allows a full and fair investigation, respects confidentiality, and delivers an effective response and appropriate redress.

This policy outlines the procedure that the complainant and the academy will follow. Once a complaint has been made, it can be resolved or withdrawn at any stage.

The headteacher and/or chair of trustees will delegate an appropriate person to be the first point of contact during the complaint's procedure.

2. Legal framework

This policy has due regard to all relevant legislation and guidance including, but not limited to, the following:

- Freedom of Information Act 2000
- Education Act 2002
- Equality Act 2010
- The Education (Independent School Standards) Regulations 2014
- Immigration Act 2016
- UK General Data Protection Regulation (UK GDPR)

- Data Protection Act 2018
- HM Government 'Code of Practice on the English language requirement for public sector workers'
- DfE 'Best practice guidance for academies complaints procedures'
- ICO 'How to deal with data protection complaints'
- DfE 'Academy trust handbook'

This policy operates in conjunction with the following school policies:

- Admissions Policy
- Child Protection and Safeguarding Policy
- Behaviour Policy
- Suspension and Exclusion Policy
- Whistleblowing Policy
- Grievance Policy
- Data Protection Policy
- Records Management Policy

3. Definitions

We define a concern as follow:

A "**concern**" is defined as 'an expression of worry or doubt' where reassurance is required.

We define a complaint as follows:

Any complaint or concern will be taken seriously, whether raised formally or informally, and the appropriate procedures will be implemented.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. Concerns will be treated extremely seriously and every effort will be made to resolve the matter as quickly as possible.

If an individual has difficulty discussing a concern with a particular member of staff, a different member of staff will be nominated. Similarly, if the member of staff directly involved feels unable to

deal with a concern, the concern will be referred to another member of staff. The member of staff may be more senior but does not have to be. The concern will be treated objectively and impartially.

The academy will recognise that there are occasions when people would prefer to raise their concerns formally. In this case, there will be attempts to resolve the issue internally, through the stages outlined within this complaints procedure.

The definition of "**unreasonable complaints**" is outlined in the 'Managing unreasonable complaints' section of this policy.

For the purpose of this policy, "**duplicate complaints**" are identical complaints received from a complainant's spouse, partner or family member. These complaints will not be addressed again and the individual making the second complaint will be informed that the complaint has been dealt with on a local level. If the individual is dissatisfied with the result, they can appeal to the DfE, as outlined in 'The role of the DfE' subsection of this policy. Any new details provided by a complainant's spouse, partner or child, however, will be investigated and managed in line with the complaints procedure.

For the purpose of this policy, "**complaints campaigns**" are where the academy receives large volumes of complaints that are all based on the same subject.

Application of the complaints procedure

Legally, all schools, academies and Trusts must have a complaints procedure which deals with the handling of complaints from parents of pupils.

All Academy staff will be made aware of the complaints procedure and are expected to review this document regularly in order that they are familiar with our process of dealing with complaints can be of most assistance when an issue is brought to their attention.

This document explains that procedure, and the steps that it outlines should be referred to and followed by all pupils and their parents whenever an issue arises that causes concern. If it becomes necessary to alter time limits and deadlines set out within this procedure, you will be advised accordingly, given an explanation and provided with revised timescales.

This document does not apply to complaints where there is another route available to make representations or appeal. This includes:

- Admissions
- Child Protection and Safeguarding
- Statutory assessments of special educational needs and education health and care plans
- Disciplinary issues relating to staff members
- National Curriculum content
- Complaints about services provided by other providers who may use the school premises or facilities
- Staff Grievances
- Staff conduct issues

Each part of these follows its own process of complaints and appeals which are outlines in their relevant policies

All other complaints will be directed towards the procedures laid out in this policy. Complainants may make complaints in person, in writing or by telephone. Complaints should be made using the appropriate channels of communication. The academy will not normally investigate anonymous complaints; however, the headteacher or Chair of Trustees, if appropriate, will determine whether the complaint warrants an investigation.

