

# Complaints Policy



**ELT**  
**PARTNERSHIP**  
BE INCLUDED • BE CONNECTED

Version and Date	Action/Notes	Date Written	Date to be Reviewed	
6.0	30.03.21	Approved by Board of Trustees	Updated March 2021	1 Year– March 2022
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## 1.0 Purpose of the Policy

Governing Bodies are required by law to have a procedure in place to deal with complaints relating to aspects of the school or the provision of facilities or certain services at the school.

Academies and free schools are required to have complaints procedures meeting certain requirements by the Education (Independent School Standards) (England) Regulations 2014 and to make the procedure available to parents of pupils and parents of prospective pupils.

The DfE guidance explains the difference between a concern and a complaint:

- A concern is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”
- A complaint is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”

This policy applies to any matter (except those listed below) which has been raised as a matter of concern but which has not been capable of resolution informally and/or which the complainant or the Trust consider should be dealt with on a formal basis. Every effort will be made to resolve complaints informally at the earliest possible stage, however there may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does not cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Exclusions
- Whistle-blowing
- Staff grievances
- Staff discipline

Arrangements for handling complaints from parents and carers of children with special educational needs (SEND) about the school’s support are within this policy’s scope. Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

This policy applies to any matter which has been raised by parents of pupils as a matter of concern, but which has not been capable of resolution informally and which the complainant or the Trust consider should be dealt with on a formal basis.

The complainant must raise the complaint within three months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within three months of the last incident. We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time, and the complaint can still be investigated fairly for all involved. When complaints are made out of term time, we will consider them as being received on the first school day after the holiday period.

This policy must be made available to parents of pupils.

It is a precondition to the operation of this policy that the complainant shall have made reasonable attempts to seek an informal resolution and shall have acted in relation to the matter in a reasonable and measured way consistent with the ELT Partnership Behaviour Code. The Chair of Trustees shall have a discretion, which will be exercised reasonably, not to allow a complaint to be pursued where this precondition has not been met.

## **2.0 ELT Partnership Complaints Procedure – consists of 4 stages**

### ***Stage 1 – Informal resolution***

### ***Stage 2 – Formal resolution at local level***

### ***Stage 3 – Formal review at local level***

### ***Stage 4 – Complaint Panel Hearing***

## **3.0 Stage 1 – Informal Resolution**

Generally, it is expected that where the matter relates to a pupil it will have been raised with the pupil's Class Teacher or other appropriate member of staff who is in a position to deal with the concern, before a request is made to deal with it under this policy. If a matter is not resolved at the informal stage then a Complainant may take it to the formal stage.

Although there is no requirement to make a written record of matters which are readily resolved informally e.g. a misunderstanding which is quickly addressed, there may be occasions when it is considered good practice to do so. This might involve a case where action has been taken in school to allay any further concerns as a result of the complaint.

## **4.0 Stage 2 – Formal Resolution at Local Level**

Complaint formally investigated by Headteacher or designate (e.g. a member of the Senior Leadership Team)

### **Written complaint addressed to Headteacher**

Where it has not been possible to resolve the matter informally at Stage 1, the Complainant must put the complaint in writing, addressed to the Headteacher of the school, setting out briefly the facts and stating what it is that the Complainant considers should have been done or where the school has not met reasonable expectations. Any documentation relied upon by the complainant should be attached to the formal complaint.

The Headteacher must acknowledge receipt of the complaint in writing within 5 days. The acknowledgement letter will confirm the date that the formal complaint was received, the action to be taken, including the name of the Investigating Officer (see 4.3) and the expected time scale within which the investigation will be conducted.

This can vary depending upon circumstances e.g. complexity of the matter or availability of witnesses but generally the investigation should be completed within 15 school days of the acknowledgment letter being

sent to the Complainant. If the investigation extends beyond this, then a holding letter outlining the reasons should be sent by the Headteacher to the Complainant with a revised date (see 4.10).

