

Excel Learning Trust

Complaints Policy

Approved by the Executive Team:	March 2024
Version:	6
Review Timetable:	Annually
Renewal Date:	March 2025

1 INTRODUCTION

- 1.1 It is in everyone's interest that complaints are resolved as quickly as possible and within a clearly defined procedure and timeframe.
- 1.2 All staff should be aware of this complaints procedure and should be able to give information and assistance on how to raise a concern or make a formal complaint.

2. AIM

In operating this complaints policy Excel Learning Trust (ELT) aims to:

- Respond to all complaints in a professional and timely manner
- Encourage resolution of complaints by informal means wherever possible
- Have a policy which is easily accessible and simple to use
- Ensure a full and fair consideration of the complaint
- Respect confidentiality
- Allow swift handling by adhering to time limits for action and keeping people informed of the progress. Delays within the process will be communicated to all parties
- Provide information to the Trust and the school's Senior Leadership Team (SLT) to enable services to be improved.

3. SCOPE

- 3.1 Some complaints will fall outside of this procedure. The table below lists the complaints not covered by this policy.

Admissions	Concerns about admissions should be raised with the Local Authority (LA).
Safeguarding matters	Complaints about child protection matters are handled in accordance with the Trust's Safeguarding Policy and in

	accordance with relevant statutory guidance.
External assessments relating to special educational needs (SEN)	The SENCO / Headteacher will be able to advise on the relevant contact.
Exclusions	Further information about raising concerns about exclusions can be found at https://www.gov.uk/school-discipline-exclusions/exclusions
Whistle-blowing	These matters will be dealt with under the Trust's whistle-blowing policy.
Staff grievances / disciplinary / capability / restructure and re-organisation procedures.	These are internal matters which do not fall within the scope of the complaints policy.
Staff Conduct	Complaints about staff will be dealt with in accordance with the Trust's HR policies and procedures, if appropriate. Complainants will not be informed of any action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.
Third Party Suppliers using Trust premises (this includes private providers of after-school clubs, childcare and sporting activities)	Third party suppliers will deal with complaints in accordance with their policies and procedures.
National Curriculum content	Please contact the Department for Education at: www.education.gov.uk/contactus
Vexatious / Unreasonable complaints	Please see section 15
Anonymous complaints	Please see section 5

- 3.2 Where external bodies are investigating aspects of the complaint, for example the police, LA or safeguarding teams, it may impact on our ability to adhere to timescales set within this policy. The result may be that the procedure is suspended until those public bodies have completed their investigations. If this happens, we will inform you of a proposed new timescale.
- 3.3 If a complainant commences legal action against the Trust and/or any of its schools in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

4. THE DIFFERENCE BETWEEN CONCERNS AND COMPLAINTS

- 4.1 A concern may be defined as ‘an expression of worry or doubt over an issue considered to be important for which reassurances are sought’, and a complaint may be defined as ‘an expression of dissatisfaction however made, about actions taken or a lack of action’
- 4.2 The Trust acknowledges that it is in everyone’s best interest to resolve concerns and complaints at the earliest possible stage.
- 4.3 Many concerns can be resolved informally, without the need to use the formal complaints procedure. We will take all concerns and complaints seriously and will make every effort to resolve the matter as quickly as possible.

5. ANONYMOUS COMPLAINTS

- 5.1 Anonymous complaints will not be investigated under this procedure unless the concern/complaint is about a potentially serious matter (e.g. child protection/criminal activity) and there is enough information to investigate.

6. COMPLAINT CAMPAIGNS

- 6.1 Where the school/Trust becomes the focus of a campaign and receives a large volume of complaints all based on the same subject and/or from complainants unconnected with the school, the School/Trust will send a template letter to all complainants and/or publish a response on the school/Trust’s website.
- 6.2 Complainants who remain dissatisfied with the response will be directed to the Department for Education.

7. COMPLAINTS ABOUT THE TRUST

- 7.1 If a complainant wishes to complain directly about the Trust, then the complaint should be sent to the clerk of the Trust Board clerk@southbanktrust.co.uk who will direct the complaint to the appropriate person.
- 7.2 The complaint will be subject to the same procedures and timeframes as set out in this policy.

8. HOW TO RAISE A CONCERN AND COMPLAINT.

- 8.1 The following stages are contained within this policy:

Stage 1	Informal resolution
Stage 2	Formal complaint
Stage 3	Panel review

- 8.2 Concerns and complaints must be raised 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 of this timeframe only in extremely exceptional circumstances.