Complaints are expected to be made as soon as possible after an incident arises and within three months of the incident or, where there a series of associated incidents have occurred, within three months of the last of these incidents. Complaints made outside this time limit will be considered in exceptional circumstances. In the case of any timescales changing, all parties involved will be informed of the changes in a timely manner. Complaints received outside of term time will be treated as **being received on the first school day after the holiday period**.

A complaint can progress to the next stage of the procedure even if it is not viewed as "justified". All complainants will be given the opportunity to fully complete the complaints procedure.

Complaints against staff, excluding the headteacher, will:

- Be dealt with by the headteacher via the school office and marked as Private and Confidential.
- Follow the complaints procedure, including a panel hearing where applicable.

Complaints that involve or about the headteacher will:

- Be dealt with by the chair of trustees via the trust office and marked as Private and Confidential.
- Follow the complaints procedure, including a panel hearing where applicable.

Complaints against trustees will:

- Be made in writing to the clerk marked as private and confidential, who will arrange for them to be heard.
- Be dealt with by the chair of trustees.
- Potentially involve escalation to conduct an investigation – this will be managed by the CEO.
- Involve a panel hearing where applicable.
- Complaints against the chair of trustees will:

Be made in writing to the clerk marked as private and confidential, who will determine the most appropriate course of action dependent on the nature of the complaint.

- Complaints against the board of trustees will:
- Be made in writing to the CEO and marked as private and confidential.
- Follow the complaints procedure, including a panel hearing where applicable.

Complaints against the CEO will:

- Be dealt with by the **chair of trustees**, with a panel hearing where applicable.

Complaints against the trust will:

- Be dealt with by the CEO.
- Begin with stage two of the 'Complaints procedure' outlined in this policy, i.e. via a formal, written complaint.

4. Roles and responsibilities

The complainant will be responsible for:

- Cooperating with the academy in seeking a solution to the complaint.
- Expressing the complaint and their concerns in full at the earliest opportunity.
- Promptly responding to any requests for information and meetings.
- Asking for assistance as needed.
- Treating anyone involved in the complaint with respect.
- Respecting confidentiality.

The role of the investigator will differ depending on the nature of the complaint and at whom it is directed. This means that:

- For complaints against staff, the investigator will be the headteacher.
- For complaints against the headteacher, the investigator will be the chair of trustees.
- For complaints against trustees, the investigator will be the chair of trustees.
- For complaints against the chair of trustees or the board of trustees, the clerk will appoint an appropriate person to be the investigator.
- For complaints against the CEO, the investigator will be the chair of trustees.

The investigator of the complaint will be responsible for:

- Providing a sensitive and thorough interviewing process of the complainant to establish what has happened and who is involved.
- Considering all records, evidence and relevant information provided.
- Interviewing all parties that are involved in the complaint, including staff and pupils.
- Conducting interviews with an open mind and being prepared to persist in the questioning of those involved.
- Analysing all information in a comprehensive and fair manner.
- Consulting with the complainant and clarifying an appropriate resolution to the problem.
- Identifying and recommending solutions and courses of actions to take.
- Being mindful of timescales and ensuring all parties involved are aware of these timescales.
- Responding to the complainant in a clear and understandable manner.

Where complaints are escalated to a panel hearing, all complaints panel members will be aware that:

- The review panel hearing is independent and impartial.
- No individual with prior involvement in the complaint, or the circumstances surrounding it, is permitted to sit on the panel.
- The aim of the panel is to achieve a reasonable resolution and, ultimately, attain reconciliation between the parties involved.
- Reconciliation between the academy 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:
    - Dismiss or uphold the complaint, in whole or in part.
    - Decide on appropriate action to be taken.
    - Recommend changes that the trust can make to prevent reoccurrence of the problem.
- Complainants may feel nervous or inhibited in a formal setting and, therefore, the proceedings should be as welcoming as possible.
- When a child is present at the hearing, extra care needs to be taken to ensure that the child does not feel intimidated, as well as ensuring the child's view is represented equally.

The panel chair will:

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

The role of the DfE

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. If a complainant wishes to escalate a complaint, the academy will refer them to the relevant contact form, and prompt them to follow the instructions on this form to submit a complaint to the Secretary of State.

