



# SEAX TRUST

## Complaints Policy & Procedure

### KINGSWODE HOE SCHOOL

### 2020 - 2021

LEADING, LEARNING, CHANGING LIVES



This Policy sets out that which will be applied going forward from its adoption

Approved by the Board of Trustees & Effective Date of Adoption:	3 <sup>rd</sup> April 2019
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Changes April 2019 : Adoption of new DfE guidance regarding serial or persistent complainants

**To be Read in conjunction with SEAX Trust or Academy Policy:** Staff Disciplinary Policy and Procedure  
Grievance Procedure  
Single Equality Policy  
SEN and Inclusion Policy  
Data Protection Policy

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*Section 409 of the 1996 Education Act allows a LA to make arrangements for the consideration or disposal of any complaint about the unreasonable action of the LA or of a Local Academy Committee (LAC) in relation to a statutory duty or power. This would include Admissions, the provision of an appropriate curriculum, SEN, and Exclusions Appeals. Complaints of a more general nature fall outside the remit of this section. The section 29 of the 2002 Education Act requires LACs to establish procedures for dealing with all complaints relating to the school or to provision of facilities or services [other than complaints which fall to be dealt with in accordance with procedures required to be established by other statutory provision] and to publicise these procedures. In establishing and publicising those procedures the LAC must have regard to guidance given by the Secretary of State*

## **General Principles:**

This procedure is intended to allow you to raise a concern or complaint relating to the SEAX Trust or a SEAX Trust School, or the services provided by them.

The SEAX Trust needs to know as soon as possible if there is any cause for dissatisfaction. We recognise that a difficulty that is not resolved quickly and fairly can soon become a cause of resentment, which could be damaging to relationships and also to our trust culture. This policy distinguishes between a **concern or difficulty**, which can be resolved informally, and a **formal complaint** which requires further investigation.

### **Definition of a Concern:**

**A concern may be identified as, ‘an expression of worry or doubt over an issue considered to be important, for which reassurances are sought’.**

### **Definition of a Complaint:**

**An expression of dissatisfaction, however made, about actions taken or a lack of action.** In general, any matter being complained of, which is raised more than **three months after the event**, will not be considered. An anonymous concern or complaint will not be investigated under this procedure, unless there are exceptional circumstances.

### **Timeframes**

SEAX Trust will endeavour to abide by the timeframes set out in each stage of this policy. However, in certain circumstances, this may not always be possible, due to the complexity of information sometimes needed when reviewing a complaint. Should this prove to be the case, the individual responsible for handling the complaint will contact the complainant and come to an agreed timeframe which works for all parties involved.

For the purposes of this policy, a **‘working day’** is defined as a weekday during term time when the trust schools are open. The definition of ‘working day’ excludes weekends, Bank Holidays and school holiday periods.

## Confidentiality

In order for complaints to be resolved as quickly and fairly as possible, SEAX Trust requests that complainants do not discuss complaints publically or via social media. Complaints will be dealt with confidentially for those involved and we expect complainants to observe confidentiality also.

## STAGE 1: INFORMAL COMPLAINTS AND CONCERNS

### 1.1 Informal Stage - Definition

The Informal Stage can relate either to concerns or complaints. It is recognised as 'informal' if it is dealt with and resolved at the first, or an early, point of contact. This may be within a trust school for pupil or administrative issues, or within the SEAX Trust Administrative Office for trust-related issues.

### 1.2 Who to Contact in the first instance

When concerns or complaints arise, it is normally appropriate for the complainant to communicate directly with the member of staff concerned. For a pupil-related matter which has arisen in a school setting, this is usually the class teacher and, for an administrative issue, the school's office manager. For issues relating directly to the SEAX Trust itself, this will be the Trust's Company Secretary. Contact may be by letter, by telephone, by email or in person by appointment.

### 1.3 More Serious Informal Complaints and Concerns

If you consider that your complaint or concern is of a more serious nature, it may be appropriate to address it directly to the headteacher of the school (or to the Chair of the Local Academy Committee (LAC), if the complaint is about the headteacher).

If you are uncertain about who to contact, please seek advice from the respective school office or the Trust's Company Secretary. In cases where a concern relates directly to the SEAX Trust, please seek advice from the Trust's Company Secretary.

