



**Elements**  
**Diocesan Learning Trust**

Flourishing together, in the love of God.

# Complaints Procedure

**Date Approved: October 2022**



## Our Vision

Our vision has been developed to enable the coming together of like-minded Primary Schools in Dudley – schools that are separate, discrete **elements** that choose to coalesce as a cohesive whole to speak with one shared voice in education within the Borough of Dudley. Each person in these school communities, children, and adults alike, are also **elements** in bringing to fruition an education that enables their own flourishing and that of others. They are unique individuals, each with their own agency and characteristics, but who have an exponential effect when working together with a shared vision and purpose.

This is the vision in which the headteachers, governors and wider stakeholders have placed their trust and it is essential that it is upheld at every stage.

Each school, despite sharing some similarities, has its own unique context, community, culture, ethos, vision, and values. These will be honoured at all times as part of Elements Diocesan Learning Trust.

The vision is deeply rooted in, and is an outworking of, the Church of England's Vision for Education. Elements Diocesan Learning Trust is committed in being 'Deeply Christian: Serving the Common Good', inspired by the particular scripture in John 10:10 where Jesus declares ***'I have come that they may have life, and have it to the full'***. These words, combined with the vision's four main guiding **elements** - educating for Wisdom, Knowledge & Skills; Hope & Aspiration; Community & Living Well Together; and Dignity & Respect form the core vision for Elements Diocesan Learning Trust. At times, it is expected that interpretation of what the vision means in practice will vary between individuals and that there will be differences of opinion. At such times, discussion around decisions and actions will be respectful, honouring the four strands of the vision itself and remembering the original reasons for this collaboration.

These core **elements** of the Church of England's Vision for Education have supported the formation of our founding core values.

## Our Values

- **Wisdom** – The decisions we take are wise and are based on informed discussions and evidence and aimed at ensuring we achieve the best outcomes for all without forsaking our values
- **Hope** – we have hope for a positive future and always finding positive outcomes
- **Honesty** – we are honest with all inside and outside our organisation, whilst being sensitive to how we deliver these messages
- **Community and Helpfulness** – we work in co-operation and partnership with all staff and wider stakeholders
- **Dignity and Compassion** – we treat all those within and outside our organisation with dignity, irrespective of the circumstances, and we show everyone compassion for the difficulties that they are experiencing
- **Respect** – we are respectful to all, dedicated to ensuring inclusivity and diversity with those that we work with and for others that meet, and our actions may affect.
- **Integrity** – we have strong principles rooted in our Christian mission that lead our actions and decisions

# COMPLAINTS PROCEDURE

## 1. WHO CAN MAKE A COMPLAINT?

This policy should be used by parents, carers, pupils and members of the wider public to raise a concern or complaint with an academy within the Elements Diocesan Learning Trust, regarding the facilities or services provided by that academy. Please note, certain complaints are dealt with under separate statutory policies (such as appeals relating to exclusions or admissions). Staff wishing to raise a concern should use the Staff Grievance Policy.

## 2. DEFINITIONS FOR A CONCERN AND A COMPLAINT

A concern may be defined as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*.

A complaint may be defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action'*.

## 3. THE MANAGEMENT OF COMPLAINTS

It is the express intent of Elements Diocesan Learning Trust that all complaints are resolved at the earliest possible moment as this is in everyone's interest. Each academy within Elements Diocesan Learning Trust takes concerns seriously and will make every effort to resolve arising matters, as quickly as possible. In all cases, the academy will initially seek to resolve the complaint informally, if this is at all possible, without the need to use the formal stages of the Complaints Policy.

### 3.1. How to Raise a Concern or Make a Complaint

A concern or complaint can be made in person, in writing or by telephone. It may also be made by a third party acting on behalf on a complainant as long as they have appropriate consent to do so.

Concerns should be raised with either the class teacher or the Headteacher. If the issue remains unresolved, the next step is to make a formal complaint.

Complainants should not approach any individual member of the Local Academy Board (LAB) to raise a concern or complaint. Local Academy Board members have no power to act on an individual basis and any intervention or knowledge of the complaint at this time may also prevent them from considering a complaint at Stage 2 of the policy.

