





Complaint Policy

WORKING TOGETHER
FOR CHILDREN

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1 Purpose

This procedure has been produced as a result of the legal obligations and duties placed on academy schools in relation to the standards set out in the [Education \(Independent School Standards \(England\) Regulations 2014](#) Schedule 1, Part 7. This does not limit complainants to parents or carers of pupils registered at a school. A complainant could be a member of the wider community or representing an ex-pupil. The law also requires the procedure to be publicised.

The Local Academy Committee of each school within Ad Astra Academy Trust should ensure that any third-party providers offering community facilities or services through the school premises, or using school facilities, have their own complaints procedure in place.

For the purposes of this policy, the use of 'Trust' also includes school(s) within Ad Astra Academy Trust.

2 Dealing with complaints – initial concerns

As a school it should be distinguished as soon as possible if the complaint is actually a complaint or a concern. All staff are advised to take informal concerns seriously at the earliest stage as this should reduce the numbers that develop into formal complaints.

Although a formal complaints policy is a legal requirement, its existence should not undermine efforts to resolve the concern informally and in most cases the class teacher or the person first receiving the approach is often able to resolve concerns 'on the spot.' However, formal complaints should always follow the complaints procedure.

3 Aims of this Policy

The aims of this policy are to;

- Set out clearly the stages of the complaints process and detail how a complaint will be handled including the timescales for response.
- Set out the clearly the procedure for making a complaint.
- Set out the standards of courtesy and reasonableness that should characterise all communications between the Trust and persons who wish to express a concern or pursue a complaint.
- Support the well-being of pupils, staff and everyone else who has legitimate interest in the work of the Trust, including Local Academy Committee members and parents.
- Set out when a complaint will be deemed persistent and/or vexatious.
- Set out how the Trust will deal with persistent and vexatious complaints to ensure they are dealt with fairly, honestly and properly whilst ensuring that members of the school community suffer no detriment.

4 Implementation

In implementing this policy, the Trust will seek to ensure that its actions are in accordance with its obligations under the Human Rights Act 1998 and the Convention Rights embodied within it treating everyone equally, with fairness, dignity and respect.

5 Framework of Principles

Schools within Ad Astra recognise that an effective complaints procedure will;

- Encourage resolution of problems by informal means wherever possible;
- Be easily accessible and publicised;
- Be simple to understand and use;
- Be impartial;
- Be non-adversarial;
- Allow swift handling with established time-limits for action and keeping people informed of the progress;
- Ensure a full and fair investigation by an independent person where necessary;
- Respect people's desire for confidentiality;
- Address all the points at issue and provide an effective response and appropriate redress, where necessary;
- Provide information to the school's senior leadership team so that services can be improved.
- Be fully inclusive of all complaints for example from people who are not parents of attending pupils.

6 Managing Expectations

Parents, carers and other members of any school community who raise either informal or formal concerns or complaints with the Trust can expect the Trust to:

- Regularly communicate in writing as appropriate to advise;
 - How and when problems can be raised with any school;
 - The existence of the Trust's complaints procedure including the policy for dealing with persistent or vexatious complaints and/or harassment in schools.
- Respond within a reasonable time.
- Be available for consultation as appropriate within reasonable time limits bearing in mind the needs of the pupils within the school and the nature of the complaint/s.
- Respond with courtesy and respect.
- Attempt to resolve problems using reasonable means in line with the Trust's complaints procedure, other policies and practice and in line with guidance and advice from the DfE.
- Keep complainants informed of progress towards a resolution of the issues raised.

Complainants who may have been restricted in their communications with the school can also be advised to ask an appropriate third party to act on their behalf.

The Trust expects parents/carers/members of the public who wish to raise problems with the Trust to;

- Raise all reasonable complaints in an appropriate manner in accordance with the Trust's complaints policy and refrain from raising complaints on social media and other online forums.
- Treat all Trust staff with courtesy and respect.
- Respect the needs and well-being of pupils and staff in the Trust.
- Avoid any use, or threatened use, of violence to people or property.
- Avoid any aggression, verbal abuse or inappropriate language.
- Recognise the time constraints under which members of staff in the Trust work and allow the Trust a reasonable time to respond.
- Recognise that resolving a specific problem can sometimes take time.

7 Investigating complaints

The Headteacher is the complaints coordinator. Headteachers are able to delegate the investigation of a complaint to another member of the Senior Leadership team, but not the decision to be taken. This remains the responsibility of the Headteacher. If the complaint relates to the Headteacher or a member of the Local Academy Committee then this role will be undertaken by the Chief Executive Officer of Ad Astra Academy Trust through the Trust Chief Operating Officer. If the complaint is about the Chief Executive Officer then this role will be undertaken by the Chair of the Trust Board and if the complaint is about the Chair of the Trust Board, then this role will be undertaken by the Vice-Chair of the Trust Board

The Complaints Coordinator will

- establish **what** has happened so far, and **who** has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would put things right;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct the interview with an open mind and be prepared to persist in the questioning;
- The Complaints Coordinator must keep notes of all interviews or arranges for an independent note taker to minute any meetings.
- Receive an annual update on the Trust Complaint's Policy at a Headteacher Board meeting.

8 Resolving complaints

At each stage in the procedure the school should always take into consideration ways in which a complaint can be resolved and accept that it might be sufficient to acknowledge that the complaint is valid in whole or in part.

- In addition, it should be considered whether it is appropriate to offer one or more of the following:
- an apology
- mediation
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review school policies in light of the complaint.