### 1.4 Timeframe for the Informal Stage

Many concerns can be resolved by simple clarification or the provision of information and it is anticipated that most complaints will be resolved by this informal stage. The trust would expect that informal complaints or concerns be resolved within **ten working days** of receipt.

### 1.5 Records

In the case of informal complaints or concerns, file notes and correspondence will be made by the person dealing with the issue. Notes will usually contain any evidence that has been considered and the outcomes. See Section 7 - Data Protection for further information.

## 1.6 Unresolved Informal Complaints and Concerns

An issue which has not been resolved by informal means can be notified as a formal complaint and will move into Stage 2 below.

## STAGE 2: FORMAL COMPLAINTS

### 2.1 Formal Stage - Definition

The formal stage relates to complaints rather than concerns. It is recognised as a ‘formal complaint’ if it is:

- a) A complaint or concern which remains unresolved after Stage 1 (Informal Stage);
- b) A complaint which needs a level of investigation beyond the minimum;
- c) A more serious dissatisfaction with some aspect of trust or school policy or procedure, management or administration.

### 2.2 When to make a Formal Complaint

Formal complaints should be made as soon as possible after the incident occurs and certainly **within three calendar months**, unless exceptional circumstances can be provided.

### 2.3 Who to Contact

A formal complaint will usually be dealt with by a third party. In the case of a school-based issue, this third party may be the Headteacher or relevant Local Academy Committee (LAC). In the case of a complaint against a LAC member, this may be the SEAX Trust and in the case of a complaint relating to the SEAX Trust Central Team, this may be the Executive Principal/CEO.

You should put the complaint in writing and pass it, in a sealed envelope, to:

- **The headteacher** if your complaint relates to a school-based issue, including class issues, school policy or procedural issues, departmental and administrative issues;
- **The chair of the relevant LAC** if the complaint is about a headteacher;
- **The SEAX Trust Company Secretary** if the complaint relates to a LAC issue, a Trustee or Member, or a SEAX Trust procedural or administrative issue;
- **The Executive Principal/CEO** if the complaint relates to a member of the SEAX Trust’s central team;
- **The Chair of the Board of Trustees** if the complaint relates to the Executive Principal/CEO.

### 2.4 What Information to Include

You should include your full name and contact details, along with other details which might assist the recipient, such as your relationship to the school or trust, names of potential witnesses, dates and times of events, and copies of relevant documents. It is very important that you include a clear statement of the actions that you would like the school or trust to take to resolve your concern. Without this, it is much more difficult to proceed. A **Complaint Form** is provided to assist you at **Appendix 1**.

In the event that the complainant has learning difficulties or a disability, other communication preferences will be made available.

## 2.5. Meeting

The recipient of your complaint will acknowledge receipt usually **within five working days**. If deemed appropriate, the recipient of your complaint may invite you to a meeting to clarify your concerns and to seek a resolution. If you accept that invitation, you may be accompanied by a friend, if you wish, to assist you in explaining the nature of your concerns. It is possible that your complaint will be resolved through this meeting.

## 2.6 Investigation

If your complaint is not resolved through a meeting, or if a meeting is not deemed appropriate, arrangements will be made for the matter to be fully investigated, using the appropriate procedure. In any case you should learn in writing, usually **within five working days** of the school or trust receiving your formal complaint, of how the school or trust intend to proceed. This notification should include an indication of the anticipated timescale.

Any investigation will begin as soon as possible and when it has been concluded, you will be informed in writing of its conclusion.

## 2.7 Conducting the Investigation

The receiver of the complaint may deal with the matter personally, or delegate a senior member of staff to act as 'investigating officer'. The investigating officer may contact you to request additional information and will fully investigate the issue. If contacted, it will aid the investigation if you are able to provide any further information requested as soon as possible.

## 2.8 Outcome

The trust's aim is to inform a complainant of the outcome of an investigation within **15 working days** of receipt of the complaint. Please note that a complaint received during or within the three weeks before a school holiday may take longer to resolve.

## 2.9 Record of Complaints

Written records will be kept of any meetings, interviews and evidence held in relation to the complaint. See Section 7 - Data Protection for further information.

## 2.10 Staff Disciplinary or Capability Proceedings

If, at any formal stage of the complaint, it is determined that staff disciplinary or capability proceedings are necessary in order to resolve the issue, the details of this action will remain confidential to the headteacher and/or the individual's line manager. The complainant is entitled to be informed that action is being taken and the eventual outcome of that action, but they are not entitled to participate in the proceedings or receive any detail about them.

