Complaints policy

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1. Definitions and aims

1.1 Definitions

Department for Education (DfE) guidance explains 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”

In most cases, a concern can be resolved through informal means. A complaint will follow formal procedures.

Any person, including members of the public, may make a complaint to the Vita Multi Academy Trust about any provision of facilities or services that are provided. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints policy.

1.2 Aims

Our trust aims to meet its statutory obligations when responding to complaints from parents and carers of pupils at the school, and others.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect confidentiality, where necessary
- Treat complainants with respect and courtesy

- Make sure any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school and trust improvement evaluation processes

We try to resolve complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The trust will aim to give the complainant the opportunity to complete the complaints procedures in full.

To support this, we will make sure we publicise the existence of this policy and make it available on our website, and on the websites of our schools.

Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

2. Legislation and guidance

This document meets the requirements set out in part 7 of the schedule to The Education (Independent School Standards) Regulations 2014, which states that we must have and make available a written policy to deal with complaints from parents/carers of pupils.

It is also based on best practice guidance for academies complaints procedures from the Department for Education (DfE).

This policy complies with our funding agreement and articles of association.

3. Scope

This policy does **not** cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Suspension and permanent exclusion
- Whistleblowing
- Staff grievances
- Staff discipline
- Perins Preschool

Please see our separate policies for procedures relating to these types of complaint.

Complaints about services provided by other providers who use trust premises or facilities should be directed to the provider concerned.

4. Roles and responsibilities

4.1 The complainant

The complainant will get a more effective and timely response to their complaint if they explain the complaint in full as early as possible and they:

- Follow these procedures
- Co-operate with the trust and/or school throughout the process, and respond to deadlines and communication promptly
- Ask for assistance as needed
- Treat all those involved with respect
- Respect confidentiality
- Do not approach individual governors about the complaint
- Do not publish details about the complaint on social media

4.2 The investigator

This is an individual appointed to investigate the complaint and establish the facts. They will:

- Interview all relevant parties, making clear notes and keeping these securely
- Carefully consider any relevant records, information or evidence
- Keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- Be mindful of the timescales to respond
- Provide a comprehensive, open, transparent and fair consideration of the complaint
- Prepare a comprehensive report to the Head of School, complaints panel or Executive Headteacher, which includes the facts and potential solutions and recommends courses of action to resolve problems

4.3 The complaints co-ordinator

The complaints co-ordinator can be:

- A senior leader of the MAT or School
- The designated complaints governor or trustee
- Any other staff member providing administrative support

The complaints co-ordinator will:

- Keep the complainant up to date at each stage in the procedures
- Make sure the process runs smoothly by liaising with staff members, the Head of School, chair of governors/trustees, clerk/governance professional and Executive Headteacher and chair of trustees as appropriate
- Be aware of issues relating to:
    - Sharing third-party information
    - Additional support needed by complainants – for example, interpretation support or where the complainant is a child or young person
- Keep records

4.4 Clerk to the local governing body and trust board

The clerk/governance professional will:

- Be the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints panel hearing
- Ensure that all people involved in the complaint procedures are aware of their legal rights and duties, including any legislation relating to school complaints, education law, the Equality Act 2010, the Freedom

of Information Act 2000, the Data Protection Act 2018 and the UK General Data Protection Regulation (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 and send it to the parties in advance of the meeting within an agreed timescale
- Arrange the complaints panel hearing
- Record and circulate the minutes and outcome of the hearing

4.5 Panel chair

The complaints panel chair will:

- Chair the meeting, ensuring that everyone is treated with respect and courtesy throughout
- Make sure all parties see the relevant information, understand the purpose of the panel, and are allowed to present their case
- Ensure that the panel is open-minded and acts independently and no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedures

5. Principles for investigation

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

5.1 Timescales

The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.

We will consider exceptions to this timeframe in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved; however, this would be on a case-by-case basis.

When complaints are made outside of term time, they will be deemed to have been received on the first school day after the holiday period.

If at any point we cannot meet the timescales we have set out in this policy, we will:

- Set new time limits with the complainant
- Send the complainant details of the new deadline and explain the delay

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or tribunals, this may impact on our ability to adhere to the timescales within this policy or result in the procedures being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against the trust or the school in relation to their complaint, then we will consider whether to suspend the complaints procedures in relation to their complaint until those legal proceedings have concluded.

6. Stages of complaint (not complaints against the trust, Executive Headteacher or trustees)

We have adopted a 4-stage process for dealing with complaints:

- Stage 1 – informal resolution
- Stage 2 – formal investigation
- Stage 3 – review by the Executive Headteacher
- Stage 4 – local governing body panel hearing
- Stage 5 – review by the trust board

6.1 Stage 1: informal resolution

We make every effort to address any concerns or complaints early through informal measures.