Complainants should also be encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence.

The person handling the complaint should identify areas of agreement between the parties and also clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

9 Vexatious, Persistent and Malicious Complaints

One outcome from the application of this policy is to limit the number of complaints that become protracted. However, there may be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to re-open the same issue, the CEO (following consultation with Chair of the Trust board) should refer to the Trust's Vexatious and Persistent Complaints Policy section below.

It is important to note however that, should a complainant raise an entirely new, separate complaint, it must be responded to in accordance with the complaint procedure. It is not the complainant who is vexatious; it is the correspondence.

9.1 Dealing with Persistent, Malicious or Vexatious Complaints/ Harassment in Schools

The Trust expects that the Headteacher and staff working within the Trust to deal with complaints as part of their day-to-day management of the school either informally or in accordance with this procedure. In handling complaints effectively and by following this policy, the expected outcome is that this will limit the number of complaints that become protracted.

The majority of complaints are resolved quickly, sensitively and to the satisfaction of the complainant. However, there are occasions when despite all stages of the procedures having been followed, the complainant remains dissatisfied. There may also be times when complainants behave in an unreasonable manner when raising and/or pursuing complaints and concerns. In these circumstances the Trust may take action in accordance with this policy.

9.2 When is a Complaint Persistent and/or Vexatious?

For the purpose of this policy, a persistent or vexatious complainant is a person who complains about issues, either formally or informally, or frequently raises issues that the complainant considers to be within the remit of the Trust and whose behaviour is deemed unreasonable by the Trust. Such behaviour may be characterised by;

- Actions which are obsessive, persistent, harassing, prolific, frivolous or repetitious.
- Prolific correspondence or excessive e-mail or telephone contact about a concern or complaint.
- An insistence upon pursuing unsubstantiated complaints and/or unrealistic or unreasonable outcomes.
- An insistence upon pursuing complaints in an unreasonable manner.
- 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.
- Repeatedly pursuing complaints that have previously been addressed by the Trust.

9.3 When is a Complainant deemed to be causing 'Harassment?'

For the purpose of this policy, harassment is the unreasonable pursuit of such actions as 9.2 above in such a way that the behaviour;

- Appears to target over a significant period of time one or more members of Trust staff.
- Causes ongoing distress to individual member(s) of Trust staff.
- Has a significant adverse effect on the whole/parts of the Trust community.
- Is pursued in a manner which can be perceived as intimidating and oppressive by the recipient. This could include situations where persistent demands and criticisms, whilst not particularly taxing or serious when viewed in isolation, have a cumulative effect over time of undermining confidence, well-being and health.
- Includes inappropriate posting on social media, networking sites or other public forums which can reasonably be deemed as bullying, intimidating, threatening, slanderous, malicious, and defamatory or otherwise making unsubstantiated claims which could affect the professional standing of a member of Trust staff.
- Includes vexatious, malicious or repetitious complaints which intentionally undermine or seek to damage the professional standing of members of staff, or which result in the Trust incurring significant legal or other costs and/or divert significant time from members of staff and governance representatives.

9.4 Trust Action in Cases of Persistent or Vexatious Complaints or Harassment

In the first instance the Complaints Co-ordinator who received the complaint will seek advice from the CEO of the Trust (or his/her representative) to confirm the complaint is persistent or

vexatious. This may involve seeking legal advice. If school staff find it difficult to deal directly with a complainant because of the complainant's unreasonable behaviour and other strategies are not working, they are able to approach the Trust central team for assistance.

If this is agreed, complainants can be advised not to contact the school, but to communicate instead with the designated Trust Officer who will co-ordinate any response. If it is decided by the CEO that the complaint is vexatious or malicious the Trust will then inform the complainant that his/her behaviour is considered to be unreasonable/ unacceptable and, if it is not modified, action may be taken in accordance with this policy. In certain circumstances it may be appropriate to act against the complainant without first giving a warning.

If the complaint relates to a safeguarding issue the CEO of the Trust will take immediate advice from the appropriate Local Authority Designated Officer ("LADO") before determining jointly if it is a persistent or vexatious complaint.

A warning will subsequently be confirmed in writing (Appendix 7).

If the behaviour is not modified the Trust will take some or all of the following actions as necessary, having regard to the nature of the complainant's behaviour and the effect on the Trust community:

- Inform the complainant in writing that his/her behaviour is now considered by the Trust to be unreasonable/unacceptable and, therefore, falls under the terms of this policy
- Inform the complainant that all meetings (if it is still appropriate to hold meetings) with a member of staff will be conducted with a second person present and that notes of meetings may be taken in the interests of all parties
- Inform the complainant that, except in emergencies, all routine communication with the complainant to the Trust should be in writing only and not by telephone, email or in person (as appropriate).
- Inform the complainant that communications raising issues that have been previously addressed by the Trust will not be responded to but will be noted and placed on file.

Where the complaint is deemed to have displayed physical or verbal aggression or otherwise displayed inappropriate behaviour, regard will be had to "A Legal Toolkit for Schools: Tackling abuse, threats and violence towards members of the school community" (DfES Publications 2002) and Ad Astra Academy Trust's Nuisance and Disturbance Policy. Consideration will be given to warning the complainant about being banned from a school site or an immediate temporary ban may be implemented if appropriate.

Legal advice may be taken on pursuing a case under Anti-Harassment and/or anti-social behaviour legislation. Advice may also be sought from an external organisation (e.g. the police) as appropriate.