The DfE will not overturn the academy or panel's decision about a complaint or re-investigate the original complaint. The DfE will only intervene following a complaint if it believes the academy has:

- Breached a clause in its funding agreement.
- Failed to comply with education law or acted unreasonably when exercising related education functions.

When making a final decision about a complaint, the academy reserves the right to seek advice from the DfE on whether they are acting reasonably and lawfully; however, they will not be able to advise on how to resolve the complaint.

Dealing with concerns

We recognise that parents and carers will, from time to time, have normal legitimate concerns about the progress, achievement, behaviour or welfare of their child, or about matters connected with the Academy.

We encourage parents and carers to make those concerns known to the relevant member of staff so that they can be addressed in partnership with the Academy. Almost invariably, the sooner such concerns are raised, the easier it is for an appropriate resolution to be found. This can be done verbally through face to face or phone call. Where it is in writing, the individual will be contacted to discuss further.

All concerns will be dealt with confidentially, although the staff member may need to take notes if they feel that the matter needs to be taken further or if it may arise again in the future. Any such notes will be kept in accordance with the principles of the Data Protection Act 2018.
However, such notes would be able to be used as evidence if further investigation was required, or if the concern became a formal complaint.

All other complaints will be directed towards the procedures laid out in this policy.

The nature of the concern will determine which member of staff you should approach in the first instance.

- Educational matters: child's class teacher
- Pastoral care: child's class teacher
- Disciplinary matters: child's class teacher
- Financial/Administration matters: bursar or administrator
- Complaint about a staff member's conduct: direct approach to the staff member themselves. Where this does not resolve the situation, the Head Teacher should be approached.

Social Media

In order for complaints to be resolved as quickly and fairly as possible, Kirkby la Thorpe CE Primary Academy requests the complainants do not discuss complaints publicly or via social media such as Facebook and X. Complaints will be dealt with confidentially for those involved, and we expect complainants to observe confidentiality also.

Complaints that result in staff capability or disciplinary

If at any formal stage of the complaint, it is determined that staff disciplinary or capability proceedings are necessary in order to resolve the issue, the details of this action will remain confidential to the Head Teacher. The complainant is entitled to be informed that action is being taken and the eventual outcome of any such action, but they are not entitled to participate in the proceedings or receive any detail about them.

5. Complaints procedure

The academy will ensure that the complaints procedure is:

- Easily accessible and publicised on its website.
- Simple to understand and put into practice.
- Impartial and fair to all parties involved.
- Respectful of confidentiality duties.
- Continuously under improvement.
- Fairly investigated, by an independent person where necessary.
- Used to address all issues to provide appropriate and effective responses where necessary.
- **Informal** – which will usually come in the form of a meeting between a representative of the academy and the complainant.
- **Formal** – where the complaint is put in writing to the academy.
- **Panel hearing** – where the panel includes at least three people who were not directly involved in the matters detailed in the complaint and one person who is independent of the management and running of the academy.

At each stage, complainants will be informed of their options for escalation if they are unsatisfied with the outcome of their complaint. The appropriate person will communicate the details of the next stage of the process when delivering the outcome of the current stage, where applicable.

To prevent later challenge or disagreement over what was said in any in-person meetings or telephone conversations at any stage of the procedure, brief notes will be kept, and a copy of any written response will be added to the record of the complaint. Notes and paper copies of any complaints and/or responses are kept securely **on each academy's ICT system**, or **on the central trust ICT system** where the complaint is against the academy as a whole or a member of the board of trustees.

Further information relating to each stage can be found following the table.