### **Investigating Officer Appointed**

Depending on the circumstances, the Headteacher may decide to appoint a member of the senior leadership team e.g. a Deputy Headteacher with no prior involvement in the complaint as Investigating Officer. They will then undertake the investigation and report to the Headteacher with their findings and any recommendations. This process enables the Headteacher to exercise a greater sense of objectivity when determining any potential outcomes.

### **Management of Investigation**

The Investigating Officer will be provided with the records of the Stage 1 informal procedure (if applicable) within five days of receipt of the formal complaint and will then proceed to investigate the complaint. This will involve obtaining and considering all documentation held by the school which is relevant to the complaint. If further information is required from the complainant, this may be requested from them over the telephone or in writing.

The Investigating Officer may consider it appropriate to meet with the complainant at the outset of the investigation to build a rapport and clarify any matters which are unclear. This will also provide the complainant with reassurance that their complaint is being dealt with properly and a fuller understanding of what the investigative process may involve.

In the course of the investigation, it is likely that the Investigating Officer will need to speak to the person(s) who were involved in the matters raised by the Complainant. Where there is an issue raised about the conduct of a member of staff, that member of staff will be offered the option of having another staff colleague or Trade Union/Professional Association Representative present during interview.

A written record of all interviews conducted will be made which will include the key discussion points, and those persons present will be asked to read, sign and date the interview notes to confirm their accuracy. In the case of pupils, the accompanying appropriate adult (e.g. parent or independent member of staff) will also be asked to sign and date the record of the conversation).

There will be occasions when it may be helpful to involve external perspective at this stage to resolve the issue(s) e.g., in cases where the complaint may relate to a Trust policy or procedure a member of the ELT Partnership executive team may provide appropriate support and guidance.

If other bodies are investigating aspects of the complaint, for example the police, Local Authority safeguarding teams or tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a parent commences legal action against the school/ trust in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

### **Investigation Report**

At the conclusion of the investigation, the Investigating Officer will compile a written report of their findings and any recommendations to the Headteacher. This will include any actions the school can reasonably take to resolve the matter satisfactorily. The Headteacher will then review the investigation and consider whether any further steps need to be taken before informing the Complainant of the outcomes of the investigation in writing.

### **Informing the Complainant**

The letter from the Headteacher will be sent to the Complainant within 20 school days of receipt of the original written complaint at Stage 2 and will set out the conclusions from the investigation and any actions taken to address the complaint. If the investigation is not completed within this time frame, a holding letter informing the Complainant will be sent by the Headteacher setting out the reasons for extending the time frame and a new date by which the investigation will be concluded (see 4.3).

The letter will also inform the Complainant that, if they are not satisfied with the outcome of the Stage 2 investigation, they should write to the Chair of the Local Education Committee within 10 school days of receipt of the letter asking for their complaint and the Stage 2 investigation to be reviewed by the Chair of the Local Education Committee under Stage 3 of this Complaints Policy.

### **Complaint against Headteacher**

Any complaint relating to the Headteacher of the school must be raised in the first instance with the Chief Executive Officer who will determine whether it is appropriate to try and resolve the matter informally.

If informal resolution cannot be reached, or the complaint is sufficiently serious to warrant escalation to the formal process straight away, the Chief Executive Officer will appoint the Chair or other suitably experienced member of the Local Education Committee to investigate the matter, adhering to the principles outlined in Stage 2 above.

### **Complaint against Chief Executive Officer or Trustee**

If the complaint relates to the actions or conduct of either the Chief Executive Officer or a Trustee, the matter must be raised in the first instance with the Chair of the Trust Board who will determine whether it is appropriate to try and resolve the matter informally.

If informal resolution cannot be reached, or the complaint is sufficiently serious to warrant escalation to the formal process straight away, the Chair of the Trust Board will either undertake the investigation or appoint a suitably qualified Trustee to investigate the complaint adhering to the principles outlined in Stage 2 above. Depending on the circumstances, the Chair of the Trust Board may consider it appropriate to appoint an independent person to conduct the investigation.

### **Complaint against the Chair of Trust Board**

If a complaint is made against the Chair of the Trust Board, the matter will be referred in the first instance to the Vice-Chair of the Trust Board who will determine whether it is appropriate to try and resolve the matter informally.