A complaint against a member of the academy staff, (except the Headteacher), should be made in the first instance to the Headteacher, via the academy office. If this is by letter, please mark it as Private and Confidential.

A complaint that involves, or is about the Headteacher, should be addressed to the Chair of Governors via the academy office. Again, a letter of this nature needs to be marked as Private and Confidential.

A complaint about the Chair of the Local Academy Board, any individual Local Academy Board member or the whole Local Academy Board should be made to the Clerk to the LAB via the academy

office. Contact details can be found on the academy website. Please mark any correspondence as Private and Confidential.

For ease of use, a template Complaint Form is included at the end of this policy. If the complainant requires help in completing the form, please contact the academy office. Third party organisations, such as Citizens Advice, can also help with this.

In accordance with equality law, we will consider making reasonable adjustments, if required, to enable complainants to access the Complaints Policy and/or complete the stages involved. This could include providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

### **3.2. Anonymous Complaints**

An anonymous complaint will not normally be investigated. It will be the responsibility of the Headteacher, Chair of Governors, or CEO if appropriate, to determine if exceptional circumstances apply and an anonymous complaint warrants an investigation.

### **3.3. Time Scales**

To enable a proper investigation, a concern or complaint should be brought to the attention of the academy as soon as possible. The complaint must be made within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. Complaints made outside of this time frame will be considered if exceptional circumstances apply.

### **3.4. Complaints Received Outside of Term Time**

Any complaint made during a school holiday period will be dealt with as a priority, once school resumes.

### **3.5. Scope of this Complaints Policy**

This policy covers all complaints regarding any provision of community facilities or services by the Academy, other than that, complaints are dealt with under other statutory policies. Please see below.

<b>Exceptions</b>	<b>Who to contact</b>
<ul style="list-style-type: none"> <li>▪ Admissions to schools</li> <li>▪ Statutory Assessments of Special Educational Needs</li> </ul>	These should be raised with the academy under the Admissions Procedure.
<ul style="list-style-type: none"> <li>▪ Academy re-organisation proposals</li> </ul>	Concerns about school re-organisation proposals should be raised with the Trust.
<ul style="list-style-type: none"> <li>▪ Matters likely to require a Child Protection Investigation</li> </ul>	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).
• Exclusion of children from school	Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a> .
• Whistleblowing	<p>Please refer to the Elements Diocesan Learning Trust Whistleblowing Policy for all our employees, including temporary staff and contractors.</p> <p>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: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>Volunteer staff who have concerns about their academy should complain through the Elements Diocesan Learning Trust's Complaints Policy. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p>
• Staff grievances	Complaints from staff will be dealt with under the academy's internal grievance policies.
• Staff conduct	<p>Complaints about staff will be dealt with under the Academy/Elements Diocesan Learning Trust's internal disciplinary policies, if appropriate.</p> <p>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 or has been addressed.</p>
• Complaints about services provided by other providers who may use academy premises or facilities	Providers should have their own complaints policy to deal with complaints about service. Please contact them directly.
• National Curriculum - content	Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>

If other bodies are investigating aspects of the complaint, for example the police, LA safeguarding teams or Tribunals, this may impact on the academy's ability to adhere to the timescales within this policy or may result in the policy being suspended until those public bodies have completed their investigations. If a complainant commences legal action against the Academy in relation to their complaint, Elements Diocesan Learning Trust will consider whether to suspend the Complaints Policy in relation to their complaint until those legal proceedings have concluded.

### **3.6. Resolving Complaints**

At each stage in the complaints process, it is the intent of the Academy to resolve the complaint. At the end of the process, if appropriate, the academy will acknowledge that the complaint has been upheld in whole or in part. In addition, the complainant may be offered one or more of the following:

- An explanation.
- An admission that the situation could have been handled differently or better.
- An assurance that the academy will try to ensure the event complained of will not recur.
- An explanation 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 any changes will be made.
- An undertaking to review academy policies in light of the complaint.
- An apology.

### **3.7. Withdrawal of a Complaint**

If a complainant decides to withdraw their complaint, they will be asked to confirm this in writing.