Stage	Action	Time scale
Stage 1- Informal concern	• Informal and immediate addressing of issues by a relevant staff member. • This can be made in person or by telephone. Writing will be followed up with a meeting or phone call to address. • Informal meeting arranged • Where dissatisfied, formal complaint form to be completed and move to stage 2	10 Academy days
Stage 2- Formal complaint	• Complaint made in writing to the head • Complaint dealt with by Chair of Trustees if about the headteacher • Complainant fills in appendix 1 • Acknowledge receipt • Carry out investigation • Come to conclusion • Where dissatisfied with outcomes, progress to stage 3 • Write to complainant with outcome within 15 academy days	15 academy days
Stage 3 Panel hearing	• Formal appeal to a panel of governors • Acknowledge receipt • Carry out hearing • Come to conclusion • This is the final stage of the school's complaints procedure. Where dissatisfied with outcomes, contact DfE	15 academy days

Timeframes

Kirkby la Thorpe CE Primary Academy will endeavour to abide by timeframes stated under each stage but acknowledges that in some circumstances, this is not always possible due to the complexity of information needed to review a complaint or difficulties regarding individual's availability to deal with the complaint, for example. If it becomes apparent that it is not possible to complete any stage of the complaints procedure within a given timeframe, the individual responsible for handling the complaint will contact the complainant as soon as possible and come to an agreed timeframe that works for all parties involved.

Kirkby la Thorpe CE Primary Academy reserves the right not to investigate complaints that have been made three months, or more, after the subject of the complaint took place, except in exceptional circumstances. What is meant by exceptional circumstances is where new evidence has come to light, where the complaint is of an especially serious matter or where there is reasonable justification for why the complainant has been unable to raise the complaint before this time. The Head Teacher will review the situation and decide whether or not to enact the complaints procedure, informing the Chair of Trustees of the decision.

Handling a complaint

Stage 1 – Informal investigation by the Head Teacher

An informal complaint may be made in person, by telephone or in writing; however, it is preferred that initial, informal complaints are made via an in-person meeting.

Where a complaint has been made about a member of staff, the complainant can discuss the concern with the headteacher, or a person delegated to hear the complaint on their behalf, to seek support. If the concern is about the headteacher, the chair of trustees should be informed and will need to manage the complaint.

Where a complaint is made initially to a trustee, the complainant will be referred to the appropriate person. No member of staff or trustee will act alone on a complaint outside of the procedure; if they do, they cannot be involved if the complaint is subject to a hearing at a later stage of the procedure.

Within **10** school days of notification of the complaint, the complainant and the relevant member of staff should discuss the issue in a respectful and informal manner to seek a mutual resolution.

At this initial communication stage of the complaint, the complainant will be asked for their input as to what they believe may resolve the issue about which the complaint has been made to avoid further escalation where possible.

In line with DfE guidance, complainants should note that any acknowledgement by the trust that it could have managed the situation better is not an admission of unlawful or negligent action.

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 person managing the response to the complaint will inform the complainant about the next level of the procedure.

Stage two – formal complaint

Formal complaints must be made in writing.

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 person managing the complaint will contact the complainant to inform them of the revised target date via a written notification.

An appointment with the appropriate person for managing the complaint should be made, as soon as reasonably practical, to avoid any possible worsening of the situation.

If the complaint is against the headteacher, the complainant will initially need to write, in confidence, to the chair of trustees. The chair will seek to resolve the issue informally, e.g. by arranging a meeting with the complainant within **15** school days, before moving directly to stage three of the procedure.

Where the appropriate person has made reasonable attempts to accommodate the complainant with dates for a complaint meeting and they refuse or are unable to attend, the meeting will be convened in their absence and a conclusion will be reached in the interests of drawing the complaint to a close.

In terms of a complaint being made against a member of staff, the headteacher will discuss the issue with the staff member in question. Where necessary, the headteacher will conduct interviews with any relevant parties, including witnesses and pupils, and take statements from those involved. All discussions shall be recorded by the headteacher, and findings and resolutions will be communicated to the complainant either verbally or in writing.

Once all facts are established, the person managing the complaint shall contact the complainant in writing with an explanation of the decision. The complainant will be advised of any escalation options (e.g. escalation to stage three) and will be provided with details of this process.

The complainant will also be provided with copies of minutes, subject to any necessary redactions under the Data Protection Act 2018 and the UK GDPR. Any further action the trust plans to take to resolve the issue will be explained to the complainant in writing.