## 2.11 Unresolved Formal Complaints

If, after completing Stage 2 (Formal Stage), a complainant is not satisfied with the outcome and wishes to appeal the decision made, they may have their complaint considered by an independent complaints panel in a Review of the Procedure or Outcome (Section 3).

## SECTION 3: Requesting a Review of the Procedure or Outcome by an Independent Complaints' Appeals Panel

### 3.1 In the case of a Complaint made direct to one of the Trust's Schools

In cases where a complaint is made **direct to one of the trust's schools** which results in the complainant not being satisfied with the outcome, they may request that the relevant LAC reviews this. Any such request must be made in writing to the **SEAX Trust Company Secretary**, **within ten working days** of receiving notice of the outcome, and must include a statement specifying any perceived failures to follow the procedure and/or the reasons for dissatisfaction. The procedure described in **Section 4**, below, will then be followed. A Complaint Review Request form is provided for convenience at **Appendix 2** and the complainant should complete this form to aid procedure and return it directly to the **SEAX Trust Company Secretary**, who will make arrangements with the relevant LAC Chair.

### 3.2 In the case of a Complaint made direct to one of the LACs or the SEAX Trust itself

In cases where a complaint is made **direct to one of the LACs**, or **direct to the SEAX Trust itself** which results in the complainant not being satisfied with the outcome, they may request an independent review by the SEAX Trust Board. Any such request must be made in writing to the **SEAX Trust's Company Secretary**, **within ten working days** of receiving notice of the outcome, and must include a statement specifying any perceived failures to follow the procedure and/or the reasons for dissatisfaction. The procedure described in **Section 4**, below, will then be followed. A Complaint Review Request form is provided for convenience at **Appendix 2** and the complainant should complete this form to aid procedure and return it directly to the **SEAX Trust Company Secretary**, who will make arrangements with the SEAX Trust Board.

## SECTION 4: Review Procedure by an Independent Complaints' Appeals Panel

### 4.1 Receipt and Acknowledgement

Upon receipt of a request to review the outcome of a complaint or a complaint procedure, an independent complaints appeals panel will be convened by the SEAX Trust's Company Secretary.

The Company Secretary will respond to the request, usually within **five working days** of receipt, informing the complainant of the arrangements made. The Company Secretary will be the contact point for the complainant.

### 4.2 The Independent Panel

Any review of the outcome or process followed by a **Trust school** will be conducted by a panel of three LAC members and/or SEAX Trustees. This will usually take place **within 20 working days** of receipt of the request.

Any review of the outcome or process followed by the **Trust's central team** will be conducted by a panel of three members of the Board of Trustees. This will usually take place **within 20 working days** of receipt of the request.

This panel will consist of three Trustees who have not been directly involved in the matters detailed in the complaint, one of whom will have no direct involvement of the management and running of the individual academy or an external independent member if the complaint relates to the Trust. The panel will select its own chair.

#### 4.3 Attending a Review Meeting

The review may be conducted through a consideration of written submissions or oral representations, as deemed appropriate by the panel.

If you are asked to make oral representations, you will be invited to be accompanied by a friend or family member should you wish. Representations may also be required by the panel from the school, LAC, or Trust, as appropriate, and the Company Secretary will usually record the proceedings. You are welcome to attend and be accompanied even if you do not wish to make oral representations at the meeting.

#### 4.4 The Review Procedure

The panel will first receive written and/or verbal evidence from the complainant. The panel will then invite representatives of the respective school (usually the Headteacher or the Chair of the LAC panel that has considered the matter), or the Trust's central team, as appropriate, to make a response to the complaint. This response may be by written or verbal means, as deemed appropriate by the panel. The panel may also have access to the records kept of the process followed.

Following the presentation of evidence and responses made, the panel will privately convene in order to discuss the appeal and reach a satisfactory conclusion.

#### 4.5 Evidence

All parties will be given the opportunity to submit written evidence to the panel in support of their position including documents, timelines and statements. This will be considered by the panel along with verbal representations, if deemed appropriate by the panel. All written evidence must be received by the Company Secretary no later than **five working days** in advance of the panel hearing. The Company Secretary will distribute evidence to all parties no later than **three working days** in advance of the hearing.

