

# Complaints / Concerns Policy Statement and Procedures



## 1 Statement of Intent

Inspire Trust aims to resolve all complaints at the earliest possible stage and is dedicated to continuing to provide the highest quality of education possible throughout the procedure. This policy has been created to deal with any complaint against a member of staff or the Trust or an Academy within the Trust as a whole, relating to any aspects of provision, facilities or services. Throughout this policy statement Trust refers to the Trust and to all Academies within the Trust.

Any person, including a member of the public, is able to make a complaint about the provision of facilities or services that the Trust provides. This policy outlines the procedure that the complainant and Trust must follow.

Once a complaint has been made, it can be resolved or withdrawn at any stage.

## 2 Legal Framework

This policy has due regard to statutory legislation, including, but not limited to, the following:

- The Education Act 2002
- The Freedom of Information Act 2000
- The Immigration Act 2016
- The Equality Act 2010
- The General Data Protection Regulation (GDPR)
- The Data Protection Act 2018
- The Education (Independent School Standards) Regulations 2014

This policy also has due regard to guidance including, but not limited to, the following:

- ESFA (2015) 'Creating an academy complaints procedure'
- HM Government (2016) 'Code of Practice on the English language requirement for public sector workers'

This policy will be implemented in accordance with the following Trust Policies:

- Records Management Policy
- Child Protection and Safeguarding Policy
- Grievance Policy

This policy will be published on the Trust and each Academy website, as recommended by the Education and Skills Funding Agency (ESFA).

<b>3 Definition</b>	
3.1	For the purpose of this policy, a “complaint” can be defined as ‘an expression of dissatisfaction’ which can be regarding actions taken or a perceived lack of action.
3.2	Complaints can be resolved formally, through this procedure, or informally dependent on the complainant’s choice.
3.3	A concern can be defined as ‘an expression of worry or doubt’ for which reassurance is sought.
3.4	Any complaint or concern will be taken seriously, whether formally or informally, and the appropriate procedures shall be taken.
3.5	A ‘grievance’ is an issue raised by a member of staff where they feel the Trust has not implemented a policy or process fairly or properly. Grievances will be dealt with in line with the Trust’s Grievance Policy
3.6	For the purpose of this policy, “concerns” will be classed and addressed as complaints. Any further references to “complaints” will include “concerns”.
This Policy is not intended to cover those aspects of Trust for which there are specific statutory requirements as detailed below:	
3.7	Allegations of child abuse will be referred for investigation to Rotherham Council Strategic Review Board
3.8	Allegations or complaints about the conduct of staff (including financial impropriety) will be investigated and dealt with through the Disciplinary procedure. Any criminal activities will be reported to the relevant authority (see Staff Code of Conduct Policy and Procedures).
3.9	Complaints regarding staff competence will be dealt with via the Competency Procedures (see Staff Competency Policy and Procedures).
3.10	Allegations and complaints regarding contracted staff, will be reported to the contract manager (if a child protection issue is raised this will also be reported to the Strategic Review Board).
3.11	Statutory Assessments of SEND
3.12	School re-organisation proposals
3.13	Admissions to Schools (refer to Rotherham Council Admissions Policy and Procedures)
3.14	Exclusions (refer to Statutory Guidance on Exclusions)
3.15	Whistleblowing (refer to Whistleblowing Policy)

<b>4 Roles and Responsibilities</b>
<p><b>The Complainant will:</b></p> <ul style="list-style-type: none"> <li>● Cooperate with the Trust in seeking a solution to the complaint.</li> <li>● Express the complaint and their concerns in full at the earliest possible opportunity.</li> <li>● Promptly respond to any requests for information or meetings.</li> <li>● Ask for assistance as needed.</li> <li>● Treat any person(s) involved in the complaint with respect.</li> </ul> <p><b>The Trust will:</b></p>

- Nominate the Academy PA / Clerk to Governors or another suitable person to provide Professional Support to the process.
- Ensure that all parties involved in the complaint are fully updated throughout each stage of the procedure.
- Guarantee that all parties involved in the procedure are aware of any relevant legislation, including the Equality Act 2010, GDPR, Data Protection Act 2018 and Freedom of Information Act 2000.
- Keep up-to-date records throughout the procedure – these records will be kept securely on the Trust IT system and retained in line with the trust's Records Management Policy.
- Liaise with all parties involved to ensure the complaints procedure runs smoothly, including the complainant, the staff involved in the complaint, the investigator, the Headteacher, Principal or Head of Academy (or other designated Senior Leader), and any appeal panel established.
- Be aware of issues with regard to sharing third party information.
- Understand the complainant's need for additional support, including interpretation support, and will be aware of any issues concerning this.