Legitimate new complaints will still be considered even if the person making them is, or has been in the past, subject to the policy for dealing with persistent or vexatious complaints and/or harassment.

If a complainant's persistent complaining/harassing behaviour is modified and is resumed at a later date the Trust may resume the process identified above. In these circumstances further legal advice may also be sought.

9.5 Other Circumstances when a School may stop Responding to a Complaint

The decision to stop responding should never be taken lightly. The school can do this if the following apply;

- The school has taken every reasonable step to address the complainant's needs;
- The complainant has been given a clear statement of the school's position and their options (if any); and
- The Headteacher has discussed the matter with the CEO

Schools must provide parents with the information they are entitled to under The Education (Pupil Information) (England) Regulations 2005. The school needs to ensure that they are acting reasonably, and that any genuine complaint can still be heard.

10 Cut-off Limits

Ad Astra Academy Trust expects parents to make a complaint as soon as possible after an incident arises but accept there may be good reasons why a parent has not made a complaint earlier (e.g. they were gathering further information to support their complaint or they were not fully aware of the implications of an incident until a later date). The policy of the Trust is that any complaint should be lodged within three calendar months of the incident occurring however may consider exceptional circumstances depending on the nature of the complaint.

11 The stages of the complaint Stage 1 Informal Stage: complaint heard by staff member

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. The purpose of this procedure is to make staff aware of what to do when they receive a complaint. It is expected that this stage of the complaint will be resolved within 3 working days of the complaint being received (In the case of safeguarding this will be undertaken immediately).

In order to assist this procedure, the school should respect the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the complaints co-ordinator will refer the complainant to another staff member.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the Headteacher or complaints co-ordinator may consider referring the complainant to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

Where the first approach is made to a Local Academy Committee member or a trustee, the Local Academy Committee member or trustee concerned will refer the complainant to the appropriate person and advise them about the procedure. Local Academy Committee members and trustees will not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a committee at a later stage of the procedure.

If it becomes clear that the complaint is unlikely to be resolved informally then either party can escalate the complaint to stage 2.

12. Stage 2 - Formal Complaints

12.1 Heard by Headteacher

The complainant may be dissatisfied with the way the complaint was handled at the informal stage and wish to make a formal complaint. If this is the case the complainant will be advised that they can submit a formal complaint to the Headteacher. They can do so in person at the school office or submit their complaint in writing, preferably on the model complaints form (Appendix 1). At this point the Headteacher should inform the Chief Operating Officer and request procedural support and assistance. The Headteacher must follow the check list in Section 8 of this document under "Investigating Complaints". The Headteacher may delegate the task of investigating the complaint and collating the information to another member of the senior leadership team, but the decision on the action to be taken will be the responsibility of the Headteacher.

The Headteacher must record the date the complaint is received and ensure that the complainant receives a written acknowledgement (either by letter or email), within five working days of this date (a template letter can be found at appendix 2). Within this response, the Headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Headteacher can consider whether a face to face meeting is the most appropriate way of doing this.

This response should also set out clearly the timescale for the complaint to be investigated and an outcome provided. It is expected that this will be undertaken within ten school days of the complaint being received. Sometimes this timescale will need to be extended and if this is the case the complainant should receive written confirmation of this with details of the revised timescale (a template letter can be found at appendix 3).

All investigations should be recorded on the template investigation report form (appendix 4) to ensure all information is recorded appropriately and consistently.

At the conclusion of their investigation, the Headteacher will provide a formal written response within this deadline. If during the course of the investigation it becomes apparent that the Headteacher 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 that will be taken to resolve the complaint.

The Headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

The Headteacher will ensure that the outcome of the investigation is sent formally in writing (either by letter or email), to the complainant (a template letter can be found at appendix 5). Copies of all documentation should be then forwarded securely to the Chief Operating Officer for central record keeping.

12.2 If the Complaint is About the Headteacher

If the complaint is about the Headteacher the complainant will be advised to write formally to the Chief Executive Officer via the Chief Operating Officer of the Trust providing details of their complaint. The CEO is responsible for managing complaints about a Headteacher.

The CEO must follow the check list in Section 8 of this document under "Investigating Complaints". They *may* delegate the task of investigating the complaint and collating the information to another member of the Trust senior leadership team, or a suitably skilled member of a Local Academy Committee, but the decision on the action to be taken will be the responsibility of the CEO.

The CEO must record the date the complaint is received and ensure that the complainant receives a written acknowledgement (either by letter or email), within five working days of this date (a template letter can be found at appendix 2). Within this response, the CEO will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The CEO can consider whether a face to face meeting is the most appropriate way of doing this.

This written response should also set out clearly the timescale for the complaint to be investigated and an outcome provided. It is expected that this will be undertaken within ten school days of the complaint being received. Sometimes this timescale will need to be extended and if this is the case the complainant should receive written confirmation of this with details of the revised timescale (a template letter can be found at appendix 3).

All investigations should be recorded on the template investigation report form (appendix 4) to ensure all information is recorded appropriately and consistently.

At the conclusion of their investigation, the CEO will provide a formal written response within this deadline. If during the course of the investigation it becomes apparent that the CEO 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 that will be taken to resolve the complaint (a template letter can be found at appendix 5).

The CEO will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 3.

12.3 If the Complaint is about the CEO or a Trustee

If the complaint is about the CEO or a Trustee, the complainant will be advised to write formally to the Chair of the Trust Board via the Chief Operating Officer of the Trust, providing details of their complaint. The Chair of the Trust Board is responsible for managing complaints about the CEO or a Trustee.