If the complainant is not satisfied with the outcome suggested, the procedure will progress to stage three. A request to escalate to stage three will be made to the clerk to the board of trustees within **10** school days of the end of stage two, i.e. communication of an outcome.

Stage three – panel hearing

Where the complaint progresses to stage three, a panel will be constituted to hear the complaint, consisting of at least three individuals who were not directly involved in the matters detailed in the complaint, and at least one independent panel member. The independent panel member will not be a member, trustee or employee of the academy. The academy will also ensure the independent panel member does not have any clear connection with the school.

The clerk will record the date the escalation request was received, acknowledge receipt of the complaint, and inform the complainant of the scheduled time and date of the panel hearing in writing. The meeting will be convened within **15** school days of the receipt of the escalation request where possible. Where this is not possible, the clerk will provide an anticipated date and ensure the complainant is kept up to date.

5 school days' notice will be given to all parties attending the panel hearing, including the complainant.

Prior to the hearing, the clerk will have written to the complainant informing them of how the review will be conducted. The headteacher and the chair of trustees will also have a copy of this letter.

At the hearing, all participants will be given the opportunity to put their case across and discuss any issues. The meeting will allow for:

- The complainant to be present and accompanied at the hearing if they wish.
- The complainant to explain their complaint and the individual handling the complaint to explain the reasons for their decision.
- The complainant to question the individual handling the complaint, and vice versa, about the complaint.
- Any evidence, including witnesses who have been prior approved by the chair of the panel, to be questioned.
- Members of the panel to question both the complainant and the individual about whom the complaint was made.
- Final statements to be made by both parties involved.

Neither the complainant nor the academy will bring legal representation to this hearing, unless in exceptional circumstances, where this will be agreed beforehand. A member of staff who may be a witness to the complaint can bring a union representative or legal representative if desired; this will be agreed before the hearing.

The purpose of the hearing will be reconciliation and ensuring that things that may have gone wrong are corrected.

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.

The panel will make findings and recommendations, and a copy of the findings and recommendations will be available for inspection on request, subject to appropriate redactions and data protection requirements.

Where relevant, the person complained about 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 the UK GDPR.

Next steps

If a complainant has exhausted the trust's complaints procedure, they will be advised that they can submit a complaint to the DfE via its webpage or by writing to:

Complaints Team

Education and Skills Funding Agency

Cheylesmore House

Coventry

Quinton Road

Coventry

CV1 2WT

Resolving complaints

At each stage of the complaints procedure, the academy is committed to resolving the complaint. Where appropriate, the trust will acknowledge that the complaint is upheld in whole or in part, and may offer one of the following:

- An explanation
- An admission that the situation could have been managed better
- An assurance that the trust will try and ensure the incident will not occur again
- An outline of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which changes will be made
- An undertaking to review trust policies in light of the complaint
- An apology

Withdrawal of a complaint

Where a complainant wishes to withdraw their complaint, the academy will ask them to confirm this in writing. Despite the complaint having been withdrawn, the academy will still take the complainant's voice seriously and attempt to avoid causing similar distress to others in the future. The academy will not under any circumstances ask, or pressure an individual, to withdraw a complaint.

Record keeping

A written record will be kept of all complaints that are made, regardless of the stage at which they are resolved, including any action taken by the trust as a result of those complaints whether they are upheld or not.

All correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or an inspectorate requests access to them.

Academies are data controllers in their own right and must decide for themselves how long to keep records, unless statutory regulations apply, e.g. attendance records must be kept for 3 years. The trust will retain records of complaints and related documents in line with the Data Protection Policy and Records Management Policy. Personal data will only be kept for as long as necessary.

6. Interviewing witnesses

When interviewing pupils 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. All pupils interviewed will be made fully aware of what the interview concerns and their right to have someone with them.

The academy will ensure that the conduction of interviews does not prejudice an investigation by the LA designated officer (LADO) or police.

The academy understands the importance of ensuring a friendly and relaxed area which is free from intimidation. 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. The interviewer will not express opinions in words or attitude, so as to not influence the interviewee. The interviewee will sign a copy of the transcription of the interview.