### **3.8. Taking the Complaint Further**

In the event that the complainant believes that the academy has failed to comply with its own complaints procedure or that the academy's complaints procedures does not comply with statutory requirements, the complainant may complain to the Multi Academy Trust. Please refer to the Management of Complaints to the MAT Policy; to be found on the Elements Diocesan Learning Trust website.

## **4. THE COMPLAINTS PROCESS**

### **Stage 1 - Dealing with Concerns and Complaints Informally**

A concern or complaint can be registered either verbally or in writing. Initially, the complainant should speak to the relevant member of staff unless the complaint is being raised by a member of the public, in which case the concern should be raised with the Headteacher or Chair of Governors. However, if there is a difficulty in discussing the issue with the relevant member of staff, the complainant can be referred to another member of staff who will clarify the nature of the issue and the outcome required. Similarly, if the member of staff directly involved feels unable to deal with a concern, the complainant will be referred to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is the more important aspect.

In the case of a serious concern, it may be appropriate to address this with the Headteacher directly (or to the Chair of the Local Academy Board, if the complaint is about the Headteacher). If the member of staff first contacted cannot resolve the matter immediately, they should make a clear note of the date, name, contact address, phone number of the complainant, and brief details of the concern/complaint. This information will be passed to the Headteacher or Complaints Co-ordinator at the earliest opportunity and recorded in the academy's Complaints Log.

The Headteacher or Complaints Co-ordinator will identify the appropriate policy and either conduct the investigation or nominate an appropriate colleague to do so. Complainants should be encouraged to state what they feel might resolve the problem. The Headteacher or Complaints Co-ordinator will communicate verbally with the complainant to ensure they are clear about what action or monitoring of the situation has been decided on, giving a date if appropriate.

If a parent or pupil feels that their initial contact with a member of staff did not deal with the concern to their satisfaction, they should complete a Complaints Form and return it to the Headteacher.

If the complaint refers to the Headteacher, then the Complaints Form should be returned to the Chair of the Local Academy Board, addressed to the Chair of the Local Academy Board C/o The Academy Office.

If the complaint concerns the whole Local Academy Board, the form should be returned to the Elements Diocesan Learning Trust, 16, Lowesmoor Wharf, Worcester WR1 2RS for the attention of the CEO.

Once the Complaints Form has been received, the complaint will be dealt with under Stage 2 of the Complaints Process (See below).

## **Stage 2 – Formal Referral to the Headteacher / Executive Headteacher**

A formal complaint must be made to the Headteacher (unless they are about the Headteacher), via the academy office. This may be done in person, in writing (preferably on the Complaint Form in appendix 1), or by telephone.

The Headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within **5 academy days**, giving the name of the person who will conduct the investigation and a target date for providing a response, usually within **10 academy days**.

The Headteacher may seek to clarify the nature of the complaint and whether any issues remain unresolved. He / she will also try to determine what outcome the complainant would like to see. The Headteacher can consider whether a face-to-face meeting is the most appropriate way of doing this.

*Note: The Headteacher may delegate the investigation to another member of the academy's senior leadership team or to the CEO. However, any decisions regarding this will be made by the Headteacher.*

During the investigation, the Headteacher (or investigator) will:

- If necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish.
- Keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the Headteacher will provide a formal written response within 10 school days of the date of receipt of the complaint.

Whilst every effort will be made to complete investigations promptly, in some cases, requiring detailed investigations, and/or where a number of witnesses may need to be interviewed, it may take longer to



produce a written response. Where this is the case the complainant will be provided with an update and advised of any revised timescale for production of the written response.

The response will detail:

- Details of the agreed subject matter of the complaint.
- Details of who was contacted in connection with the subject matter of the complaint (and in brief) the evidence that was obtained.
- A full explanation of the decision reached and the reasons for it.
- Where applicable, what action the academy will take to address the complaint and prevent recurrence.
- What to do if the complainant is dissatisfied with the outcome of Stage 2, information on how to request a review by the Local Academy Board (Stage 3 of the Complaints Process) and the timescale.

If the complaint is about the Headteacher, or a member of the Local Academy Board (including the Chair or Vice-Chair), a suitably skilled member of the Local Academy Board will be appointed to complete all the actions at Stage 2.

Complaints about the Headteacher or a member of the Local Academy Board must be made to the Clerk to the Local Academy Board, via the academy office.