The Chair of the Trust Board must follow the check list in Section 8 of this document under "Investigating Complaints". They *may* delegate the task of investigating the complaint and collating the information to another suitable skilled member of the Trust Board, but the decision on the action to be taken will be the responsibility of the Chair.

The Chair must record the date the complaint is received and ensure that the complainant receives a written acknowledgement (either by letter or email), within five working days of this date (a template letter can be found at appendix 2). Within this response, the Chair will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Chair can consider whether a face to face meeting is the most appropriate way of doing this.

This written response should also set out clearly the timescale for the complaint to be investigated and an outcome provided. It is expected that this will be undertaken within ten school days of the complaint being received. Sometimes this timescale will need to be extended and if this is the case the complainant should receive written confirmation of this with details of the revised timescale (a template letter can be found at appendix 3).

All investigations should be recorded on the template investigation report form (appendix 4) to ensure all information is recorded appropriately and consistently.

At the conclusion of their investigation, the Chair of the Trust Board will provide a formal written response within this deadline. If during the course of the investigation it becomes apparent that they are 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 that will be taken to resolve the complaint (a template letter can be found at appendix 5). In this circumstance where the Chair of the Trust Board has investigated the complaint, they will provide a copy of the outcome letter to the CEO.

The Chair will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 3.

12.4 If the Complaint is about a Member of the Local Academy Committee

If the complaint is about a member of a Local Academy Committee, the complainant will be advised to write formally to the Chief Operating Officer of the Trust providing details of their complaint. The CEO is responsible for managing complaints about a member of a Local Academy Committee.

The CEO must follow the check list in Section 8 of this document under “Investigating Complaints”. They *may* delegate the task of investigating the complaint and collating the information to another member of the Trust senior leadership team, or a suitably skilled member of a Local Academy Committee, but the decision on the action to be taken will be the responsibility of the CEO.

The CEO must record the date the complaint is received and ensure that the complainant receives a written acknowledgement (either by letter or email), within five working days of this date (a template letter can be found at appendix 2). Within this response, the CEO will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The CEO can consider whether a face to face meeting is the most appropriate way of doing this.

This written response should also set out clearly the timescale for the complaint to be investigated and an outcome provided. It is expected that this will be undertaken within ten school days of the complaint being received. Sometimes this timescale will need to be extended and if this is the case the complainant should receive written confirmation of this with details of the revised timescale (a template letter can be found at appendix 3).

All investigations should be recorded on the template investigation report form (appendix 4) to ensure all information is recorded appropriately and consistently.

At the conclusion of their investigation, the CEO will provide a formal written response within this deadline. If during the course of the investigation it becomes apparent that the CEO 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 that will be taken to resolve the complaint (a template letter can be found at appendix 5).

The CEO will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 3.

12.5 If the Complaint is about the Chair of the Trust Board

If the complaint is about the Chair of the Trust Board, the complainant will be advised to write formally to the Vice-Chair of the Trust Board via the Chief Operating Officer of the Trust, providing details of their complaint. The Vice-Chair is responsible for managing complaints about the Chair of the Trust Board.

The Vice-Chair must follow the check list in Section 8 of this document under “Investigating Complaints”. They **may** delegate the task of investigating the complaint and collating the information to another suitably skilled member of The Trust Board, but the decision on the action to be taken will be the responsibility of the Vice-Chair.

The Vice-Chair must record the date the complaint is received and ensure that the complainant receives a written acknowledgement (either by letter or email), within five working days of this date (a template letter can be found at appendix 2). Within this response, the Vice-Chair will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Vice-Chair can consider whether a face to face meeting is the most appropriate way of doing this.

This written response should also set out clearly the timescale for the complaint to be investigated and an outcome provided. It is expected that this will be undertaken within ten school days of the complaint being received. Sometimes this timescale will need to be extended and if this is the case the complainant should receive written confirmation of this with details of the revised timescale (a template letter can be found at appendix 3).

All investigations should be recorded on the template investigation report form (appendix 4) to ensure all information is recorded appropriately and consistently.

At the conclusion of their investigation, the Vice-Chair will provide a formal written response within this deadline. If during the course of the investigation it becomes apparent that they are 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 that will be taken to resolve the complaint (a template letter can be found at appendix 5). In this circumstance where the Vice-Chair of the Trust Board has investigated the complaint, they will provide a copy of the outcome letter to the CEO.

The Vice-Chair will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 3.

13. Stage 3: complaint heard by Complaint Appeal Panel of the Trust Board

The complainant will be required to write to the Chief Operating Officer of the Academy Trust giving details of the complaint and asking that it is put before a Complaint Appeal Panel. The Chair of the Academy Trust, or if the Chair has been involved at any previous stage in the process, a nominated Trustee, will acknowledge this request within five working days (a template letter can be found at appendix 6), and convene a Complaint Appeal Panel which will be held within 20 working days of the request.

The Complaint Appeal Panel is the last Trust-based stage of the complaints process and is not convened merely to rubber-stamp previous decisions.

Individual complaints will not be heard by the whole Trust board at any stage, as this could compromise the impartiality of any committee set up for a disciplinary hearing against a member of staff following a serious complaint.