7. Recording a complaint

A written record shall be kept of any complaint made, whether made via phone, in person or in writing, detailing:

- The main issues raised, the findings and any recommendations.
- Whether the complaint was resolved following an informal route, formal route or panel hearing.
- Actions taken by the academy as a result of the complaint (regardless of whether the complaint was upheld).
- All records are made available for inspection on the academy premises by the academy.

The Academy does not allow meetings to be recorded.

The academy will not accept as evidence any recordings that were obtained covertly and without the informed consent of all parties being recorded.

Details of any complaint made shall not be shared with the entire board of trustees. The exception to this is when a complaint is made against the whole board and they need to be aware of the allegations made against them to respond to any independent investigation.

Complainants have a right to access copies of these records under the UK GDPR and the Freedom of Information Act 2000. The trust will hold all records of complaints from each academy, as well as those regarding the trust itself, centrally. Correspondence, statements and records relating to individual complaints are kept confidential except where the Secretary of State or a body conducting an inspection requests to access them.

We strongly advise that parents/carers write concerns or complaints in their own words rather than relying heavily on AI. This is because AI-generated letters often include irrelevant legal jargon and potentially inaccurate statements, things which can slow down investigations and undermine the authenticity of both your personal experience and our response time.

8. Exceptional circumstances

The DfE expects complainants to have completed the trust's complaints procedure before directing a complaint to them. The exceptions to this include when:

- Pupils are at risk of harm.
- Pupils are missing education.
- A complainant can prove that the academy:
    - Does not have a complaints procedure.
    - Did not provide a copy of the complaints procedure when requested.
    - Does not have a procedure that complies with the statutory regulations.
    - Has not followed its published complaints procedure.
    - Has not allowed its complaints procedure to be completed.
- A complainant is being prevented from having their complaint progressed through the trust's complaints procedure.
- The DfE has evidence that the trust is proposing to act or is acting unlawfully or unreasonably.

If a social services authority decides to investigate a situation, the board of trustees may postpone the complaints procedure.

9. Managing unreasonable complaints

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.

For the purposes of this policy, **"unreasonable complaints"** include:

- Vexatious complaints, which:
    - Are obsessive, persistent, harassing, prolific, or repetitious.

- Insist upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason.
- Insist upon pursuing meritorious complaints in an unreasonable manner.
- Are designed to cause disruption or annoyance.
- Demand for redress which lacks any serious purpose or value.

- Serial or persistent complaints, which:
  - Are duplicated, sent by the same complainant once the initial complaint has been closed.
  - Are new complaints that are submitted additionally, as part of an existing open complaint, by the same complainant.

A complaint may also be regarded as unreasonable when 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 cooperate with the complaints investigation process while still wishing their complaint to be resolved.
- Refuses to accept that certain issues are not within the scope of a complaints procedure.
- Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- 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.
- 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 trust's complaints procedure has been fully and properly implemented and completed, including referral to the DfE.
- Seeks an unrealistic outcome.

- 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.

A complaint may also be considered unreasonable if the complainant:

- Acts maliciously or aggressively.
- Uses threats, intimidation or violence.
- Uses abusive, offensive or discriminatory language.
- Knows the complaint to be false.
- Uses falsified information.
- Publishes unacceptable information in media such as social media websites and newspapers.

The above applies regardless of the method the complaint is made, e.g. face-to-face, by telephone, in writing or electronically. 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.

Complainants should limit the number of communications 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. 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. A complaint will not be marked as serial where a complainant has exercised their right to refer their complaint to their MP.

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.

A decision to stop responding will only be considered in circumstances where the following statements are true:

- Every reasonable step has been taken to address the complainant's concerns
- The complainant has been given a clear statement of the trust's position and their options
- The complainant contacts the academy repeatedly, making substantially the same points each time

If the above criteria are met, in making a decision to stop responding, the academy will also consider if the complainant is often or always 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.

The academy will not stop responding to a complainant on the basis that they are difficult to deal with or they ask complex questions. 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.