If the Stage 2 complaint is:

- Jointly about the Chair and Vice Chair, or
- The entire Local Academy Board, or
- The majority of the Local Academy Board

it will be considered by an independent investigator appointed by the Local Academy Board or by Elements Diocesan Learning Trust. At the conclusion of their investigation, the independent investigator will provide a formal written response to the complainant.

### **Stage 3 – Formal Referral to the Local Academy Board**

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, the complaint can be escalated to Stage 3 – a meeting with members of the Local Academy Board's Complaints Committee, which will be formed of the first three, impartial, governors available. This is the final stage of the academy's complaints policy.

A request to escalate to Stage 3 must be made to the Clerk of the Local Academy Board, via the academy office, within 28 school days of receipt of the Stage 2 response.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

**Upon receipt of a request to escalate to Stage 3, the complainant may be offered the opportunity to meet with the Chair of the Local Academy Board. The purpose of this**

**meeting will be to informally discuss and resolve a complaint prior to a formal meeting of the Complaints Committee. This meeting is to support the earlier resolution of the complaint and is in no way intended to prevent the complainant from pursuing their complaint through a formal Local Academy Board Complaints Committee.**

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email), **within 10 school days.**

The Clerk will write to the complainant to inform them of the date of the meeting. A meeting will be convened within 15 school days of receipt of the Stage 3 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates without good reason, the Clerk will decide when to hold the meeting. It may then proceed in the complainant's absence, based on written submissions from both parties.

The Complaints Committee will consist of at least three local academy board members with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee. If there are fewer than three local academy board members available, the Clerk will source any additional, independent 'panel members' through another local school or through the Elements Diocesan Learning Trust Central Team. The Complaints Panel will have one person who is completely independent of the management and running of the academy. The Elements Diocesan Learning Trust Central Team can arrange for an entirely independent Committee to hear the complaint at Stage 3, if appropriate, or if the complaint is against the Local Academy Board or several of its members.

The Committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision, they will be sensitive to the complainant's needs.

If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. Bringing legal representatives to this meeting is discouraged. However, there may be occasions when legal representation is appropriate. For instance, if an academy employee is called as a witness in a Complaint Meeting, they may wish to be supported by union and/or legal representation.

*Note: Complaints about staff conduct will not generally be handled under this Complaints Policy. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary policies, if appropriate. The outcome of any staff conduct complaint will not be shared with the complainant; this will remain confidential.*

Representatives from the media are not permitted to attend any Elements Diocesan Learning Trust Complaints Committee meetings.

At least 5 school days before the meeting, the Clerk will:

- Confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient for all parties and that the venue and proceedings are accessible.

Any written material will be circulated to all parties at least 5 school days before the date of the meeting. The Committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The Committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint. New complaints must be dealt with at Stage 1 of this policy.

The Complaints Committee meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted, unless the complainant's own disability or special needs require it. Prior knowledge and consent for this, from all parties attending must be sought before recorded meetings or conversations take place. Consent will be recorded in any minutes taken.

The Committee will consider the complaint and all the evidence presented. The Committee can:

- Uphold the complaint in whole or in part.
- Dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the Committee will:

- Decide on the appropriate action to be taken to resolve the complaint.
- Where appropriate, recommend changes to the academy's systems or policies to prevent similar issues in the future.

The Chair of the Complaints Committee will provide the complainant, the subject of the complaint, and the Academy/Elements Diocesan Learning Trust with a full explanation of their decision and the reason(s) for it, in writing, within 5 school days of the meeting.

The 'findings and recommendations' will be available for inspection on the school premises by the proprietor and the head teacher.

The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled by the Academy and wish to escalate it.

## **5. NEXT STEPS**

Where the academy-based complaints process has been completed and the complainant does not feel their complaint has been dealt with to their satisfaction by the academy, they may contact the Trust in writing to request a review of the complaint investigation. Generally, the Trust will only consider complaints about academies that fall into the following two areas.