The complainant should raise the concern as soon as possible within the timescales set out in section 5.1.

The concern should be addressed to the relevant member of school staff (for example, class teacher, year head, or subject head) or the head of school, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact their school office:

Sun Hil Junior School 01962 732801 adminoffice@sunhill-jun.hants.sch.uk

Perins School 01962 734361 school@perins.hants.sch.uk

The complainant should also state what they feel might resolve the concern.

The trust will acknowledge informal complaints within 3 school days, which will confirm how the trust intends to proceed, including an indication of the anticipated timescale.

The informal stage may involve a meeting between the complainant and a member of staff. A written response will be provided by the trust within 20 school days following any informal meeting.

If the complaint involves the head of school or a member of the local governing body, stage 1 will be completed by the chair of the local governing body.

If the complaint involves the chair of the local governing body, stage 1 will be completed by the Head of School or Executive Headteacher.

If the informal complaint cannot be dealt with in the timescales set out in this policy, then the relevant person will provide the complainant with an update on this.

If the complaint is not resolved informally, it will be escalated to a formal complaint.

6.2 Stage 2: formal

Submitting complaints

Formal complaints can be raised:

- In a letter or email (this is preferred)
- In person
- Through a third party acting on their behalf, if they have the complainant's consent to do so

The complainant should provide details such as relevant dates, times and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.

Complaints against:

- Staff (except the Executive Headteacher) should be directed to the Head of School

- The Executive Headteacher should be directed to the chair of the trust board
- The chair of the local governing body, any individual governor or the whole governing body should be directed to the clerk/governance professional to the local governing body

Please submit any complaints **via the school office**, marked private and confidential (if made in writing).

If complainants need assistance raising a formal complaint, they can contact the school office

Sun Hil Junior School 01962 732801 adminoffice@sunhill-jun.hants.sch.uk

Perins School 01962 734361 school@perins.hants.sch.uk

Investigation

The complainant will receive written acknowledgement of their complaint within 3 school days. Within this response the Head of School will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see.

The head of school will then conduct their own investigation and consider whether a face-to-face meeting is the most appropriate way of doing this.

The head of school may delegate the investigation to another member of the school's senior leadership team but will not delegate the decision to be taken.

If the complaint is about the Executive Headteacher or Head of School or a member of the local governing body (including the chair or vice-chair), a suitable skilled governor will be appointed to carry out the investigation at stage 2.

Complaints about the following will be escalated to the Executive Headteacher:

- Jointly about the chair and vice-chair, or
- The entire local governing body, or
- The majority of the local governing body

Conclusion

The written conclusion of this investigation will be sent to the complainant within 20 school days.

If the person investigating is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions to be taken to resolve the complaint.

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this policy, they should inform the clerk/governance professional to the local governing board in writing within 15 school days.

6.3 Stage 3: panel hearing

Convening the panel

Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the second, formal stage.

The panel will be appointed by or on behalf of the trust and must consist of at least 3 people who were not directly involved in the matters detailed in the complaint. At least 1 panel member must be independent of the management and running of the school. The panel cannot be made up solely of local governing body members, as they are not independent of the management and running of the school.

The panel will be made up of trustees and an independent panel member if the complaint is:

- Jointly about the chair and vice-chair, or

- The entire local governing body, or
- The majority of the local governing body

The complainant must have reasonable notice of the date of the panel hearing. The clerk/governance professional will aim to find a date within 20 school days of the request, where possible.

If the complainant rejects the offer of 3 proposed dates without good reason, the clerk/governance professional will set a date. The hearing will go ahead using written submissions from both parties.

Any written material will be circulated to all parties at least 5 school days before the date of the meeting.

The board will ensure that the hearing is properly minuted.

At the hearing

The hearing will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless required as part of reasonable adjustments. Prior knowledge and consent of all parties attending will be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

At the panel hearing, the complainant and representatives from the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied if they wish. We don't encourage either party to bring legal representation but will consider it on a case-by-case basis. For instance, if a school employee is called as a witness in a complaint hearing, they may wish to be supported by their union and/or legal representative.

Representatives from the media are not permitted to attend.

At the hearing, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called, as appropriate, to present their evidence.

The panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The panel, the complainant and the school representative(s) will be given the chance to ask and reply to questions. Once the complainant and school representative(s) have presented their cases, they will be asked to leave, and evidence will then be considered.

The panel will then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint, and make a copy available for inspection by the trust and Executive Headteacher.

The outcome

The panel can:

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

If the complaint is upheld, the panel will:

- Decide the appropriate action to resolve the complaint
- Where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future

The school will inform those involved of the decision in writing within 10 school days. The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reasons for it.

The panel will ensure that those findings and recommendations are sent by email or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the school premises by the proprietor and the Executive Headteacher.

A written record will be kept of all complaints and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.

6.4 Stage 4: review by the trust board

Where the school-based complaints policy has been completed, and the complainant does not feel their complaint has been addressed to their satisfaction, they may contact the trust in writing to request a review of the complaint investigation.

They can do this by:

- Email: clerk@vitatrust.org.uk
- Post: FAO Governance Professional,

  Vita Multi Academy Trust,

  Pound Hill

  Alresford

  SO24 9BS

The written request should include a summary of the complaint, along with any relevant dates, times and evidence.

The trust cannot overturn decisions on complaints made during the school's complaints procedures. However, it can assess whether the school considered the complaint appropriately. If the school is found not to have considered the complaint appropriately, the trust will request that the complaint is reconsidered within 15 school days.

7. Complaints about the trust, Executive Headteacher or trustees

If the concern is about the trust or trustees, the complaint should be addressed to the Chair of Trustees.

If the concern is about the Executive Headteacher, the complainant should contact the chair of the board of trustees, via the trust office trustees@vitatrust.org.uk or 01962 734361.

If the complainant is unsure who to contact, they should contact the trust office trustees@vitatrust.org.uk or 01962 734361.

The Executive Headteacher will write to the complainant acknowledging the complaint within 3 school days of the date that the written request was received; the acknowledgement will confirm under which stage the complaint will now be investigated.

Following the investigation, the Executive Headteacher will write to the complainant confirming the outcome within 20 school days of the date that the letter was received. If this time limit cannot be met, the Executive Headteacher will write to the complainant within 5 school days of the date that the letter was received, explaining the reason for the delay and providing a revised date.

If the complaint concerns the Executive Headteacher or a trustee, the complaint should be investigated by the chair of the trust board. If a formal complaint form is received about the chair, the complaint will be referred to the vice chair for investigation.

7.1 Stage 1: informal

We make every effort to address any concerns or complaints early through informal measures.

The complainant should raise any concerns as soon as possible within the timescales set out in section 5.1.

The process for responding to and investigating an informal complaint about the trust or central staff is the same as that set out in section 6.

7.2 Stage 2: formal

If the complaint is not resolved satisfactorily at the informal stage, the complainant should submit a formal complaint in writing.

The complainant will receive written acknowledgement of their complaint within 3 school days.

The investigating officer will then conduct an investigation, in line with the process set out in section 6 above, providing a written response to the complainant within 20 school days.

7.3 Stage 3: panel hearing

Convening the panel

Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the second, formal stage.

A panel will be appointed by the trust, and will consist of 3 members not involved in investigating the complaint in the formal stage. One of members on the panel will be independent of the management and running of trust. This means that the independent member will not be a trustee or an employee of the trust.

The panel will be entirely made up of independent members if the complaint is:

- Jointly about the chair and vice-chair or
- The entire trust board or
- The majority of the trust board

The complainant will have reasonable notice of the date of the review panel. The clerk/governance professional will aim to find a date within 20 school days of the request, where possible.

If the complainant rejects the offer of 3 proposed dates without good reason, the clerk/governance professional will set a date. The hearing will go ahead using written submissions from both parties.

Any written material will be circulated to all parties at least 5 school days before the date of the meeting.

The complainant and representatives from the trust, as appropriate, will be present at the panel hearing. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied if they wish.

The board will ensure that the hearing is properly minuted.

At the hearing

At the hearing, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called, as appropriate, to present their evidence.

The panel, the complainant and the trust representative(s) will be given the chance to ask and reply to questions. Once the complainant and trust representative(s) have presented their cases, they will be asked to leave, and evidence will then be considered.

The panel must then put together its findings and recommendations from the case. The panel will also provide a copy of the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint, and make a copy available for inspection by the trust.

The panel will inform those involved of the decision in writing within 10 school days.

8. Referring complaints on completion of the school and trust procedures

If the complainant is unsatisfied with the outcome of the school or trust complaints procedures, they can refer their complaint to the DfE. The DfE will check whether the complaint has been dealt with properly. The DfE will not overturn the school or trust's decision about a complaint but will intervene if a school or trust has:

- Breached a clause in its funding agreement
- Failed to act in line with its duties under education law
- Acted (or is proposing to act) unreasonably when exercising its functions

If the complaints policy is found not to meet regulations, the trust will be asked to correct its procedures accordingly.

For more information or to refer a complaint, see the following webpage on GOV.UK for how to complain about a school.

We will include this information in the outcome letter to complainants.

9. Unreasonable, vexatious and persistent complaints

9.1 Unreasonable and vexatious complaints

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable/vexatious if the person:

- 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 school's complaint procedure has been fully and properly implemented and completed, including referral to the DfE
- Seeks an unrealistic outcome
- Makes excessive demands on school time by frequent, lengthy 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

Please note: the above list is not intended to be exhaustive and is for guidance purposes only. It is at the discretion of the trust what is deemed to be unreasonable.

Complainants should try to limit their communication with the school/trust 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.

We will take every reasonable step to address the complainant's comments, and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints policy as normal (as outlined above) wherever possible.

Whenever possible, the school/trust will discuss any concerns with the complainant informally before applying an 'unreasonable' marking. If the behaviour continues, the school/trust will write to the complainant explaining that their behaviour is unreasonable, refer them to this policy and remind them to act in accordance with it. For complainants who excessively contact the school causing a significant level of disruption, we may:

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third party to act on their behalf, such as Citizens Advice
- Put any other strategy in place as necessary

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from school premises and ensuring appropriate measures of support are provided to staff where they are the subject of aggression and/or violence.

9.2 Serial/persistent complaints

If the complainant contacts the school/trust again on the same issue, the correspondence may then be viewed as 'serial' or 'persistent'. We may stop responding to the complainant when the following conditions are met:

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

The case to stop responding is stronger if:

- The complainant's communications are often or always abusive or aggressive
- The complainant makes insulting personal comments about or threats towards staff
- We have reason to believe the individual is contacting the school/trust with the intention of causing disruption or inconvenience

The trust will not refuse to accept further correspondence or complaints from an individual we have had repeat or excessive contact with. The application of a 'serial or persistent' marking will be against the subject or complaint itself, rather than the complainant.

Where we decide to stop responding, we will inform the individual that we intend to do so. We will also explain that we will consider any new complaints they make provided the concerns raised are materially different to those raised previously and/or are unconnected to the previous concern.

9.3 Duplicate complaints

If the school/trust has resolved a complaint under this policy and received a duplicate complaint on the same subject from a partner, family member or other individual, the school/trust will assess whether there are aspects that we hadn't previously considered, or any new information that needs to be considered.

If the school/trust is satisfied that there are no new aspects, it will:

- Tell the new complainant that the issue has already been investigated and responded to, and that the local process is complete
- Direct them to the DfE if they are dissatisfied with the original handling of the complaint

If a duplicate complaint is raised which in the view of the school warrants further consideration, the procedures outlined in section 6 or 7 (as appropriate) will be repeated.

9.4 Complaint campaigns

Where the school/trust receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school/trust may respond to these complaints by:

- Publishing a single response on the school/trust website
- Sending a template response to all of the complainants

If complainants are not satisfied with the school's/trust's response, or wish to pursue the complaint further, the normal procedures will apply and they can contact the DfE as per section 8 of this policy.

10. Record keeping and confidentiality

The school/trust will record the progress of all complaints, including information about:

- Actions taken at all stages
- The stage at which the complaint was resolved
- The final outcome

The records will also include copies of letters and emails, and notes related to meetings and phone calls.

This material will be treated as confidential and stored securely and will be viewed only by those involved in investigating the complaint or on the review panel hearing.

In the case of complaints about the trust or central staff, these records will be managed by the governance professional and will be stored securely in the trust's offices under restricted access.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act 2018 and the UK GDPR, or where the material must be made available to Ofsted.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and according to the trust's record retention schedule.

The details of the complaint, including the names of individuals involved, will not be shared with the whole local governing body of the school (or the entire trust board) in case a review panel needs to be organised at a later point.

Where the local governing body is aware of the substance of the complaint before the review panel stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the local governing body, who will not

unreasonably withhold consent.

11. Learning lessons

The appropriate governance committee will review any underlying issues raised by complaints with the relevant member of staff or senior leader, and respecting confidentiality, to determine whether there are any improvements that the school/trust can make to its procedures or practice to help prevent similar events in the future.

The Executive Headteacher and trust board will receive regular reports on the types of complaints received in each school to support the development of appropriate support structures, and to inform any improvements to procedures or practice.

12. Monitoring arrangements

The trust board will monitor the effectiveness of the trust complaints policy in ensuring that complaints are handled properly.

The Executive Headteacher and trust board will track the number and nature of complaints, and review underlying issues as stated in the section entitled ‘Learning lessons’.

The complaints records are logged and managed by the school’s leadership team.

This policy will be reviewed and approved by the trust board at least annually.

13. Links with other policies

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Suspension and permanent exclusion policy
- Staff grievance procedures
- Staff disciplinary procedures
- Special educational needs policy and information report
- Privacy notices