**The Investigator** is involved in stages one and two of the procedure. Their role includes:

- Providing a sensitive and thorough interviewing process of the complainant to establish what has happened and who is involved.
- Considering all records, evidence and relevant information provided.
- Interviewing all parties that are involved in the complaint, including staff and pupils.
- Analysing all information in a comprehensive and fair manner.
- Liaising with the complainant and the Trust to clarify an appropriate resolution to the problem.
- Identifying and recommending solutions and courses of actions to take.
- Being mindful of timescales and ensuring all parties involved are aware of these timescales.
- Responding to the complainant in a clear and understandable manner.

Should a **Panel** be convened to hear the complaint or an appeal, the panel chair will:

- Allow for a parent to attend and be accompanied at a panel hearing if they wish.
- Ensure that at least one member of the panel is independent of the management and running of the academy.
- Ensure that appropriate minutes of the hearing are taken.
- Explain the remit of the panel to the complainant.
- Ensure that all issues are addressed and that outcomes are reached based on facts and evidence.
- Help to put at ease and console individuals involved who are not used to speaking at such hearings, particularly any pupils involved.
- Conduct the hearing in an informal manner, ensuring that everyone is treated with respect and courtesy.
- Ensure that the room's layout and setting is informal and non-adversarial, yet still sets the appropriate tone.
- Confirm that no member of the panel has previously been involved in the earlier stages of the procedure or has an external interest in the outcome of the proceedings.
- Give both the complainant and the Trust the opportunity to state their case and seek clarity without undue interruption.

- Provide copies of any written material or evidence to everyone in attendance of the meeting, ensuring that everyone has seen the necessary material.
- Organise a short adjournment of the hearing if required.
- Continuously liaise with the designated professional support to ensure the procedure runs smoothly.
- Help to provide the support necessary where the complainant is a child.

All **panel members will** be aware that:

- The review panel hearing is independent and impartial.
- No individual with prior involvement in the complaint, or the circumstances surrounding it, is permitted to sit on the panel.
- The aim of the panel is to achieve a reasonable resolution and, ultimately, attain reconciliation between the parties involved.
- Reconciliation between the Trust and complainant is not always achievable, and that it may only be possible to establish facts and make recommendations to reassure the complainant that their case has been taken seriously.
- The panel can:
  - Dismiss or uphold the complaint, in whole or in part.
  - Decide on appropriate action to be taken.
  - Recommend changes that the Trust can make to prevent reoccurrence of the problem.
- Complainants may feel nervous or inhibited in a formal setting and, therefore, the proceedings should be as welcoming as possible.
- When a child is present at the hearing, extra care needs to be taken to ensure that the child does not feel intimidated, as well as ensuring the child's view is represented equally.

**The Nominated Professional Support will:**

- Continuously liaise with all parties
- Record the proceedings.
- Set the date, time and venue of all hearings, ensuring that this is appropriate, convenient and accessible to all parties involved.
- Collate all written material or evidence involved and send it to the parties involved in timely advance of the hearing.
- Greet all parties as they arrive at the hearing.
- Ensure that the minutes of the panel hearing are circulated.
- Notify the relevant parties of the panel's decision and any other actions to be taken and as such will ensure and consider:
  - a) provision for the panel to make findings and recommendations
  - b) a copy of those findings and recommendations will be
    - (i) provided to the complainant and, where relevant, the person complained about; and
    - (ii) be available for inspection on the premises by the proprietor and the Headteacher, Principal, Head of School/College, CEO;
  - c) provide a written record to be kept of all complaints that are made
    - (i) whether they are resolved following a formal procedure, or proceed to a panel hearing; and
    - (ii) any action taken by the school/college as a result of those complaints (regardless of whether they are upheld); and

- (iii) provides that correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

The Trust Complaints Procedure is attached at Appendix 1

## 5. Exceptional Circumstances

5.1	The DfE expects complainants to have completed the school's complaints procedure before directing a complaint to them. The exceptions to this include when: <ul style="list-style-type: none"> <li>● Pupils / Students are at risk of harm.</li> <li>● Pupils / Students are missing education.</li> <li>● A complainant is being prevented from having their complaint progressed through the Trust's complaints procedure.</li> <li>● <b>The DfE has evidence that the Trust is proposing to act or is acting unlawfully or unreasonably.</b></li> </ul>
5.2	If a social services authority decides to investigate a situation, the CEO or Chair of Trust may postpone the complaints procedure.
5.3	Where a matter can be resolved through a legal appeal, it will not be considered as a formal complaint. The key areas are: admissions decisions, certain decisions relating to formal assessment of SEND, and decisions to permanently exclude a child.
5.4	If a complainant commences legal action against the Trust in relation to their complaint, the Trust will consider whether to suspend the complaints procedure, until those legal proceedings have concluded.