10. Complaints campaigns

Where the trust becomes the subject of a complaints campaign from complainants who are not connected with the academy, **a standard, single response will be published on the academy's website**.

If the academy receives a large number of complaints about the same subject from complainants who are connected to the academy, e.g. parents, each complainant will receive an individual response. If complainants remain dissatisfied with the academy's response, they will be directed to the DfE.

11. Barring from the premises

School premises are private property and, therefore, any individual may be barred from entering the premises. If an individual's behaviour is cause for concern, the headteacher will ask the individual to leave the premises.

The headteacher will notify the parties involved in writing, explaining that their implied licence for access to the premises has been temporarily revoked and why, subject to any representations that the individual may wish to make. The individual involved will be given the opportunity to formally express their views regarding the decision to bar them.

This decision to bar will be reviewed by the chair of trustees where escalated, taking into account any discussions following the incident. If the decision is made to continue the bar, the individual will be contacted in writing, informing them of how long the bar will be in place, and when the decision will be reviewed.

Anyone wishing to make a complaint regarding a barring order can do so in writing, including via email, to the headteacher or chair of trustees.

12. Standard of fluency complaints

As members of a public authority, all staff are subject to the fluency duty imposed by the Immigration Act 2016, which requires staff members to have an appropriate level of fluency in English in order to teach pupils.

The academy is free to determine the level of spoken communication necessary in order for staff members to develop effective performance, but it will be matched to the demands of the role in

question. The academy will be satisfied that an individual has the necessary level of fluency appropriate for the role they will be undertaking, whether this is an existing or potential new member of staff.

If a member of the school community feels that a staff member has insufficient proficiency in spoken English for the performance of their role, they are required to follow the complaints procedure outlined in this policy.

For the purpose of this policy, a **"legitimate complaint"** is one which is about the standard of spoken English of a member of staff; complaints regarding an individual's accent, dialect, manner or tone of communication are not considered legitimate complaints. All legitimate complaints regarding the fluency duty will be managed in line with the processes detailed in this policy.

In addition to the processes outlined in this policy, the trust will assess the merits of a legitimate complaint against the necessary standard of spoken English fluency required for the role in question. To assess the merits, the academy will undertake an objective assessment against clear criteria set out in the role specification or, against the level of fluency descriptors relevant to the role in question.

If the complaint is upheld, the academy will consider what action is necessary to meet the fluency duty. This may include:

- Specific training.
- Specific re-training.
- Assessment.
- Redeployment.
- Dismissal.

Appropriate support will be provided to staff to ensure that they are protected from vexatious complaints and are not subjected to unnecessary fluency testing.

Records of complaints regarding fluency will be kept in accordance with the processes outlined in the 'Recording a complaint' section of this policy.

Handling data protection complaints

The academy will follow the trust's data protection complaints process, recognising that the trust is the data controller and retains overall legal responsibility for compliance. The academy will manage complaints locally where appropriate, on behalf of the trust, and will ensure they are promptly escalated in line with trust procedures.

The academy will treat a data protection complaint as any concern that personal data has been managed in breach of data protection law, e.g. rights requests, data security, collection, use, retention or accuracy of data.

Complainants will not be required to use legal terminology. Where unclear, the academy will seek clarification. Complaints primarily about service issues that include a data rights request will not automatically be treated as data protection complaints.

The academy will provide accessible ways for individuals to submit complaints, e.g. email, form, telephone, post, in person, and will accept complaints made through any channel.

Where complaints are received via insecure channels, e.g. social media, the academy will request a secure method of communication.

The academy will inform individuals of their right to complain at the point of data collection and within relevant responses, using clear and age-appropriate language.

Initial handling and acknowledgement

The academy will:

- Treat a complaint as received when it is received by any member of staff.
- Ensure the complaint is logged and, where required, shared with the trust in line with its procedures.
- Acknowledge receipt within 30 calendar days, from the day after receipt.
- Ensure arrangements are in place to meet this timescale, including during staff absence.
- Confirm receipt and next steps using the complainant's preferred or original contact method where appropriate.
- Verify identity where necessary and request only proportionate evidence.
- Verify authority where a complaint is made on behalf of another individual before proceeding.