- 8.3 We will consider formal complaints made outside of term time to have been received on the first school day after the holiday period.
- 8.4 If a complainant wishes to withdraw their complaint, we will ask them to confirm this in writing.
- 8.5 Where a complainant contacts the Trust regarding a complaint or concern involving a school, they will be advised to contact the school directly to raise their concerns with the most appropriate member of staff.
- 8.6 Where possible, complainants are encouraged to state what actions they feel might resolve the problem at any stage within the process.
- 8.7 Where potential safeguarding issues are raised, details of the concern may be passed to other officers within the Trust who will provide assistance and notify relevant external agencies.
- 8.8 Concerns and/or complaints must not be made individually to Governors and/or Trustees as it will prevent them from considering complaints under Stage 3 of this policy.

9. RESOLVING COMPLAINTS

- 9.1 At each stage in the procedure, the Trust wants to resolve the concern/complaint. 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:
 - an explanation
 - an admission that the situation could have been handled differently or better
 - an assurance that we will try to ensure the event complained about will not recur
 - an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
 - an undertaking to review school policies in light of the complaint
 - an apology.

10. STAGE 1 - INFORMAL

- 10.1 All concerns/complaints will be dealt with informally in the first instance and should be raised with the most appropriate member of staff. If a person is unsure of who they should contact they should speak to a member of the senior leadership team (SLT) via the school office.
- 10.2 The member of staff dealing with a concern **will**:
 - attempt to resolve the concern directly with the parent/carer either verbally or in writing and make sure they are clear about any action agreed, putting it in writing if necessary;
 - check that the parent/carer is satisfied with the outcome;

- 10.3 There is no fixed timescale for informal resolution of a concern, but the member of staff should attempt resolution generally within 10 working days of receiving the concern, where possible.

11 STAGE 2 – FORMAL

- 11.1 If a person has not received a satisfactory resolution to their concern through the informal process, they can escalate their concern to a complaint following the formal complaints process at Stage 2.
- 11.2 All formal complaints will be taken very seriously and should be made in writing to the school Headteacher, who will appoint an investigator.
- 11.3 If a complaint involves the actions of a Headteacher or a member of the central services team, the complaint must be referred to the CEO, who will appoint an investigator or act as investigator.
- 11.4 If the complaint involves the actions of the CEO, the complaint must be referred to the Chair of Trustees who will appoint a Trustee to investigate the complaint.
- 11.5 All complaints should be made in writing. This can be via letter, email or by using the form in appendix 1 at the end of this policy. All formal complaints should be marked 'Private and Confidential'.
- 11.6 Where a complaint is received in person or verbally the complainant will be advised that they are required to submit their complaint in writing in order for it to be considered. If assistance is required to comply with this condition the school/Trust can arrange for support to be put in place.
- 11.7 All complaints should be acknowledged within 5 working days.
- 11.8 The investigator may request a meeting with the complainant to clarify the nature of the complaint before conducting their investigation.
- 11.9 The investigator must respond with the outcome of their investigation within 15 working days of the complaint being received. The response will normally take the form of a letter or report confirming the outcome of the complaint, and a copy will be kept with all other records of meetings and interviews.
- 11.10 If it is not possible to conclude the investigation within 15 working days, the investigator must notify the complainant in writing within the same timeframe (15 working days), to give reasons for the delay and state the expected date of conclusion of the investigation.
- 11.11 If the complainant is still not satisfied, they have recourse to a formal panel review which is stage 3 of this policy. They must make a written request for a review within 10 working days of receiving the complaint response at stage 2.

12. STAGE 3 PANEL REVIEW

- 12.1 If the complainant is dissatisfied with the outcome at Stage 2 they can escalate their complaint to Stage 3 for a panel review. This is the final stage of the complaints procedure.

- 12.2 The panel will be formed of three Governors/Trustees and/or individuals of relevant seniority within the Trust. Each panel member will not have had prior involvement with the complaint.
- 12.3 The complainant must write to the Headteacher to request a panel review within 10 working days of receiving the response at Stage 2. If the complaint involved the actions of a Headteacher the complainant must write to the CEO to request a panel review and to the Chair of Trustees (clerk@southbanktrust.co.uk) if the complaint involved the actions of the CEO.
- 12.4 Requests outside of the 10 working day timeframe will not be considered unless extremely exceptional circumstances apply.
- 12.5 The request for a panel review will be acknowledged within 5 working days and passed to the clerk to the school/Trust to arrange the review date.
- 12.6 The panel will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.
- 12.7 The clerk to the school/Trust will convene a panel meeting within 20 working days of receipt of the request and inform the complainant that they may submit supporting documentation no later than 6 working days before the date of the review meeting.
- 12.8 If the complainant rejects the offer of three proposed dates, without good reason, the clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.
- 12.9 The complainant may bring someone with them to the meeting to provide support. This can be a relative or friend. Legal representatives are not permitted to attend panel meetings, however, if a member of staff is called as a witness, they may wish to be supported by their union. Representatives from the media are not permitted to attend.
- 12.10 The panel will not accept as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.
- 12.11 The panel will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the complaints policy.
- 12.12 The meeting will be held in private. Electronic recordings of the meeting are not normally permitted unless a complainant's own disability or special needs require it, and evidence is provided that this would be a reasonable adjustment. If a meeting is to be recorded, prior consent of all parties attending must be sought before the meeting takes place. Consent will be recorded in any minutes taken.
- 12.13 The clerk will:
 - Within 10 working days confirm and notify the complainant of the date, time and venue of the meeting
 - Within 5 working days circulate any additional submitted information to all parties.

12.14 The Panel will consider the complaint and all the evidence presented and put together its findings and recommendations on the case. Based on a majority decision the Panel can:

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

If the complaint is upheld in full or in part they will:

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

12.15 The Chair of the Panel will provide the complainant and the school with a full explanation of their decision and the reason(s) for it, in writing and where possible within 5 working days.

12.16 The response will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled.

13. FURTHER PURSUIT OF A COMPLAINT

13.1 If the complainant believes the review panel acted ‘unreasonably’ in the handling of their complaint. They can contact the Department for Education after they have completed Stage 3.

13.2 The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by the Trust and/or its schools. They will consider whether education legislation and statutory policies connected with the complaint have been adhered to and whether the school/Trust has followed Part 7 of the Education Regulations 2014.

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

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

14. CLOSURE OF COMPLAINTS

14.1 In occasional circumstances it may be necessary to close a complaint where the complainant is still dissatisfied. We will do as much as possible to resolve a complaint against the school/Trust but sometimes it is simply not possible to meet all of the complainant’s wishes and it is simply a case of “agreeing to disagree”.

14.2 When a complainant persists in making representations to the school, the Headteacher, CEO, Chair of the Trustee Board or anyone else, this can be extremely time-consuming and can detract from our responsibility to look after the interests of

all the children in our care. For this reason, we are entitled to close correspondence (including personal approaches, as well as letters and telephone calls) on a complaint where we feel that we have taken all reasonable action to resolve the complaint and that the complaint has exhausted our official process.

14.3 In exceptional circumstances, closure may occur before a complaint has reached Stage 3 of the procedures described in this policy. This is because we must be sure that a Stage 3 review meeting is likely to assist the process of investigating the complaint.

15. VEXATIOUS / UNREASONABLE COMPLAINTS

15.1 The Trust is committed to dealing with all complaints fairly and impartially and will not normally limit the contact complainants have with the schools. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

15.2 A complainant 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 cooperate with the complaints investigation process while still wishing their complaint to be resolved.
- Refuses to accept that certain issues are not within the scope of a complaints procedure.
- Insists on the complaint being dealt with in ways which are incompatible with the 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 complaints procedure has been fully and properly implemented and completed.
- Seeks an unrealistic outcome.
- Makes excessive demands on school's/Trust's time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint, either in person, in writing, by email and by telephone while the complaint is being dealt with.

15.3 This section of the policy may be implemented where a complainant complains about issues, either formally or informally, and whose behaviour is deemed to be unreasonable. Such behaviour may be characterised by:

- abusive, offensive, intimidatory, discriminatory or threatening behaviour or language towards staff, trustees or governors.
- actions which are obsessive, persistent, harassing, prolific, repetitious,
- prolific correspondence or excessive e-mail or telephone contact about a concern or complaint,
- uses Freedom of Information requests excessively and unreasonably,
- an insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes;
- an insistence upon pursuing complaints in an unreasonable manner;
- an insistence on only dealing with one particular named member of staff on all occasions, irrespective of the issue and the level of delegation in the Trust/school to deal with such matters;
- an insistence upon repeatedly pursuing a complaint when the outcome is not satisfactory to the complainant but cannot be changed, for example, if the desired outcome is beyond the remit of the Trust/school because it is unlawful.
- introducing trivial or irrelevant information which they expect to be taken into account and commented on,
- changing the basis of the complaint during the course of the investigation,
- seeking an unrealistic outcome such as inappropriate dismissal of staff,
- publishing information related to the complaint on social media or other public platforms.
- targeting over a significant period of time one or more members of staff. The outcome of such behaviour having the effect to:
 - cause undue distress to the member/s of staff,
 - have significant adverse effects on the Trust/school community,
 - be perceived as intimidating and oppressive by the recipient. This could include situations where persistent demands and criticisms have a cumulative effect over time of undermining confidence, well-being and health.

15.4 A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone, 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.
- By publishing information related to the complaint in a variety of media, e.g. social media websites and newspapers.

- 15.5 Complainants should limit the number 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.
- 15.6 If the complainant behaves in a way as outlined above the Trust/school may:
- inform them that their behaviour is unacceptable and/or unreasonable persistent and ask them to change it,
 - restrict the complainant's access to the Trust/school e.g. requesting contact in a particular form such as by letter only, requiring contact to take place only with a named person, restricting telephone calls to specific days and times or banning the complainant from Trust/school premises. Such action will be reviewed after six months,
 - conduct the complaints review panel with documentation only and not hold a meeting,
 - refuse to consider the complaint and refer the complainant to the Department for Education.

In all cases we will write to tell the complainant why we believe their behaviour is unacceptable, what action we are taking and the duration of that action.

- 15.7 A decision to stop responding will only be considered in circumstances where the following has occurred:
- every reasonable step has been taken to address the complainant's concerns,
 - the complainant has been given a clear statement of the Trust/school's position and their options,
 - the complainant contacts the Trust/school repeatedly, making substantially the same points each time.
- 15.8 Where the complainant's behaviour is so extreme that it threatens the immediate safety and welfare of staff, governors or trustees, we will consider other options, for example reporting the matter to the police or taking legal action. In such cases, we may not give the complainant prior warning of that action.
- 15.9 If a complainant's persistent complaining/harassing behaviour is modified and is then resumed at a later date within a reasonable period of time, the Trust/school may resume the process identified above at an appropriate level. In these circumstances, advice may be sought from the Trust's Legal Services.
- 15.10 The above also applies to duplicate complaints submitted by family members.

16. BARRING FROM TRUST PREMISES

- 16.1 It is important to stress that the public has no automatic right of entry to any of the schools or sites within Excel Learning Trust. It is the responsibility of the Trust that its schools are a safe place for students, staff and other members of the community.
- 16.2 If an individual's behaviour is a cause for concern they may be asked to leave school premises. In some cases the school may take the decision to bar an individual from

entering school premises. A letter outlining the reasons and duration of the barring will be sent to the individual.

17. RECORD KEEPING

- 17.1 A written record will be kept by the school/Trust of all stages of complaints. This record will confirm the level at which the complaint was resolved, including whether it progressed to a panel review. The Headteacher/CEO is responsible for ensuring that staff record all concerns and complaints and their resultant outcomes.
- 17.2 This material will be treated as confidential and will only be viewed by those involved in investigating the complaint or members of the review panel.
- 17.3 Findings and recommendations of the panel will be available on the school premises for inspection by the Headteacher and CEO.
- 17.4 All concerns and complaints remain confidential except where the Secretary of State [or someone acting on his/her behalf] or under the terms of the Data Protection Act 2018 and the General Data Protection Regulation (GDPR), or where material must be made available during a school inspection under Section 109 of the 2008 Act where access is requested. The response will also be available for inspection on the school premises by the Headteacher/CEO as appropriate.

Appendix 1: Complaint Form

PRIVATE & CONFIDENTIAL	
Your name:	Address:
Pupil's name:	
Pupil's DOB:	
Relationship to pupil:	
Telephone/mobile number:	
Email address:	
Preferred method of contact:	Postcode:
Please give details of your complaint:	



What action have you taken to try and resolve your complaint - for example, who did you speak to and what was the response?

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so please give details.

Signature:	Date:
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For Official Use:

Date Acknowledgment sent:	
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Name of Person Complaint Referred to:	
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Signature:	
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Appendix 2: Roles and Responsibilities

COMPLAINANT

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

- explain the complaint in full as early as possible
- co-operate with the school/Trust in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

INVESTIGATOR

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

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
 - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
 - interviewing staff and children/young people and other people relevant to the complaint
 - consideration of records and other relevant information
 - analysing information
- Liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any panel review
- be mindful of the timescales to respond
- prepare a letter or report that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

COMPLAINTS CO-ORDINATOR (this could be the headteacher / designated complaints governor/trustee or other staff member providing administrative support)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, headteacher, Chair of Governors, Clerk and LAs (if appropriate) to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
 - sharing third party information
 - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.

CLERK TO THE GOVERNING BODY / BOARD OF TRUSTEES

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

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting
- collate any written material relevant to the complaint and send it to the parties in advance of the meeting within agreed timescales.
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committees decision.

REVIEW PANEL CHAIR

The panel's chair should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such meetings are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the panel is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.
- both the complainant and the school/Trust are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of facts are made
- the panel is open-minded and acts independently
- no member of the panel has an external interest in the outcome of the proceedings or has had any involvement in earlier stages of the procedure.

- the meeting is minuted
- they liaise with the clerk and complaints coordinator (if they school has one)

PANEL MEMBER

Review Panel members should be aware that:

- the meeting must be independent and impartial, and therefore no member may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school/Trust and the complainant. We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- many complainants will feel nervous and inhibited in a formal setting
Parents/carers often feel emotional when discussing an issue that affects their child.
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting. Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.
The panel should respect the views of the child/young person and give them equal consideration to those of adults. If the child/young person is the complainant, the panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the panel should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend. However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the panel considers is not in the child/young person's best interests.
- the welfare of the child/young person is paramount.