- a) The academy did not comply with its own complaints policy when considering a complaint or the academy's complaints policy does not comply with statutory requirements. The Trust cannot review or overturn an academy's decisions regarding a complaint but will look at whether the academy considered the complaint appropriately. The Trust will generally only

do this after a complaint has been through the academy's own policy but may investigate sooner if there is evidence of undue delays by the academy. If the Trust finds that an academy did not deal with a complaint appropriately, it will request that the complaint is reconsidered. Similarly, if the academy's complaints policy does not meet statutory requirements, the Trust will ensure this is corrected.

- b) The academy has failed to comply with a duty imposed under its funding agreement with the Secretary of State. The Trust will seek to resolve any concerns regarding potential or actual breaches of the funding agreement with the academy. The Trust will also consider evidence that an academy has failed to comply with any other legal obligation placed on it. Investigations will not usually take place 12 months or more after the decisions or action taken by the academy, unless the complainant has good reason for the delay in making the complaint. The Trust reserves the right not to investigate complaints considered to be vexatious or malicious or where the Trust is satisfied with the action that the academy has already taken or proposes to take to resolve the complaint.

Policies for dealing with a complaint can be found in the MAT Complaint Policy on the Trust website:

<https://edlt.org.uk/trust-services/policies-and-procedures/>

If the complainant believes the academy did not handle their complaint in accordance with the published complaints policy or they acted unlawfully or unreasonably in the exercise of their duties under education law, they are advised to contact the Department for Education after the completion of Stage 3.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by the Academy. They will consider whether the Academy has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by telephone on: 0370 000 2288 or by writing to:

Department for Education  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD.

## 6. ROLES AND RESPONSIBILITIES

### Complainant

The complainant will receive a more effective response to the complaint if they:

- Explain the complaint in full as early as possible.
- Co-operate with the academy in seeking a solution to the complaint.

- Respond promptly to requests for information or meetings or in agreeing the details of the complaint.
- Ask for assistance as needed.
- Treat all those involved in the complaint with respect.
- Refrain from publicising the details of their complaint on social media and respect confidentiality.

## **Investigator**

The investigator's role is to establish the facts relevant to the complaint by:

- Providing a comprehensive, open, transparent and fair consideration of the complaint through:
  - o Sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved.
  - o Interviewing staff and children/young people and other people relevant to the complaint.
  - o Consideration of records and other relevant information.
  - o Analysing information.
- Liaising with the complainant and the Complaints Co-ordinator, as appropriate, to clarify what the complainant feels would put things right.

The investigator should:

- Conduct interviews with an open mind and be prepared to persist in the questioning.
- Keep notes of interviews or arrange for an independent note taker to record minutes of the meeting.
- Ensure that any papers produced during the investigation are kept securely, pending any appeal.
- Be mindful of the timescales for response.
- Prepare a comprehensive report for the Headteacher or Complaints Committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.
- The Headteacher or Complaints Committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

## **Complaints Co-ordinator**

(this could be the Headteacher / Designated Complaints Local Academy Board member or other staff member providing administrative support).

The Complaints Co-ordinator should:

- Ensure that the complainant is fully updated at each stage of the policy.
- Liaise with staff members, Headteacher, Chair of the Local Academy Board, Clerk and LA (if appropriate) to ensure the smooth running of the Complaints Policy.
- Be aware of issues regarding:
  - Sharing third party information.
  - Additional support - this may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person.
- Keep records.

### **Clerk to the Local Academy Board**

The Clerk is the contact point for the complainant and the Committee and should:

- Ensure that all people involved in the complaint policy 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).
- Set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible.
- Collate any written material relevant to the complaint (for example, Stage 2 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale.
- Record the proceedings.
- Circulate the minutes of the meeting.
- Notify all parties of the Committee's decision.

### **Committee Chair**

The Committee's Chair, who is nominated in advance of the complaint meeting, should ensure that:

- Both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting.
- 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. This is particularly important if the complainant is a child/young person.
- The remit of the Committee is explained to the complainant.
- 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. If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting.
- Both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself.
- The issues are addressed.
- Key findings of fact are made.
- The Committee is open-minded and acts independently.
- No member of the Committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the policy.
- The meeting is minuted.
- They liaise with the Clerk (and Complaints Co-ordinator, if the school has one).