#### 4.6 The Role of the Company Secretary

An appeals panel considering a complaint must be clerked and the Company Secretary would normally undertake this role. The Company Secretary would be the contact point for the complainant and be required to:

- Set the date, time and venue of the hearing;
- Collate and distribute written material;
- Meet and welcome parties making verbal representations as they arrive;
- Record the proceedings;
- Notify all parties of the panel's decision.

#### 4.7 The Role of the Chair of the Panel

The Chair of the panel has a key role, ensuring that:

- The remit of the panel is explained to all parties and that all parties have an opportunity to put their case without undue interruption;
- The issues are addressed;
- Key findings of fact are made;
- Parents or others attending, who may not be used to speaking at such an event, are put at ease;
- The hearing is conducted in an informal manner and if representations are made in person, each party treats 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 at an earlier stage of the procedure;
- If representations are made in person, 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 have the opportunity to consider and comment on it.

#### 4.8 The Remit of the 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 Trust and/or school systems or procedures to ensure that problems of a similar nature do not recur.

The aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the Trust and/or school and the complainant. The panel Chair will ensure that the proceedings are as informal as possible whilst still adhering to due process.

#### 4.9 Outcome

The complainant and the school and/or Trust representative(s), will be informed in writing of the outcome, usually **within five working days** of the panel meeting. The panel's decision is final. The matter will then be closed as far as the Trust and/or school is concerned.

If you believe that the SEAX Trust has acted illegally or arbitrarily in handling the complaint, then you may make representations to the ESFA (Education & Skills Funding Agency) via the [online form](#).

### SECTION 5: Managing Serial and Unreasonable Complaints

SEAX 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 our Trust 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.

SEAX Trust defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the Trust or school, such as, if the complainant:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- refuses to co-operate with the complaints investigation process
- refuses to accept that certain issues are not within the scope of the complaints 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 they expect to be taken into account and commented on
- raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- changes the basis of the complaint as the investigation proceeds
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- refuses to accept the findings of the investigation into that complaint where the Trust's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education
- seeks an unrealistic outcome
- makes excessive demands on Trust and/or school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the Trust and/or school that relates to their complaint, while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.

Whenever possible, the Headteacher or Local Academy Committee Chair will discuss any concerns with the complainant informally before applying an '*unreasonable*' marking.

If the behaviour continues, the Headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact the Trust and/or school causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from the Trust/Trust School.

## **7. Data Protection**

A written record of all meetings conducted under this procedure will be made, either by the person holding the meeting or by an alternative person arranged by the Trust and/or school to take notes.

The Trust and/or school processes any personal data collected during the complaints procedure in accordance with its data protection policy. Any data collected is held securely and accessed by, and disclosed to, individuals only for the purposes of completing the complaints procedure.

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 109 of the 2008 Education and Skills Act requests access to them.

On the conclusion of the procedure, data collected will be held in accordance with the Trust's retention schedule. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Trust's data protection policy immediately.

## Appendix 1: Complaint Form

Please complete this form and return it to the Headteacher (or SEAX Trust Company Secretary), who will acknowledge its receipt and inform you of the next stage in the procedure. *You may continue on separate paper, or attach additional documents, if you wish.*

Your name:

.....

This complaint relates to: ..... School (please name) **OR** SEAX Trust.

Relationship with School [e.g. parent of a pupil on the schools roll]:

.....

Pupil's name [if relevant to your complaint]:

.....

Your Address:

.....

Daytime telephone number: ..... Evening telephone number:

.....

Please give concise details of your complaint, [including dates, names of witnesses etc], to allow the matter to be fully investigated:

Number of Additional pages attached: .....

What action, if any, have you already taken to try to resolve your complaint? [ie who have you spoken with or written to and what was the outcome?]:

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

Signature: ..... Date:

.....

**School use:**

Date Form received ..... Received by ..... Date acknowledgement sent .....

Acknowledgement sent by ..... Complaint referred to ..... Date .....

## Appendix 2: Complaint Review Request Form

Please complete this form and return it to the **SEAX Trust Company Secretary** ([www.seaxtrust.com](http://www.seaxtrust.com)), who will acknowledge receipt and inform you of the next stage in the procedure.

Your name:

.....

Your Address:

.....

Daytime telephone number: .....

Evening telephone number: .....