The Trust board should nominate three members with delegated powers to hear complaints at this stage ensuring that there is at least one independent member to the school to which the complaint relates and set out its terms of reference. The panel will select its own Chair and will be responsible for

- drawing up its procedures;
- hearing individual complaint appeals;
- making recommendations on policy as a result of complaints

13.1 The remit of the Complaint Appeal Panel

The panel can

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

Trustees on the Complaint Appeal Panel agree that;

1. It is important that the complaint hearing is independent and impartial and that it is seen to be so.
2. No trustee may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, the Trust board should ensure that there is a cross-section of the categories of Trustee and be sensitive to the issues of race, gender and religious affiliation.
3. The aim of the panel, which needs to be held in private, should always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
4. An effective panel should acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel Chair should ensure that the proceedings are as welcoming as possible. The layout of the room should set the tone and care is needed to ensure the setting is informal and not adversarial.

5. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and will give them equal consideration to those of adults. Where the child's parent is the complainant, the parent will be given the opportunity to say which parts, if any, the child needs to attend.
6. The trustees sitting on the panel need to be aware of the complaint procedure.

Parents will be allowed to attend the panel hearing and may be accompanied if they wish. The aim of the hearing is to achieve reconciliation and to put things right that may have gone wrong. In line with DfE recommendations, for the most part neither the complainant nor the Trust will be permitted to bring legal representation to the hearing as it is not a form of legal proceedings. However, it is recognised that there may be some occasions where legal representation may be appropriate such as if a Trust employee is a witness in a complaint. In these circumstances, they may be entitled to bring union or legal representation.

13.2 Roles and responsibilities

13.2.1 The role of the clerk

Any meeting of the complaint appeal panel that is considering a complaint should be clerked. The clerk would be the contact point for the complainant and be required to

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing (recommended at least five school days in advance);
- meet and welcome the parties as they arrive at the hearing;
- take accurate minutes;
- notify all parties of the panel's decision.

As best practice, the Clerk should share copies of the meeting minutes with all parties involved in the committee hearing, providing a reasonable opportunity for the minutes to be agreed and if necessary, challenged.

13.2.2 The role of the Chair of the Trust or the nominated trustee

The nominated trustee role will

- Check that the correct procedure has been followed;
- If a complaint panel hearing is requested, instruct the clerk to arrange.

13.2.3 The role of the Chair of the Complaint Appeal Panel

The Chair of the Complaint Appeal Panel has a key role, ensuring that

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is open minded and acting independently;
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties. If a new issue arises all parties will be given the opportunity to consider and comment on it.

13.3 Checklist for a Complaint Appeal Panel Hearing

The committee should take the following points into account

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The headteacher may question both the complainant and the witnesses after each has spoken.
- The headteacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the headteacher and the witnesses after each has spoken.
- The committee may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The headteacher is then invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The Chair explains that both parties will hear from the panel within the set time scale (ten working days).

13.4 Notification of the panel's decision

The Complaint Appeal Panel will be required to make findings and recommendations in respect of the complaint heard and will be required to ensure that a copy of the findings and recommendations are;

- provided to the complainant and, where relevant, the person complained about. this will be done within ten working days of the hearing.

- available for inspection at the school premises by the Headteacher and the Trust. The complainant will be informed of the conclusions and any decisions in writing and any further rights of appeal.

A copy of the meeting minutes will also be issued to the complainant.

13.5 Record Keeping

A written record will be kept of all complaints that are made, including if they have been resolved following a formal procedure or panel hearing and the actions taken by the school (or the Trust) as a result of these complaints (regardless of whether they have been upheld). This record must include;

- the progress of the complaint and the final outcome
- whether the case progressed to a panel hearing
- the action taken by the school or the Trust regardless of outcome
- a determination of who is responsible for these records and responsibility for data security in line with the requirements of the Data Protection Act and General Data Protection Regulations. Any correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under Section 109 of the 2008 Education and Skills Act requests access to them.

14. Stage 4 – Complaint referred to the School Complaints Compliance Unit **- DfE**

If a complaint has been through all the stages of the Trust's complaints procedure but the complainant remains dissatisfied, they can ask the School Complaints Compliance Unit Department for Education to review the handling of the complaint. Further information about referring the handling of a complaint to the School Complaints Compliance Unit Department for Education can be found at,

https://form.education.gov.uk/service/Contact_the_Department_for_Education

Write to School Complaints Compliance Unit

Department for Education
2nd Floor, Piccadilly Gate
Store Street
Manchester
M1 2WD

Telephone the Department's Public Communications Unit on 0370 000 2288

What will the School Complaints Compliance Unit - DfE do?

The School Complaints Compliance Unit - Department for Education will look at complaints about academies that fall into the following areas;

- undue delay or non-compliance with an academy's own complaints procedure
- an academy's failure to comply with a duty imposed on it under its funding agreement with the Secretary of State
- an academy's failure to comply with any other legal obligation, unless there is another organisation better placed to consider the matter as set out in the next section

The School Complaints Compliance Unit - Department for Education will not investigate complaints that are, for example;