### **Committee Member**

Committee members should be aware that:

- The meeting must be independent and impartial and should be seen to be so.
- No Local Academy Board member may sit on the Committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant.
- The complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- Many complainants will feel nervous and inhibited in a formal setting.
- Extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting.
- The welfare of the child/young person is paramount.

Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.

The Committee should respect the views of the child/young person and give them equal consideration to those of adults.

If the child/young person is the complainant, the Committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the Committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.

However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the Committee considers is not in the child/young person's best interests.

## **7. RECORDS OF COMPLAINTS**

A confidential written record will be kept of all complaints and any action taken by the academy as a result of the complaint, regardless of whether they were upheld, resolved at the preliminary stage or proceeded to a panel hearing.

Correspondence, statements and records relating to individual complaints are kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Education and Skills Act requests access to them.

## **8. REVIEW OF COMPLAINTS**

The Local Academy Board should monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of their processes and make changes where necessary. The Headteacher will report any official complaints in the Headteacher's Report to Governors and to the Trust Board of Directors.

As well as addressing an individual's complaint, the process of listening to and resolving complaints will contribute to academy improvement. When individual complaints are heard, the Local Academy Board may identify underlying issues that need to be addressed. The monitoring and review of complaints by the academy and the Local Academy Board will be a useful tool in evaluating the academy's performance.

## **9. POLICY FOR MANAGING SERIAL AND UNREASONABLE COMPLAINTS**

Elements Diocesan Learning Trust is committed to ensuring all complaints made regarding any of its academies are dealt with fairly and impartially, and to providing a high-quality service to those who complain. There are no set limits to the amount of contact a complainant may have with an individual academy. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour; including that which is abusive, offensive or threatening.



Elements Diocesan Learning Trust defines unreasonable behaviour as that which hinders the academy's ability to consider a complaint because of the frequency or nature of the complainant's contact with the academy, 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 Policy.
- Insists on the complaint being dealt with in ways which are incompatible with the Complaints Policy 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 Elements Diocesan Learning Trust Complaints Policy has been fully and properly implemented and completed, including referral to the Department for Education.
- Seeks an unrealistic outcome.
- Makes excessive demands on academy 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 academy that relates to their complaint, while the 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.

Whenever possible, the Headteacher or Chair of the Local Academy Board will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the unreasonable behaviour continues, the Headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact the Academy causing a significant level of disruption, the academy may specify methods of communication and limit the number of contacts. This may be drawn up in a Communication Plan, if appropriate. Any such plan will be reviewed after six months.

In response to any serious incident of aggression or violence, the police will immediately be informed. This will be communicated to the complainant in writing. Any serious incident of aggression or violence is likely to result in the barring of the individual responsible from the Academy.

## **10. VEXATIOUS COMPLAINTS**

It is the aim of the Elements Diocesan Learning Trust to resolve all complaints to the satisfaction of all parties. However, if there is an occasion when, despite all stages of the Complaints Policy having been followed, the complainant remains dissatisfied and tries to reopen the same issue, the Chair of the Local Academy Board or, if necessary, the Trust Board, is able to inform them in writing that the policy has been exhausted and that the matter is now closed.

## **11. PUBLICISING THE POLICY**

There is a legal requirement for the Complaints Policy to be publicised. Each academy will include this information on their academy website. A copy will also be included in the policy file held in the academy office.

## **12. REVIEW OF POLICY**

This policy will be reviewed every 3 years.

**Appendix 1**

## Complaints Form

Please complete and return to the school office in a sealed envelope addressed to the relevant person as outlined in the policy.

<b>Personal Details</b>	
Name:	
Pupil's name:	
Your relationship to the pupil:	
Address:	
Postcode:	
Day time contact number:	
Evening contact number:	
<b>Please give details of your complaint:</b>	

<p><b>What action, if any, have you already taken to try and resolve your complaint. (who did you speak to and what was the response)?</b></p>
<p><b>What would you like as an outcome from your complaint(s)?</b></p>
<p><b>Are you attaching any paperwork? If so, please give details.</b></p>

Name:	
Signature:	
Date:	

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

*Internal Use*

*Date Received.....*

*Date Acknowledgement sent.....*

*Responsible member of staff.....*