If informal resolution cannot be reached, or the complaint is sufficiently serious to warrant escalation to the formal process straight away, the Vice-Chair will either undertake the investigation or appoint an independent person to investigate the complaint adhering to the principles outlined in Stage 2 above.

#### **Complaint against member of ELT Partnership and/ or the Central Team**

If a complaint is made against the ELT Partnership or any member of the Central Team then the matter must be raised in the first instance with the Chief Executive Officer who will determine whether it is appropriate to try and resolve the matter informally.

If informal resolution cannot be reached, or the complaint is sufficiently serious to warrant escalation to the formal process straight away, the Chief Executive Officer will appoint the Deputy Chief Executive Officer or other suitably experienced member of the Central Team (who is senior to the person who is subject of the complaint) to investigate the matter adhering to the principles outlined in Stage 2 above.

#### **Escalation to Stage 4 Complaint Panel**

Where a complaint has been made against the Headteacher, Trustee (including the Chair of Trustees) or member of the Central Team which cannot be formally resolved, the Complainant may write to the Chief Operations Officer of ELT Partnership Board within 10 school days of receiving the letter confirming the outcome of the investigation to request a Complaint Panel Hearing.

The complaint will then follow the principles of the Stage 4 process (see point 6.1 – 6.6 below) except the Panel will be comprise of two other Trustees with no involvement in or detailed knowledge of the complaint, in addition to one other person who is independent of the management and running of the Trust and any of its schools.

### **5.0 Stage 3 – Formal Review of Complaint at Local Level**

Complaint reviewed by Chair of the Local Education Committee or designate (e.g. other suitably experienced governor)

#### **Written complaint addressed to Chair of the Local Education Committee**

Where the Complainant is not satisfied with the outcomes at Stage 2 they may request the complaint to be reviewed locally under Stage 3. Such requests must be in writing and sent to the Chair of the Local Education Committee within 10 school days of them receiving the written outcomes letter from the Headteacher at Stage 2.

In this letter, the Complainant should not be asked to repeat all the matters originally raised (nor provide documentation previously submitted) but should be advised to set out the grounds for not accepting the outcomes from the investigation carried out under Stage 2.

The Complainant's letter will be acknowledged within 5 school days of receipt. The acknowledgement letter will confirm the date that the letter requesting escalation to Stage 3 was received from the Complainant and the name of the Chair of the Local Education Committee (or their designate) who will be reviewing their complaint.

### **Review of Investigation**

The Chair of the Local Education Committee will be provided with all documentation relating to the complaint within 5 school days of receipt of the letter requesting a review under Stage 3. This will include the record of the Stage 1 informal procedure (if applicable), the original letter of complaint, any supporting documentation provided by the Complainant, all investigation records under Stage 2, and the letter of outcome under Stage 2.

Having reviewed all relevant documents, the primary role of the Chair of the Local Education Committee (or designate) is to determine whether in their view there has been a fair and proportionate investigation in to the matter(s) raised and whether the findings and outcomes are reasonable and appropriate in the circumstances.

### **Meeting with Complainant**

Before reaching any decision, the Chair may feel it appropriate to make further enquiries relating to the complaint and may also wish to meet with the complainant to seek clarity around why they do not feel the matter has been satisfactorily resolved. This may lead to a positive outcome in terms of resolution being agreed without the need to convene a Complaints Panel under Stage 4.

### **Informing Complainant of Chair's Findings**

The Chair of Local Education Committee will write to the complainant confirming the outcome of their review within 15 school days from the date the request for a Stage 3 review was received. If it has not been possible to complete the review within this time frame, the Chair will send a holding letter setting out the reasons why there is a need to extend the review period with a revised date by which the review will be concluded.

The letter will clearly set out the grounds upon which the Chair considers:

- the findings and conclusion reached under Stage 2 are appropriate, or
- the Complainant has grounds for continuing complaint as the matter(s) have not been satisfactorily addressed by the school (in whole or in part).

The Chair will also inform the Complainant of any actions s/he is recommending in drawing the matter to a mutually acceptable conclusion with an explanation of how this will be achieved.

The letter will inform the Complainant that if they are not satisfied with the outcome of the Stage 3 review, they should write to the Chief Operations Officer at ELT Partnership within 10 school days of receipt of the letter to request a Complaint Panel Hearing under Stage 4 of this Complaints Policy.

In appropriate cases, the Chair of the Local Education Committee may delegate the review to the Vice-Chair or other suitable experienced Local Education Committee member to deal with in accordance with the procedure outlined above.

## **6.0 Stage 4 – Formal Resolution: Complaint Panel Hearing**

### **Request for Complaint Panel Hearing**

If the Complainant is not satisfied with the outcome of the review under Stage 3 of this Complaints Policy, s/he may write in the first instance to the Chief Operations Officer of ELT Partnership Board within 10 school days of receiving the letter confirming the Stage 3 outcome, to request a Complaint Panel Hearing.

The Complainant should not repeat the matters raised in their original letter or attach documentation already provided but should clearly set out the reasons why they do not accept the findings made under Stages 2 and 3.

### **School Response to Complainant**

On receiving the Complainant's letter, the Chief Operations Officer will invite the School to put in writing its response to the Complainant's grounds for not accepting the outcome of the Stage 3 review which should be submitted within 5 school days of receipt.

### **Time Scale for Complaint Panel Hearing**

The Hearing will be held as soon as reasonably practicable having consideration for the need to find a date that is reasonably convenient for the Complainant, the school and the members of the Complaints Panel. Whenever possible, the Hearing will be held within 20 school days of the letter from the Complainant requesting that the matter be escalated to Stage 4.

This will be confirmed in writing within 5 school days of the acknowledgement letter being sent out and if there are exceptional circumstances preventing the Complaint Panel being convened within 20 school days the reasons will also be explained in the letter.

### **Constitution of Complaint Panel**

The Complaint Panel of the ELT Partnership will consider all complaints at Stage 4 and will comprise of at least three people, which will include one person who is independent of the management and running of the Trust and any of its schools.

The Complaint Panel may also include one or more persons from the following categories:

- I. A member of the Local Education Committee of the school where the complaint emanated from;
- II. A member of a Local Education Committee from another school within the Trust;
- III. A member of the Board of Trustees from the Trust.

None of the members of the Complaint Panel will have been directly involved in the matters detailed in the complaint.

### **Conduct of Hearing (for detailed Procedure at Hearing see 7.0 below)**

The Hearing will normally be held in a private meeting room at the Head Offices of ELT Partnership which is located at Hazelbury Primary School. It is not a court case and the Chair of the Complaint Panel will ensure the Hearing is conducted as informally as circumstances allow.

At the Hearing, the Complainant will be entitled to be accompanied by a friend but legal representation will not be allowed. The complainant will have the opportunity to put her/his reasons for dissatisfaction and to enlarge on them but may not introduce reasons that were not previously put in writing. The school will have the opportunity to present its side of things and each side, as well as the Panel members, will be able to ask questions. The Complainant and the School Representative will have the opportunity to make final comments to the Panel.



### **Non-Attendance of Complainant**

Unless there are exceptional circumstances, the Complaint Panel will only be arranged if the Complainant and/or their representative attend. If the Complainant does not confirm attendance or fails to attend on the day without compelling reasons, the Complaint Panel will not proceed and the complainant will lose their right to the complaint being heard. Any further attempt to re-open the matter will be considered as falling under the persistent complaint section at point 10.0 below.

### **School Representative**

The School will be represented at the Complaint Panel Hearing and this may include the Investigating Officer at Stage 2 and/or the Headteacher and also the Chair of the Local Education Committee (or designate) who reviewed the investigation at Stage 3. This person(s) will be referred to as the 'School Representative(s)' for the purpose of Stage 4.

### **Clerk to the Complaint Panel**

The Complaint Panel Hearing will be minuted by the Clerk to the Complaint Panel, who will usually be the Clerk to the Trust.

### **Documentation for Complaint Panel Hearing**

The Chief Operations Officer (or Clerk to the Trust) will forward a copy of all paperwork relating to the complaint (consisting of the record of the Stage 1 informal procedure (if applicable), the original letter of complaint, any documentation provided by the Complainant with their complaint, all investigation records under Stage 2 with the letter of outcome, all review records under Stage 3 with the letter of outcome, and the Complainant's letter requesting a Complaint Panel Hearing and accompanying documents) to the Complainant, the School's Representative and the three Complaint Panel members.

The names of individuals other than the Complainant, the Complainant's family, members of the School's staff and Governors, will be redacted and replaced with a letter relevant to that particular individual (for example "Jane Brown" will be replaced with "A" throughout, "John Jones" will be replaced with B throughout) unless they have provided their written consent for their name to be disclosed.

If the Complainant wishes the Complaint Panel to consider any additional information, they should forward this documentation to the Clerk to the Trust to arrive at least 5 school days before the Complaint Panel Hearing, to enable the Clerk to forward it to the School's Representative and the Complaint Panel members.

### **Witnesses**

The Chair of the Complaint Panel will decide, at his or her absolute discretion, which witnesses will be permitted to attend the Complaint Panel Hearing to give a verbal statement rather than relying on a written statement or record of meeting which have been signed by the witness.

If the Complainant wishes to rely on the account of a witness, they should ask the witness to write down, sign and date their account and forward it to the Clerk to the Trust at least 5 school days before the Complaint Panel Hearing, to enable the Clerk to forward it to the School's Representative and the Complaint Panel members.

### **Child witnesses**

Witnesses under the age of eighteen other than the Complainant's own family will only be allowed to attend the Complaint Panel Hearing at the discretion of the Chair of the Complaint Panel, and then only if they are

accompanied by one of their parents or carers. Any written accounts provided by the Complainant relating to witnesses under the age of eighteen must be signed and dated by the witness and one of the witness' parents or carers.

### **School staff witnesses**

Members of staff of the school involved in the matters which gave rise to the complaint will usually have provided a signed written account or have signed a note of a meeting during the previous stages, which will be forwarded to all parties with the other complaint documentation in the usual way. Members of staff will not usually be required to attend the Complaint Panel Hearing to give a verbal statement unless their conduct is in issue or their account is contentious and the rules of natural justice suggest that the Complainant should be allowed to ask that member of staff questions.

### **Panel findings**

In most cases the Complaint Panel will deliberate immediately after the Hearing and reach their findings in the presence of the Clerk to the Panel. The Clerk's role is to make a record of their findings and any recommendations but they do not take any part in the decision-making process.

Having agreed and formulated their findings, the Clerk will inform all parties in writing of the outcomes. The letter will be sent out at the earliest opportunity and in any event, within 10 school days of the conclusion of the hearing.

### **Retention of written records of Hearing**

The written record of the Panel's findings and the Clerk's minutes of the Hearing will be retained securely at the Head Offices of ELT Partnership for a minimum period of 3 years.

## **7.0 Procedure at the Complaint Panel Hearing**

The Complaint Panel Hearing will be conducted as follows:

- a) The Clerk to the Complaint Panel will greet the Complainant (and companion) and the School's Representative and welcome them into the room where the Complaint Panel has convened (any witnesses will remain outside of the room until they are called in to give their account);
- b) The Complainant will be invited by the Complaint Panel to give an account of their complaint;
- c) The School's Representative will be invited to ask the Complainant questions, if any;
- d) The Complaint Panel will ask the Complainant questions, if any;
- e) At the discretion of the Chair of the Complaint Panel, the Complainant's first witness will be invited into the room to give an account of what they saw or know;
- f) The School's Representative will be invited to ask the Complainant's witness questions, if any;
- g) The Complaint Panel will ask the Complainant's witness questions, if any;
- h) The Complainant's witness will be asked to leave the room;

- i) If the Complainant has any further relevant witnesses, at the discretion of the Chair of the Complaint Panel, they will be invited into the room individually to provide their accounts and be questioned as outlined above;
- j) The School's Representative will be invited by the Complaint Panel to respond to the complaint and make representations on behalf of the School;
- k) The Complainant will be invited to ask the School's Representative questions, if any;
- l) The Complaint Panel will ask the School's Representative questions, if any;
- m) At the discretion of the Chair of the Complaint Panel, the School's relevant first witness will be invited into the room to give an account or what they saw or know;
- n) The Complainant will be invited to ask the School's witness questions, if any;
- o) The Complaint Panel will ask the School's witness questions, if any;
- p) The School's witness will be asked to leave the room;
- q) If the School has any further relevant witnesses, at the discretion of the Chair of the Complaint Panel, they will be invited into the room individually to provide their accounts and be questioned, as outlined above;
- r) The School's Representative will be invited by the Complaint Panel to summarise their response to the complaint and the School's stance;
- s) The Complainant will be invited by the Complaint Panel to summarise their complaint;
- t) The Complaint Panel Hearing will conclude and the Complainant and the School's Representative will be asked to leave.

### **Factors for the Complaint Panel to Consider**

It is important that the Complaint Panel Hearing is independent and impartial, and that it is seen to be so. No person may sit on the Complaint Panel if they have had a prior involvement in the matters which gave rise to the complaint or have a prior detailed knowledge of the complaint or are well known to the complainant e.g. as a friend or associate.

Panel members should ensure that they are familiar with the ELT Partnership Complaints Policy and Procedures in advance of the Hearing so that they are able to determine whether due process has been followed.

The aim of the Complaint Panel Hearing, which must be held in private, will always be to resolve the complaint and achieve reconciliation between the School and the Complainant. However, it has to be recognised that there are occasions when the Complainant may not be satisfied with the outcome if the Complaint Panel does not find wholly in their favour. It is therefore important that the Complainant feels a sense of fairness around the process, if not the Panel's findings.

An effective Complaint Panel will acknowledge that many Complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The Chair of the Complaint Panel will ensure that the Complaint Panel Hearing is as welcoming as possible, while ensuring that it is procedurally fair to all parties. The layout of the room will set the tone and care is needed to ensure the setting is informal and not substantially adversarial.

Extra care needs to be taken when there are child witnesses present to ensure that they do not feel intimidated. Where the child's parent is the Complainant, it would be helpful to give the parent the opportunity to suggest which parts of the hearing, if any, the child should attend, with the Chair retaining discretion.

### **Role of Chair of Complaint Panel**

The Chair of the Complaint Panel will play a key part at the Complaint Panel Hearing, ensuring that:

- a) The remit of the Complaint Panel is explained to the parties and each party has the opportunity of making representations without undue interruption;
- b) All of the issues raised in the complaint are addressed;
- c) Key findings of fact are made applying the threshold test of balance of probabilities;
- d) Each party treats the other with respect and courtesy;
- e) The Complaint Panel is open minded and acts independently of the school;
- f) No member of the Complaint Panel has a vested interest in the outcome of the proceedings;
- g) Each side is given the opportunity to state their case and ask questions;
- h) All written material is seen by all parties. If a new issue arises during the course of the Complaint Panel Hearing, it would be appropriate to give all parties the opportunity to consider and comment on it.

### **8.0 The Complaint Panel's Decision**

The Complaint Panel will convene in private, immediately after the Complaint Panel Hearing, and will consider all of the documentation and everything that they have heard at the Complainant Panel Hearing and make:

- **Findings of Fact**

The Complaint Panel will decide which facts are established to be true, on a balance of probabilities (i.e. more likely than not). If a fact is not deemed relevant, the Complaint Panel will not consider it further. The Complaint Panel will make a written record of the facts that have been established, those which have not been established and those which are not relevant, with their reasons for making these findings.

- **Recommendations**

The Complaint Panel will consider the facts which they have established and will make recommendations based upon them. These recommendations may be aimed at achieving reconciliation between the parties (for example, a written apology), improving procedures or preventing a recurrence in the future. The Complaint Panel will keep a written record of their recommendations, with reasons.