## 6. Interviewing Witnesses

6.1	When interviewing pupils to gather information regarding a complaint, the interview should be conducted in the presence of another member of staff or, in the case of a known serious complaints, e.g. where the possibility of criminal investigation exists, in the presence of their parents.
6.2	The Trust will ensure that the conduction of interviews does not prejudice an LA designated officer's (LADO), or police, investigation.
6.3	The Trust understands the importance of ensuring a friendly and relaxed area which is free from intimidation.
6.4	All pupils / students interviewed will be made fully aware of what the interview concerns and their right to have someone with them.
6.5	Staff are allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager.

6.6	The interviewer will not express opinions in words or attitude, so as to not influence the interviewee.
6.7	The interviewee will sign a copy of the transcription of the interview.

## Trust and Academy Contacts

**Oakwood High School Reception:** Telephone 01709512222 or email [info@oakwood.ac](mailto:info@oakwood.ac)

**Sitwell Junior School:** Telephone 01709 531867 or email [info@sitwelljunior.uk](mailto:info@sitwelljunior.uk)

**Thomas Rotherham College:** Telephone 01709 300600 or [enquiries@thomroth.ac.uk](mailto:enquiries@thomroth.ac.uk)

**Inspire Trust:** Telephone 01709 300600 or [d.naisbitt@inspiretrust.uk](mailto:d.naisbitt@inspiretrust.uk)

## Appendices

Appendix 1: The Trust Complaints Procedure and Complaints Form

Appendix 2: Unreasonable Complainants and Unacceptable Behaviour

Appendix 3: Summer Assessments and Appeals (2021 only)

## Policy Review

This policy will be reviewed by the Trust Board every two years and may be amended during this period should legislation or operational needs require this.

Current Review	Date
<b>Trust Board</b>	November 22
<b>Signature:</b> Paul Jagger, Chair of Trust	November 22
<b>Policy Published via:</b> Document Management System / Academy Websites	
<b>Next Review</b>	January 24

## APPENDIX 1: The Trust Complaints Procedure



### **STAGE 1 - Concern / Complaint heard by staff member**

It is in everyone's interest that concerns/complaints are resolved at the earliest possible stage. The first point of contact for raising a concern or making a complaint will usually be to a teacher for curriculum issues or a teacher or tutor for pastoral issues. If the concern is more general you can contact the Academy PA who will either seek a solution to the issue or refer your concern to the appropriate member of staff.

If the complaint is about a senior member of staff you can refer directly to the Headteacher, Principal or Head of the Academy, or if it is about the Headteacher, Principal or Head of the Academy you can refer your complaint to the Chief Executive Officer for the Trust. If the complaint is about the Chief Executive Officer you can contact the Chair of the Trust (via the Clerk at [clerk@inspiretrust.uk](mailto:clerk@inspiretrust.uk))

Give consideration to exactly what the concern is and what you feel would put the situation right. Once you have spoken about your concerns give the person handling the situation an opportunity to resolve it. If you continue to be dissatisfied you can request that your complaint be considered at Stage 2.

If the complaint is against an individual member or staff or a group of staff – the staff will be advised of the complaint and will be offered support via the Trust Employee Assistance Programme.

### **STAGE 2 - Referral to the Head Subject / Year Group / Pastoral Leader or another appropriate Senior Member of Staff**

A member of staff, parent or pupil can seek referral to **Head Subject / Year Group / Pastoral Leader or another appropriate Senior Member of Staff** should a concern not be resolved at Stage One. The Trust aims to resolve most concerns / complaints at either Stage 1 or 2.

### **STAGE 3 - Complaint heard by Head (or Deputy Head) of Academy or CEO**

At this stage it would be helpful to put your complaint in writing or complete the Trust's complaint form (copy attached at appendix 2). As well as complaint details and desired outcomes it is also helpful to include information about what you have already done about your complaint e.g. who you have spoken to about it and what happened as a result.

The Headteacher, Principal or Head of the Academy, Deputy or CEO will acknowledge the complaint orally or in writing within 7 calendar days. All effort will be made to respond to a complainant within 10 working days, if for any reason it is considered that this will not be possible you will be informed of this.

A full written response to your complaint will be given subject to any necessary redactions under the Data Protection Act 2018 and General Data Protection Regulations (GDPR).

#### **STAGE 4 - Complaint heard by Governor Panel including an Independent Advisor**

You need to write to the Chair of Governors or Trust advising of your wish to escalate the complaint within two weeks of receiving your response if you are still dissatisfied with the outcome.

The Chair, or a nominated governor, will convene a Governing Body complaints panel which will include the Chair of Governors / Trust, another governor (not involved previously) and an Independent Advisor, who will not be either an employee of the Trust or a governor/trustee of the Trust and may be from another school or educational setting. This will usually be within 20 working days of receiving the complaint. You will be invited to attend the panel to discuss your complaint.

Neither the Trust nor the complainant should bring legal representation to the meeting, however, there are occasions where other representation may be necessary, for example an employee who is a witness may be entitled to bring a union representative with them.

The chair of the panel needs to ensure that you are notified of the panel's decision, in writing, with the panel's response; this is usually within 15 working days of the hearing.

Should the complainant remain dissatisfied with the outcome and having exhausted states 1 to 4 above, they have the right to refer their complaint to the Education and Skills Funding Agency (ESFA) to:

Ministerial and Public Communications Division  
Department for Education  
Piccadilly Gate  
Store Street  
Manchester M1 2WD

The ESFA has a duty to consider all complaints raised but will only intervene where the Trust or Governing board has acted unlawfully or unreasonably and where it is expedient or practical to do so. In this case, the word "unreasonably" is used in a strict sense and means acting in a way that no reasonable school or governing board could act in the circumstances.

Any complaints made either directly to a Headteacher, Principal or Head of the Academy / CEO or Governor will be referred to the appropriate stage of the process.

#### **Recording of Complaint Hearings / Evidence**

The Trust will not permit recording of any part of a complaint hearing nor will the Trust accept as evidence any recordings that were obtained covertly and with the informed consent of all parties being recorded.

Details of complaints will not be shared wider than those involved in hearing the complaint unless there is a specific reason to do so, for example if the complaint is against that person or a group of people.

Complainants have a right to access copies of their complaint records under Subject Access rights. The Trust will hold all records of complaints centrally.

# Complaint Form



If you have tried unsuccessfully to resolve your complaint and wish to take the matter further, please complete this form and send it to the Headteacher, Principal or Head of the Academy (If your complaint is against the Headteacher, Principal or Head of the Academy you will need to send the form to the Chief Executive Officer or Chair of the Trust. **Please complete and return to the Academy PA or Administrator who will acknowledge receipt.**

**Your Name:**

**Pupil / Student's Name:**

**Your Relationship to the Pupil / Student:**

**Email address:**

(communications will generally be via email unless agreed otherwise)

**Address:**

**Day time telephone number:**

**Evening telephone number:**

**Please give details of your complaint:**

What action, if any, have you already taken to try and resolve your concern / complaint. (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:

**OFFICE USE**

Date acknowledgement sent:  
By who:

Concern / Complaint referred to:  
Date:

Action taken:  
Date:

What Stage is the Concern / Complaint at:

Stage 1	Date:
Stage 2	Date:
Stage 3	Date:
Stage 4	Date:

Referral to ESFA

## 7. APPENDIX 2: Unreasonable Complainants and Unacceptable Behaviour

Inspire 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; 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.

The Trust defines unreasonable complainants as 'those who, because of the frequency or nature of their contacts with the Trust, 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 Trust's complaints procedure has been fully and properly implemented and completed including referral to the ESFA.
- Seeks an unrealistic outcome.
- Makes excessive demands on Trust 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 while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or other forms) as it could delay the outcome being reached.

Whenever possible, the Headteacher, Principal or Head of the Academy, CEO, Chair of Trust or Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues, the Headteacher, Principal or Head of the Academy or CEO will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the Trust causing a significant level of disruption, the Trust may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after six 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 premises.

## **8. Duplicate Complaints**

There may be some cases where at the end of the complaints procedure, the Trust receives a duplicate complaint from a complainant's spouse, partner, grandparent or child. Where the complaint is about the same subject, the new complainant will be informed that the Trust has already considered that complaint and that the local process has been completed and the matter is now closed. The new complainant will be advised to contact the ESFA if they are dissatisfied with the Trust's handling of the original complaint.

The Trust will take care to consider any new substantive aspects to the complaint that may not have been previously considered. Any new elements of a complaint will be investigated and dealt with in line with the full complaints procedure.

## **Serial and Persistent Complaints**

The Trust will act in a manner they believe to be appropriate when dealing with an individual who consistently makes the same complaints or who continuously asks the Trust to reconsider their position. The Trust will not classify a complainant as 'serial' before a full complaints procedure has been concluded but will classify as such should the complainant repeat the same complaint.

The Trust will not take the decision to stop responding to an individual lightly. The Trust will ensure that:

- They have previously taken every reasonable step to address the problem.
- They have provided the complainant with a statement of their position.
- The complainant is contacting the Trust repeatedly with the same complaint.

If the Trust believes that the complainant is continuously contacting the Trust to cause disruption or inconvenience, or if the complainant is being abusive or threatening, the Trust has the right to not respond to the complainant. Once the Trust decides to no longer respond to a complainant, the individual will be informed of this decision in writing.

## 9. Complaints Campaigns

“Complaints Campaigns” are where the Trust receives large volumes of complaints that are all based on the same subject. Where the Trust becomes the subject of a complaints campaign from complainants who are **not** connected with the school, a standard, single response will be considered for publication on the Trust website.

If the Trust receives a large number of complaints about the same subject from complainants who **are** connected to the Trust, e.g. parents, each complainant will receive an individual response. If complainants remain dissatisfied with the school’s response, they will be directed to the ESFA.

## 10. Barring from the Premises

Trust premises are private property and therefore any individual can be barred from entering the premises. If an individual’s behaviour is cause for concern, the CEO or Headteacher, Principal or Head of the Academy can ask the individual to leave the premises. The CEO or Headteacher, Principal or Head of the Academy will notify the parties involved in writing, explaining that their implied licence for access to the premises has been temporarily revoked and why, subject to any representations that the individual may wish to make.

This decision to bar will be reviewed by the Chair of Trust (or delegated governor), taking into account any discussions following the incident.

Anyone wishing to make a complaint regarding a barring order can do so in writing, including email, to the Headteacher, Principal or Head of the Academy or Chair of Trust who will review.

The Trust will act in a manner they believe to be appropriate when dealing with an individual who consistently makes the same complaints or who continuously asks the Trust to reconsider their position. The Trust will not classify a complainant as ‘serial’ before a full complaints procedure has been concluded but will classify as such should the complainant repeat the same complaint.

The Trust will not take the decision to stop responding to an individual lightly. The Trust will ensure that:

- They have previously taken every reasonable step to address the problem.
- They have provided the complainant with a statement of their position.
- The complainant is contacting the Trust repeatedly with the same complaint.

If the Trust believes that the complainant is continuously contacting the Trust to cause disruption or inconvenience, or if the complainant is being abusive or threatening, the Trust

has the right to not respond to the complainant. Once the Trust decides to no longer respond to a complainant, the individual will be informed of this decision in writing.

## 11. Complaints Campaigns

“Complaints Campaigns” are where the Trust receives large volumes of complaints that are all based on the same subject. Where the Trust becomes the subject of a complaints campaign from complainants who are **not** connected with the school, a standard, single response will be considered for publication on the Trust website.

If the Trust receives a large number of complaints about the same subject from complainants who **are** connected to the Trust, e.g. parents, each complainant will receive an individual response. If complainants remain dissatisfied with the school’s response, they will be directed to the ESFA.

## 12. Barring from the Premises

Trust premises are private property and therefore any individual can be barred from entering the premises. If an individual’s behaviour is cause for concern, the CEO or Headteacher, Principal or Head of the Academy can ask the individual to leave the premises. The CEO or Headteacher, Principal or Head of the Academy will notify the parties involved in writing, explaining that their implied licence for access to the premises has been temporarily revoked and why, subject to any representations that the individual may wish to make.

This decision to bar will be reviewed by the Chair of Trust (or delegated governor), taking into account any discussions following the incident.

Anyone wishing to make a complaint regarding a barring order can do so in writing, including email, to the Headteacher, Principal or Head of the Academy or Chair of Trust who will review.