Dear Sir

I submitted a formal complaint to ..... School/SEAX Trust on .....and am dissatisfied by the procedure that has been followed/the outcome.

My complaint was submitted to ..... and I received a response from

..... on

.....

I have attached copies of my formal complaint and of the response[s] from the school/SEAX Trust. I am dissatisfied because:

*You may continue on separate paper, or attach additional documents, if you wish.*

Number of Additional pages attached .....

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

Your Signature ..... Date .....

**SEAX Trust use:**

Date Form received ..... Received by ..... Date acknowledgement sent .....

Acknowledgement sent by ..... Complaint referred to ..... Date .....

## Appendix 3: Investigation Procedure

The investigation of an allegation or a complaint is always carried out thoroughly and responsibly, irrespective of the nature of the complaint. Any anonymous complaint will not be investigated, unless there are exceptional circumstances. These would include serious concerns such as Child Protection issues or bullying allegations, where the school may either involve appropriate external agencies or else conduct its own internal review to test whether there is any corroborative evidence which might trigger a formal investigation.

### Preparing for an Investigation

Where a school or the Trust receives a formal complaint, it will be acknowledged and a commitment made that the complaint will be investigated and the outcome of the investigation notified to the complainant in due course.

It is essential that there is a clear understanding of the complaint. Where necessary the nature of the complaint will be confirmed with the complainant. E.g. through an initial meeting, or by telephone. If an investigator is appointed there may need to be more detailed follow-up.

Any member of staff against whom a complaint has been made, will be notified that a complaint has been received and that the SEAX Trust Complaints procedure will be followed. It is usually not appropriate to provide the member of staff with details of the evidence on which the complaint is based until any investigation has been completed. However the member of staff needs to be able to understand the nature of any allegations against them.

Once any complaint has been confirmed, the school and/or Trust will determine which procedure is most appropriate and select an appropriate person to conduct any investigation.

### Conducting the investigation

The investigation will be carried out in accordance with the provisions of this Complaints Procedure.

Arrangements will be agreed so that accurate notes can be taken of all interviews and the outcome of the investigation will be accurately recorded.

The complainant will be given the opportunity to offer documentation and to identify potential witnesses or sources of evidence. The member of staff subject to the complaint will be advised that they may be accompanied by a friend or trade union representative when invited to be interviewed.

Where children are potential witnesses, discretion will be exercised over their involvement. Pupils will only be interviewed when the nature of the complaint is sufficiently serious to warrant it and adult witnesses are not available. Only in extreme circumstances will younger pupils be interviewed.

Any interviews will be conducted as soon as possible to ensure that recollections are as fresh as possible and to minimise the possibility that evidence will become tainted through witnesses discussing alleged incidents with other persons.

In conducting interviews, the investigator will prepare the questions to be asked prior to the interview.

These can always be supplemented during the interview. The investigator will allow the interviewee to answer in their own way. Their responses will be listened to attentively. Any temptation to cut an interviewee short or to seek to 'lead' them will be resisted. The interviewee will be given the opportunity to provide other relevant information at the end of the interview.

Interviewees will, however, be advised that their responses must be confined to the substance of the complaint. Any attempt by the interviewee to introduce information relating to other members of staff or to issues unrelated to the complaint should be resisted. The investigator should avoid reaching conclusions or passing judgement until the investigation has been completed and their report is being written.

## Concluding the investigation

Reaching a conclusion of the investigation will result in the investigator providing a written report. The report may contain:

- a brief outline of the process that has been followed;
- a statement of the complaint or concern;
- a summary of the findings, linked to the relevant evidence;
- any recommendations for future action;
- annexes containing copies of witness statements and other evidence collected during the investigation.

The report of the investigation will usually be confidential to the school and/or Trust, as it is likely to contain sensitive personal information. If a request is received to release the report, under either the Data Protection Act, GDPR or Freedom of Information, the school and/or Trust will seek legal advice.

A summary of the process undertaken and the outcome of the investigation may be provided to the complainant. Following consideration of the report by the relevant body, any final recommendations may also be shared with the parties, unless there is good reason not so to do. Wherever possible, recommendations will be constructive and not punitive.

The complainant will be advised that he or she may, if they are not satisfied that the appropriate procedure has been followed, request a review of that process by the LAC and/or Trust Board, as appropriate.

## Appendix 4: Flowchart of the SEAX Trust Complaints Procedure