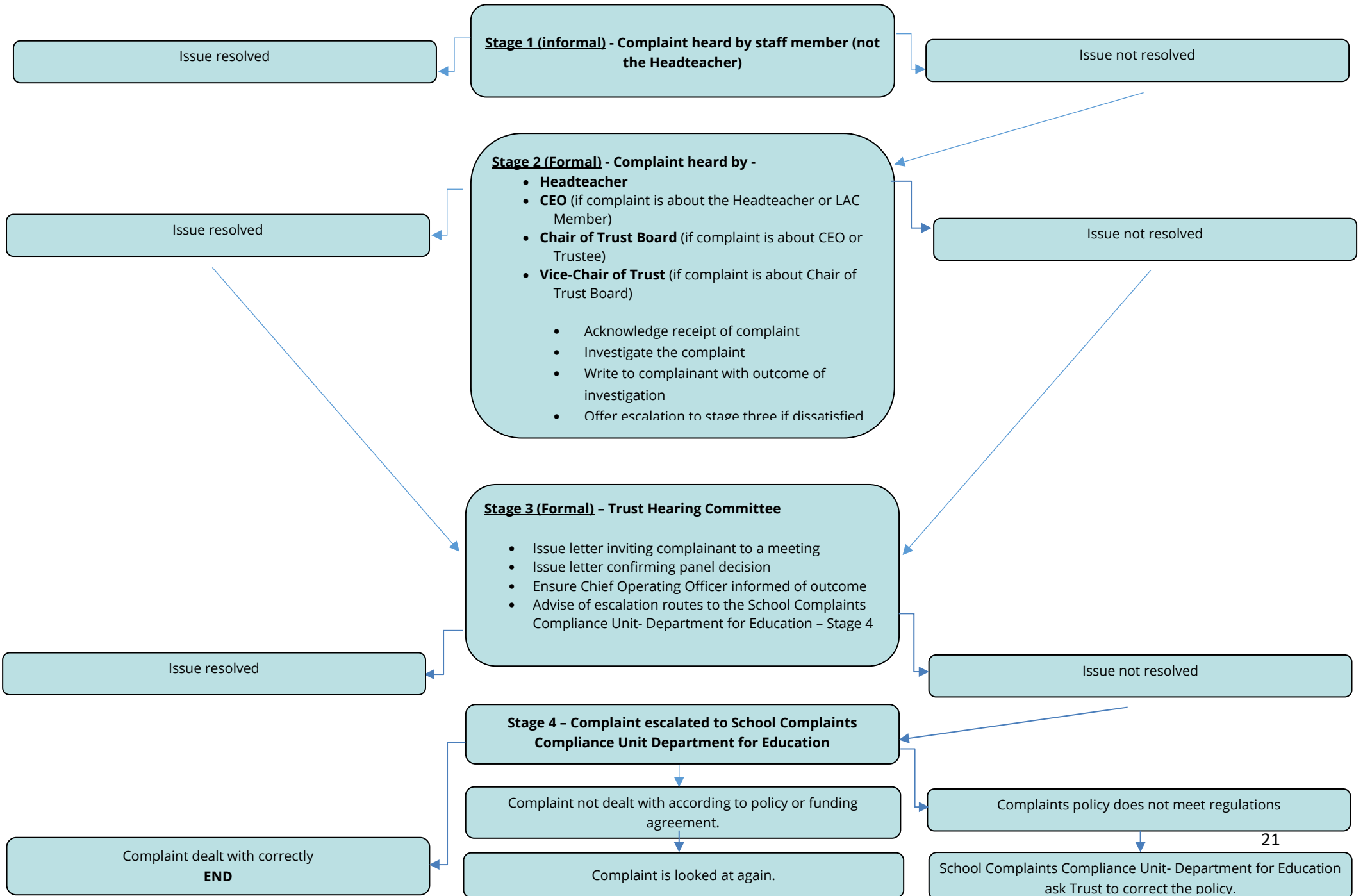
- About the quality of education or leadership, or concerns affecting the school as a whole. These should be raised with Ofsted
- About discrimination. These should be raised with the Equality Advisory Support Service
- About data protection. These should be raised with the Information Commissioner's Office
- About exam malpractice or maladministration. These should be raised with the Office of Qualifications and Examinations Regulation (Ofqual) and relevant awarding body
- About criminal behaviour. These should be raised with the police
- about any matter which is, or has been, subject to legal action
- About employment matters. These should be raised through the academy's grievance procedure, or taken to an Employment Tribunal
- About child protection. These should be taken up with the relevant local authority designated officer (LADO) and/or the Director of Children's Services
- about a child or young person's Statement of Special Educational Need where there is another route of appeal, for example the First Tier Tribunal (Special Educational Needs and Disability) Service formerly the Special Educational Needs and Disability Tribunal (SENDIST)

The School Complaints Compliance Unit -Department for Education will not consider complaints more than 12 months after a decision or action is taken. The only exceptions will be if the delay in sending the complaint to them was unavoidable or if there is evidence that the academy is not currently complying with legal requirements.

The School Complaints Compliance Unit Department for Education reserve the right not to consider complaints that;

- are malicious (that is, they are instituted without sufficient grounds and serving only to cause annoyance)
- use obscenities, racist or homophobic language
- contain personally offensive remarks about members of our staff
- are repeatedly submitted with only minor differences after they have fully addressed the complaint

Ad Astra Complaint Management Process



15. Appendix 1: Ad Astra Academy Trust

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. (If your complaint is against the Headteacher, you will need to send the form to the Trust Chief Executive Officer).

Name:	Address:
Daytime telephone number:	
Evening telephone number:	
Email:	Postcode:
What is your complaint concerning, and what action would you like the headteacher to take?	
When did you discuss your concern/complaint with the appropriate member of staff?	
What was the result of the discussion?	
Signed:	Date:

16. Appendix 2 – Letter from Headteacher/CEO/Chair of trust Board/Vice-Chair of Trust Board to acknowledge formal complaint (to be sent within 5 working days)

Date

Dear XXXX,

Re: Stage 2 Formal Complaint – Acknowledgement

It has come to my attention that you wish to make a formal complaint under stage two for the Trust Complaint Policy. Please accept this written communication as formal acknowledgement of your complaint. As xxx Primary School/Academy is part of Ad Astra Academy Trust, your complaint will be managed in line with the Trust's complaint policy. I enclose a copy of this for your information/a copy of this can be found on the school website at xxxx.

Either

I have received your complaint form and this has provided me with enough information to undertake an investigation of your complaint. I expect to complete my investigation and write to you with an outcome within 10 school days. If circumstances arise which means I am unable to fulfil this timescale, I will write to you again to update you.

Or

I have received your written response, however in order that I have enough information to investigate your complaint properly, I need to clarify some details. I would be grateful if you could attend a meeting/respond to the following questions in writing via letter or email (delete as appropriate). I expect to complete my investigation and write to you with an outcome within 10 school days of receiving this additional information.

Please be assured that I take your complaint very seriously and will make sure that this is thoroughly investigated.

Yours sincerely

Xxxx

Headteacher/CEO/Chair of the Trust Board/Vice-Chair of the Trust Board

17. Appendix 3 – Letter from Headteacher/CEO/Chair of trust Board/Vice-Chair of Trust Board to update complainant with revised timescales for complaint investigation

Date

Dear XXXX,

Re: Stage 2 Formal Complaint –Complaint Investigation Update

Unfortunately, I am unable to meet my expected deadline for concluding the investigation of your complaint. In order that your complaint is investigated thoroughly, I need more time in order to do this effectively. I now expect to conclude my investigation and write to you by [date]. Please be assured that I take your complaint very seriously.

Thank you for your patience while I investigate this matter.

Yours sincerely

Xxxx

Headteacher/CEO/Chair of the Trust Board/Vice-Chair of the Trust Board

18. Appendix 4 Complaint investigation report

Introductory information	
Name of complaint investigator:	
Role of complaint investigator:	
Date complaint investigation commenced:	
Date complaint investigation concluded:	
Complaint witness details	
Name of person(s) interviewed during investigation:	
Role of witness:	
Details of any anonymised statements received:	
[Include date of statement and how the statement was received, e.g. in person or by telephone call.]	
Summary of complaint:	
[Provide a summary of the complaint received and include any identified resolution sought by the complainant.]	
Summary of investigation process:	
[Provide a summary of the process undertaken in investigating the complaint. Include dates of meetings and conversations, and any evidence gathered.]	

Evidence reviewed:	
[Provide details of the evidence gathered and reviewed during the complaint investigation, e.g. school records or witness statements.]	
Evidence requested but unavailable	
Unavailable evidence may compromise how robust and rounded an investigation can be. Any lack of evidence available during the investigation process should be considered in the investigation summary.	
Evidence requested:	
Reason unavailable:	

<u>Summary of investigation findings</u>	
Summary of established facts:	
[Provide a summary of the facts that have been established during the investigation process.]	
Summary of any established mitigating circumstances:	
[Provide a summary of any mitigating circumstances identified during the investigation process.]	
Additional Information:	

[Include details of any additional information considered pertinent to the investigation.]

Concluding statement

Recommendations

Person responsible for actioning recommendations (include name and role):

To be completed by (date):

Progress and completion of recommendations to be reported to (include the forum, e.g. Trust Board and date):

Date investigation completed:

Investigation completed by:

Signature of investigator:

19. Appendix 5 - Stage 2 - Formal Complaint Response Letter to Complainant from Headteacher/CEO/Chair of Trust/Vice Chair of Trust (as appropriate) – to be put onto school/Trust letterhead

Date

Dear XXXX,

Re: Stage 2 Formal Complaint - Outcome

Thank you for bringing your complaint dated xxxx, to my attention. I am always keen to ensure positive relationships with parents and therefore it is very important that any issues are highlighted and handled in an open, fair and transparent way.

As xxxxxxxx Primary School is part of Ad Astra Academy Trust, your formal complaint is being handled via the Trust's complaints procedure. I am disappointed that we were not able to resolve this informally and that it progressed to a formal stage. However, I have now had the opportunity to thoroughly investigate your complaint and my findings are outlined below.

Your complaint

The following is an overview of your complaint;

(summary of the complaint)

My investigation

I have investigated your complaint by:

Brief summary of how the investigation has been carried out (for example - reading complaint documentation, speaking to parents, speaking to the member(s) of staff involved, checking written records etc).

Findings

Following my investigation, I uphold/do not uphold/uphold in part (delete as appropriate) your complaint and therefore do not find/find (delete as appropriate) your complaint to be justified/partly justified in the circumstances. I have reached this decision because brief summary of the outcome of the investigation and findings.

Further action

Description of further actions identified as part of the investigation if appropriate.

I hope this brings your complaint to a satisfactory conclusion. However, if you are not satisfied with this response, you have the right to progress to stage three of our complaint's procedure. This would involve a hearing of the Trust Complaints Appeal Panel. This panel will comprise two Trustees and an independent panel member. If you wish to escalate your complaint to this stage, please submit your request in writing to

Chief Operating Officer
Ad Astra Academy Trust
Hub 2, The Innovation Centre
Venture Court
Queens Meadow Business Park
Hartlepool
TS25 5TG

Or email enquiries@adastraacademytrust.com

Thank you for the time you have taken in conveying your concerns to the School. We value your comments.

Yours sincerely,
XXXX

Headteacher/CEO/Chair of Trust/Vice Chair of Trust (delete as appropriate)

Xxxx School/Trust

20. Appendix 6 - Stage 3 Complaint Acknowledgement Letter

Date

Dear XXXX,

Re: Stage 3 Formal Complaint

Thank you for your letter dated XXXX setting out the reasons why you are not satisfied with the response from the [Headteacher/CEO/Chair of the Trust Board/Vice-Chair of the Trust Board – delete as appropriate] regarding your complaint about details of the complaint.

I am writing to let you know that I will be arranging for a complaints appeal panel (CAP) to consider your complaint, in accordance with our Trust complaints procedure.

As explained in the procedure, the chair of the CAP will advise, in writing, how the CAP intends to consider your complaint.

Yours sincerely,

XXXX

Chair of Trust Board

21. Appendix 7 - Initial letter informing a complainant that his/her behaviour is considered to fall below a reasonable/acceptable standard.

Recorded Delivery

Dear xxxx

Ad Astra Academy Trust is committed to dealing with all complaints fairly and impartially. As a general rule, our schools are orderly, safe places, where relationships between staff and parents, demonstrate mutual respect and a recognition of shared responsibility for pupils' welfare and educational progress.

Parental involvement is an important factor in educational success and the Trust does not normally limit the contact complainants have with it. However, there are occasions when it is appropriate to put in place a framework for dealing with a situation where an individual is making unreasonable, persistent complaints.

Given the volume and frequency of your recent complaints [and/or the manner in which they are being pursued] I am of the view that you are making unnecessarily excessive demands on the time and resources of staff and governance representatives of the school thereby preventing a resolution of your complaints for the following reasons: [details].

I am writing to request you desist from:

1. Making complaints about issues that have already been resolved.
2. Making persistent, prolific or repetitious complaints or demands of staff time.
3. Pursuing complaints in an unreasonable manner.
4. Pursuing complaints outside the Trust's complaints policy.
5. Pursuing complaints where the outcome you seek is beyond the remit of the Trust.
6. Pursuing complaints that have previously been addressed by the Trust.

Please note that the Trust's Policy for Dealing with Persistent or Vexatious Complaints/Harassment sets out standards of behaviour expected of all people in their dealings with the Trust. These include:

- behaving reasonably
- treating others with courtesy and respect
- resolving complaints using the Trust's Complaints Procedure
- avoiding physical and verbal aggression at all times

The Policy also indicates the steps that we may take if these standards are breached. These include:

- making special arrangements for meetings and communication with the Trust
- considering a ban from one of our school premises
- considering legal action
- Restricting the manner in which a complainant may raise complainants with the Trust and the circumstances in which the Trust will respond.

At the moment we are dealing with your current complaints [if any] as follows:

□ [details]

Your complaints are being dealt with in accordance with the Trust's complaints policy and [set out next steps].

I would ask that you allow the Trust time to resolve the issues according to the Trust policy and desist from making further complaints on issues you have already raised. If you fail to do so further action may be taken in accordance with the Trust's "Policy for Dealing with Persistent or Vexatious Complaints."

Yours sincerely

Headteacher/CEO/Chair of Trust/Vice Chair of Trust (delete as appropriate)

Xxxx School/Trust

22. Appendix 8 - Letter informing a complainant that his/her behaviour is now considered to fall under the terms of the policy for dealing with persistent or vexatious complaints/harassment.

Recorded Delivery

Dear xxxx

You will recall that I wrote to you on [insert date] telling you that I felt you were pursuing your complaints against the Trust unreasonably or in an unreasonable manner.

I am now writing to inform you that in view of your behaviour on [date], when you [describe actions/behaviour] it has been decided that the Trust's Policy for Dealing with Persistent or Vexatious Complaints/Harassment Policy will apply.

In the circumstances I have made the following arrangements for your future contact with the school: [Delete as applicable]

- Any further communications from you must be in writing only addressed to [name of a contact at the school].
- Communications may be sent by email [if appropriate] to [address] or by post to [address].
- Any communications made to anyone other than [name] will not be responded to (unless it is felt appropriate to do so). Instead such communications will be forwarded to [name] for reply if necessary.
- Telephone calls [and emails] will not be returned.
- Any communications about issues already raised and responded to will not be replied to but will be placed on file.
- It will be in the Trust's discretion to decide whether or not a complaint has been responded to previously.
- Any complaints about new issues will be treated on their merits and will be responded to as appropriate within 10 working days (during term time) in accordance with the Trust's complaints policy.
- Any requests for face to face meetings will be considered but may be declined. If a meeting is arranged arrangements may be made for another member of staff to be present. A note of the meeting will be made.

Exceptionally, these arrangements do not apply to any emergency involving [insert name of pupil] in which case you may contact the school in the usual way. You may also attend

parents' evenings unless advised otherwise although an additional member of staff may be present.

These arrangements take effect straightaway.

If you wish to make a representation about the contents of this letter, which may include any expressions of regret on your part and any assurances you are prepared to give about your future conduct, you can do so by writing to me at the school by [state ten working days from the date of the letter].

If on receipt of your comments I consider that the arrangements outlined above should continue, you will be supplied with details of how to seek a review of the circumstances of your case.

Yours sincerely

Headteacher/CEO/Chair of Trust/Vice Chair of Trust (delete as appropriate)

Xxxx School/Trust