Investigation

The academy will:

- Begin initial enquiries without undue delay and escalate it to the trust where required.
- Cooperate with and support any trust-led investigation.
- Make appropriate and proportionate enquiries at academy level, including reviewing records and speaking to relevant staff.
- Provide relevant information promptly to the trust or DPO.
- Seek further information from the complainant, where needed, and clarify the desired outcomes.

- Keep the complainant informed of the investigation progress, in coordination with the trust where applicable.

Complaints from pupils

The academy recognises that pupils have the same data protection rights as adults and will:

- Communicate in clear, age-appropriate language.
- Assess their understanding, where required.
- Provide mechanisms for pupils to raise concerns, including indicating urgency.
- Prioritise safeguarding concerns and act promptly where risk is indicated.

Outcome

The academy will:

- Ensure a clear outcome is provided without undue delay, either directly or via the trust.
- Contribute to responses by providing relevant information and context.
- Ensure outcomes are not delayed by alignment with wider complaints processes where the data protection element can be resolved sooner.
- Inform the complainant of their right to raise concerns with the ICO, in line with trust procedures.

Record keeping and learning

The academy will:

- Maintain accurate records of complaints managed locally and share these with the trust as required.
- Ensure records include receipt, acknowledgement, investigation, outcome and any actions taken.
- Ensure records are secure, organised and retained only as long as necessary.
- Support the trust in identifying trends and improvements.

Responsibilities and governance

The academy will:

- Ensure all staff can recognise and promptly escalate data protection complaints in line with trust procedures.
- Follow trust guidance on roles, escalation routes and timescales.

- Consult with the trust's DPO where required.
- Cooperate with trust-wide arrangements, including those relating to processors and shared systems.

Regulatory context

The academy will support the trust to meet its legal obligations, including acknowledging complaints within 30 days and responding without undue delay. Where a complaint is escalated, the trust will function as the primary point of contact with the ICO.

13. Transferring data

When a pupil changes school, the pupil's educational record will be transferred to the new school and no copies will be kept.

The academy will hold records of complaints separate to pupil records while a complaint is ongoing, so that access to these records can be maintained. Information that the academy retains relating to a complaint will be stored securely and in line with its Records Management Policy.

14. Availability

A copy of this policy will be made available on request. It will also be published on the academy's website, as recommended by the DfE.

15. Monitoring and review

The complaints procedure will be reviewed Biennially , taking into account any legislative changes and the latest guidance issued by the DfE.

Responsibility for reviewing the procedure belongs to a committee of the board of trustees. All projected review dates will be adhered to.

Information gathered through reviewing the complaints procedure will be used to continuously improve and develop the process. Any changes to this policy will be communicated to all relevant stakeholders.

Contact details

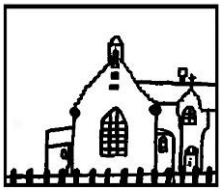
If you have any queries regarding any aspect of the complaints procedure, please direct these to the clerk to trustees: Mrs Patricia Peniston Patricia.Penistan@kltprimary.co.uk

4. References

- The Equality Act 2010 http://www.legislation.gov.uk/ukpga/2010/15/contents
- The Data Protection Act 2019 http://www.legislation.gov.uk/ukpga/2018/12/contents/enacted
- Education Act 2002 *http://www.legislation.gov.uk/ukpga/2002/32/contents*

- The Department for Education *Best Practice advice for school complaints procedures* https://www.gov.uk/government/publications/school-complaints-procedures

Appendix 1 – Formal Complaint Form



Name	
Name of pupil, year group and your relationship to them (where applicable)	

Contact address	
Contact telephone day	Day: Mobile:
Contact email address	
Details of the complaint	
Action taken so far (including staff member who has dealt with it so far) or solutions offered	
The reason why this was not a satisfactory resolution for you	
What action would you like to be taken to resolve the problem?	

Signed	
Dated	

Please submit to the clerk to trustees: Patricia.Penistan@kltprimary.co.uk

Official use Date received: Signed: