

POLICY: Complaints

Review

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| Approved by: | Board of Directors | Date: | January 2024 |
| Last Review Date: | December 2023 | Next Review Date: | December 2024 |

Responsibilities

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| School Senior Staff | Implementation of policy at school level |
| Governors | Check school compliance with policy and report breaches or concerns to Directors Chair of Governors will receive and process Stage 2 complaints Governors will convene a panel for Stage 3 complaints hearing |
| Directors | Review and approve the policy |

Material Changes to Policy Since the Last Review

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| Section: Introduction | Further clarification regarding the difference between a concern and a complaint |
| Section: Conduct of Complainants | New section added to outline conduct that will not be accepted in the complaints process |

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Introduction

Equinox Learning Trust's policy is to comply with the law. It will follow the guidance from the Department for Education that academies must have a published complaints policy which meets the standards set out in the Education (Independent School Standards (England) Regulations 2010, Schedule 1, Part 7). Complete guidance from the Department for Education is available online.

In summary, it is in everyone's interest that complaints are promptly resolved at the earliest possible stage. The first contact experience between the complainant and the school can be crucial in determining whether the complaint will escalate. Staff are made aware of this policy through the Staff Code of Conduct to ensure they know what to do when they receive a complaint.

Who can make a complaint?

This complaints policy is not limited to parents or carers of children registered at the school. Any person, including members of the public, may complain to the school directly about any provision of facilities or services that we provide. We will use this complaints policy unless complaints are handled under separate statutory procedures (such as appeals relating to exclusions or admissions).

The Difference Between 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'.

Communication can often be identified as a concern rather than a complaint when there is no intended resolution or action to be taken.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally without using the formal stages of the complaints policy. All schools in the Equinox Learning Trust take concerns seriously and will try to resolve the matter as quickly as possible.

We will respect your views if you need help discussing a concern with a particular staff member. In these cases, the Headteacher of the school will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Headteacher will refer you to another staff member. The staff member may be more senior but can be someone other than that. The ability to consider the concern objectively and impartially is more important.

We understand, however, that there are occasions when people would like to raise their concerns formally. In this case, all schools in the Equinox Learning Trust will attempt to resolve the issue internally through the stages outlined within this complaints policy.

Complaints Policy

The complaints policy for the Trust follows four stages and is available via the schools' websites.

| Stage 1 | |
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| Informal: complaint heard by a member of staff | <p>The school will respect any views expressed by the complainant and understand that they may have difficulty discussing the complaint with a particular staff member. Where the complaint concerns the Headteacher, the complaint will be heard by the Chair of the Local Governing Body, who will consult with the CEO.</p> <p>If the staff member feels too compromised to deal with the complaint, they may consider referring the complainant to another staff member, who may be more senior, but does not have to be. The ability to consider the complaint objectively and impartially is crucial.</p> |

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| | <p>Where the first approach is made to the CEO, a director or a governor, the next step would be to refer the complainant to the person in the school where the complaint originated from and advise them of this policy. The CEO, directors or governors must not act unilaterally on an individual complaint outside the formal policy or are involved at these early informal stages in case they are needed to sit on a panel at a later stage.</p> <p>Stage 1 will take no longer than five school days to complete.</p> <p>We do not record these centrally because these are often a blend of concerns and complaints.</p> |
| Stage 2 | |
| <p>Formal: complaint heard by Headteacher</p> | <p>If the complainant is not satisfied with the outcome of Stage 1 the complainant should write to the Headteacher and request their complaint is considered further. The Headteacher will acknowledge receipt of the complaint within two school days.</p> <p>At this point, the complainant may be dissatisfied with how the complaint was handled at Stage 1 and pursue their initial complaint. The Headteacher may delegate the task of collating the information to another staff member but not the decision or action to be taken.</p> <p>The Headteacher will write to the complainant with the outcome of the investigation, and this will take at most ten school days to complete. Often the Headteacher will meet with the complainant to understand the complaint more if required, and to feedback where appropriate. The Headteacher will offer escalation to Stage 3 should the complainant remain dissatisfied, and the complainant will be given ten school days during which time their request can be escalated.</p> <p>The Headteacher will keep a record of complaints heard under Stage 2, see <i>section entitled record keeping and confidentiality for further details.</i></p> |
| Stage 3 | |
| <p>Formal: The Chair of the Local Governing Body hears the complaint.</p> | <p>If the complainant is not satisfied with the response by the Headteacher (or the complaint is about the Headteacher), the complainant should write to the Chair of the Local Governing Body to request their complaint is considered further. The Chair of the Local Governing Body will acknowledge receipt of the complaint within two school days.</p> <p>The Chair of Governors will consult with the CEO at this point to consider who best to hear this complaint and communicate with the complainant going forward.</p> <p>The Chair of the Local Governing Body (or CEO) will write to the complainant with the outcome of the investigation, and this will take no longer than ten school days to complete. The Chair of Governors (or CEO) will offer escalation to Stage 4 should the complainant remain dissatisfied, and the complainant will be given ten school days during which time their request can be escalated.</p> <p>The Clerk to Governors will keep a record of complaints heard under Stage 3 - see <i>section entitled record keeping and confidentiality for further details.</i></p> |

Stage 4

Formal: The Directors' Complaints Appeal Committee convened to hear the complaint.

The complainant needs to write to the Clerk to the Directors, giving details of the complaint and asking that it be put before the Appeal Committee. The Chair will consult with the CEO, and if the CEO has not been involved in the Stage 3 hearing, then it will be agreed at this point who will take the lead.

The Chair, or (if the Chair has been involved at any previous stage in the process) a nominated Director, will convene an Appeal Committee. This Committee is the last school-based stage of the complaints process. The Appeal Committee will consist of at least three Directors (all of whom will not have been directly involved in the matters detailed in the complaint), and one of these must be independent of the management and running of the academy (e.g., Director of a neighbouring academy or local businessperson). The Committee may appoint its own Chair.

The panel can:

- ❶ Dismiss the complaint in whole or in part
- ❷ Uphold the complaint in whole or in part
- ❸ Decide on the appropriate action to be taken to resolve the complaint
- ❹ Recommend changes to school systems or processes to ensure that problems of a similar nature do not recur.

Guidance on the Appeals Committee and roles and responsibilities are detailed in the full Department for Education guidance.

The Clerk to Directors will convene the appeal meeting and invite the complainant to the Appeal Committee within five school days of receipt of the letter from the complainant. The complainant may be accompanied at the Appeal Committee if they wish. The Appeal Committee will be held between 10 -15 school days after receipt of letter from the complainant.

The Chair of the Appeal Committee will write to the complainant issuing a letter confirming the Appeal Committee's decision including any findings and recommendations and advise of escalation routes to the Secretary of State for Education within five school days of the Appeal Committee. Where relevant a copy of the Committee's findings and recommendations will also be sent to the person being complained about. This Stage 4 will take no longer than 20 school days to complete.

The Clerk of the Academy Trust will keep a record of complaints heard under Stage 4, see section entitled record keeping and confidentiality for further details.

Where a complaint has been brought to the school and the policy have been followed properly, it is still possible that the complainant could be dissatisfied. It is appropriate that the Chairman of Directors, if a complainant in that situation tries to re-open the same issue by repeatedly making the same points or similar behaviours, can inform them that the policy has been completed and the matter is now closed. Thereafter, the school can choose not to respond and mark the correspondence serial. The exception would be where a complainant, regardless of the stage of the complaint, contacts his or her MP. It is particularly clear that this is the right course of action where the school believes that the individual has an intention of causing disruption or inconvenience. For example, they have said as much in a letter, email or phone call, the communications are often or always abusive or aggressive and they include insulting or personal remarks, including threats about staff or to staff.

Complaining to the Department for Education (DfE)

Complaints about academies can be made to DfE, but this is only available once this complaints policy has been completed. Such complaints will be made via the [DfE's online school complaints form](#).

You can also [find more details about what the DfE will do here](#).

Anonymous Complaints

We will not usually investigate anonymous complaints. However, if appropriate, the Headteacher or Chair of Governors will determine whether the complaint warrants an investigation.

Timescales

Complainants must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside this time frame if exceptional circumstances apply.

Complaints Received Outside of Term Time

We will consider complaints made outside term time to have been received on the first school day after the holiday period. Complaints in the last two days of a term will be considered on return from the school holiday. The first day back will count as day one.

Scope of this Complaints Policy

This policy covers all complaints about any provision of community facilities or services by schools within the Trust, other than complaints that are dealt with under other statutory procedures, including those listed below.

| Exceptions | Who to Contact |
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| <ul style="list-style-type: none">• Admissions to schools• Statutory assessments of Special Educational Needs• School re-organisation proposals | Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with West Berkshire Local Authority. |
| <ul style="list-style-type: none">• Matters likely to require a Child Protection Investigation | Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may contact the Local Authority Designated Officer (LADO) with local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH) No: 01635 503090. |
| <ul style="list-style-type: none">• Exclusion of children from school* | Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions . <i>* Complaints about the application of the behaviour policy can be made through the school's complaints policy, available on our school websites.</i> |
| <ul style="list-style-type: none">• Whistleblowing | We have a Whistleblowing Policy available to all staff in schools. For advice or support, staff can contact office@equinoxlearningtrust.co.uk with 'confidential' in the address bar or access the policy independently within the school. Additional support is provided from the DfE: www.education.gov.uk/contactus . Volunteer staff with concerns about our school should complain through the school's complaints policy. |

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| <ul style="list-style-type: none"> • Staff grievances | Complaints from staff will be dealt with under the school's internal grievance procedures. |
| <ul style="list-style-type: none"> • Staff conduct | <p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, 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 addressed.</p> |
| <ul style="list-style-type: none"> • Complaints about services provided by other providers who may use school premises or facilities | Providers should have their own complaints policy to deal with complaints about service. Please contact them directly. |
| <ul style="list-style-type: none"> • National Curriculum - content | Please contact the Department for Education at: www.education.gov.uk/contactus |

If other bodies are investigating aspects of the complaint, for example, the police, local authority (LA) safeguarding teams or tribunals, this may impact our ability to adhere to the timescales within.

Resolving Complaints

The school wants to resolve the complaint at each stage in the procedure. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- ❶ an explanation
- ❶ an admission that the situation could have been handled differently or better
- ❶ an assurance that we will try to ensure the event complained of will not reoccur
- ❶ 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
- ❶ an undertaking to review school policies in light of the complaint
- ❶ an apology.

Withdrawal of a Complaint

If a complainant wants to withdraw their complaint, they can do so verbally or in writing. The school will record this.

Complaints from Those Who are Not Parents of Attending Pupils

The Academy Trust will handle all complaints from those not parents of pupils at its schools differently. In these cases, the Headteacher will deal with the complaints directly, i.e., Stage 2, but with no escalation.

Complaints Campaigns

Where a volume of complaints is received based on the same subject or from complainants unconnected with the school, this will be dealt with through a separate procedure which involves sending a standard response to all complainants. It is down to the discretion of the Headteacher, in consultation with the Trust CEO, to decide whether the volume of complaints constitutes a complaint campaign, and individual complaints will be escalated via the usual procedure.

Serial or Vexations Complaints

There may be occasions when, despite all stages of the complaint policy having been followed, the complainant remains dissatisfied. If a complainant tries to re-open the same issue, you can inform them that the policy has been completed and the matter is now closed.

We may receive complaints that are deemed to be vexatious. The [Office of the Independent Adjudicator](#) defines the characteristics of a 'frivolous' or 'vexatious' complaint as:

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

Schools will not refuse to accept further correspondence or complaints from an individual with whom they have had repeat or excessive contact. Applying a 'serial or persistent' marking should be against the subject or complaint itself rather than the complainant. Where a complaint is considered repeat or vexatious, the school will signpost the complaints policy and advise the complainant that the matter is now closed once the policy has been completed.

Conduct of Complainants

These are some of the actions and behaviours of complainants which can become problematic. Single incidents may be unacceptable, but more often, the difficulty is caused by the unreasonably persistent behaviour of the complainant that is time-consuming to manage and interferes with the proper consideration of the complaint:

- ❶ Refusing to specify the grounds of a complaint despite offers of help
- ❷ Refusing to cooperate with the complaints investigation process and policy
- ❸ Refusing to accept that certain issues are outside the scope of a complaints procedure
- ❹ Insisting on the complaint being dealt with in ways incompatible with the complaint's procedure.
- ❺ Making unjustified complaints about staff dealing with the issues and seeking to have them replaced
- ❻ Changing the basis of the complaint as the investigation proceeds
- ❼ Denying or changing statements the complainant has made at an earlier stage
- ❽ Introducing trivial or irrelevant new information at a later stage
- ❾ Raising many detailed but unimportant questions and insisting they are all answered
- ❿ Submitting falsified documents from themselves or others
- ⓫ Adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue with various organisations
- ⓬ Making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous school staff, or detailed letters every few days, and expecting immediate responses
- ⓭ Submitting repeat complaints with minor additions/variations, the complainant insists on making these 'new' complaints
- ⓮ Refusing to accept the decision, repeatedly arguing points with no new evidence
- ⓯ Communicating in an aggressive and potentially abusive manner with any member of staff.

Where this is the case, the complainant will be informed that their conduct is deemed to breach the policy and that the original complaint process will continue. The complainant will be advised to cease and desist behaviours deemed to be contravening the policy. Where behaviours are aggressive and potentially abusive towards a member of staff, the school may refer this matter to the police; the school can also consider the use of a site ban for the complainant in such situations.

Record Keeping & Confidentiality

A written record of all formal complaints made under Stages 2-4 is kept, and this includes whether the complaint was resolved at the formal stages or proceeded to an Appeal Committee and any actions taken by the school as a result of the complaint regardless of whether the complaint was upheld or not. All correspondence, statements and records relating to individual complaints will be kept confidential unless the school must produce these as part of an inspection. Records are retained in accordance with the Trust's Retention Policy, a copy of which is available on request.