## **9.0 Notification of the Complaint Panel's Decision**

The Clerk to the Trust will write within 10 school days of the Complaint Panel Hearing to the:

- Complainant;
- School's Representative;
- Any person complained about.

The letter will identify each of the issues complained about, summarise how the Complaint Panel Hearing proceeded, and confirm each of the Complaint Panel's findings of fact and recommendations, if any, with reasons.

### **Referral to the Education and Skills Funding Agency**

The letter will also advise that if the Complainant believes that the ELT Partnership Complaints Policy and Procedures does not comply with the Regulations, or that the School has not followed due process, the Complainant may refer their complaint to the Education Skills and Funding Agency for their consideration.

The ESFA will not usually investigate the complaint itself, or interfere with the findings of the Complaint Panel, unless the decision is considered to be perverse and substantially unreasonable. They will however review whether ELT Partnership's Complaints Policy and Procedures have been followed to ensure there has not been an abuse of process or procedural impropriety.

## **10.0 Persistent Complainants**

If a complainant attempts to reopen an issue or a closely related issue that has already been dealt with under this Complaints Policy and Procedures, the Chair of the Trustees or Chief Executive Officer may write (by email or letter) to the complainant to inform him/her that the procedure has been exhausted and the matter closed and that continued correspondence may be considered vexatious and that the Trust will not respond to any further correspondence on this issue or a closely related issue. The normal circumstance in which the Trust will not respond is if:

- The Trust or school has taken every reasonable step to address the complainant's needs, and
- The complainant has been given a clear statement of the Trust/ school's position and their options (if any)
- The complainant is contacting the Trust/ school repeatedly but making substantially the same points each time
- We have reason to believe the individual is contacting the Trust/ school with the intention of causing disruption or inconvenience
- The individual's letters/emails/telephone calls are often or always abusive or aggressive
- The individual makes insulting personal comments about or threats towards staff
- Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint.

## 11.0 Unreasonable Complaints

The Trust is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. We will not normally limit the contact complainants have with the Trust/school. However, we do not expect our staff to tolerate unacceptable behaviour and will action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

The Trust defines unreasonable complainants as 'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'.

A complaint may be regarded as unreasonable when the person making the complaint:

- 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 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 the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- 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 Department for Education
- 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 person making the complaint does so either face-to-face, by telephone or in writing or electronically:

- Maliciously
- Aggressively
- Using threats, intimidation or violence
- Using abusive, offensive or discriminatory language
- Knowing it to be false
- Using falsified information
- Publishing unacceptable information in a variety of media such as in social media websites and newspapers

Complainants should limit the numbers of communications with the Trust/ school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

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

If the behaviour continues the Chief Executive Officer/ Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the school causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

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 school site.

### **12.0 Audio or Video Evidence**

Complainants should make sure they obtain informed consent from all parties present before recording conversations or meetings.

We do not normally accept electronic recordings as evidence when we are asked to consider a complaint. However, we may accept independently notarised transcriptions of recordings. We may also ask for the written consent of all recorded parties.

Unless exceptional circumstances apply, we'll support schools who refuse to accept, evidence, recordings of conversations that were obtained covertly and without informed consent of all parties being recorded. We recommend this is made clear in complaints procedures.

### **13.0 Record Keeping**

A written record will be kept of all complaints that were resolved at the formal stage of the complaint's procedure. Records will contain details of whether the complaint was resolved at stage 2, stage 3 or proceeded to a stage 4 panel hearing. The action taken by the school or the Trust as a result of a complaint (regardless of whether they are upheld) will also be recorded.

### **14.0 Withdrawal of a Complaint**

If the complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

### **15.0 Confidentiality**

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

Furthermore, all aspects of the management of the Complaints Policy and Procedure will comply with the General Data Protection Regulation 2018.

This policy will be reviewed by the Board of Trustees on a 3-yearly cycle and must be signed by the Chair of Trustees and Chief Executive Officer.

Signature of the Chair of Trustees:	Signature of Chief Executive Officer:
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