



**Shaw
Education
Trust**

Compliments and Complaints Policy

(Including procedures to deal with Vexatious Complaints)

Procedure Originator: P. Harrison

Approved By: Trust Board

Date Approved: 16th May 2022

Review Interval: 3 years (or as appropriate)

Last Review Date: 16th May 2022

Next Review Date: 16th May 2025

Audience: All

Availability of the Compliments and Complaints Policy

It is expected that this policy will be used as a guide across each Academy within Shaw Education Trust (SET) for all compliments and complaints from parents/guardians or other parties.

A copy of the individual Academy compliments and complaints procedure must be made available from the Academy's Reception and on the school website.

This policy will be published on the SET website.

Compliments

It is always good to receive positive feedback. This will always be shared with staff and students in a timely way via briefings and briefing notes; email; in person where appropriate; in assemblies; in celebration assemblies and via student representative groups.

Cards, emails and letters will be placed in prominent positions around school. If parents/carers agree, their compliments can be put onto our website. Compliments can be given in any format the parent/guardian or other person chooses:

- Email
- Letter or card
- Telephone
- Verbally to any member of staff
- Via the SET Website: www.shaw-educationtrust.org.uk

Complaints

We believe that our trust aims to provide an excellent education for all our children, and that the staff work very hard to build positive relationships with all parents. However, the trust is obliged to have procedures in place in case there are complaints by parents/guardians and/or other parties.

If any parent/carer is unhappy with the education that their child is receiving, or has any concern relating to the trust, we encourage that person to talk to the child's class teacher immediately.

We deal with all complaints in compliance with guidance and regulations set out by the Department for Education, The Education and Skills Funding Agency (ESFA) and Part 7 of the Education (Independent School Standards) Regulations 2014).

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

- Stage 1 – Complaint heard by member of staff
- Stage 2 – Complaint heard by Headteacher
- Stage 3 – Complaint heard by Complaint Panel

Aims and Objectives

Our trust aims to be fair, open and honest when dealing with any complaint. When considering a complaint, we endeavour to deal with them as swiftly as possible. We aim to resolve any complaint through dialogue and mutual understanding, and in all cases, we put the interests of the child above all other issues. We provide sufficient opportunity for any complaint to be fully discussed, and then resolved.

This policy has been equality impact assessed and we believe in line with the Equality Act 2010. It does not have an adverse effect on race, gender or disability equality.

Complaints Procedure

Our 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 effective response and appropriate redress, where necessary;
- Provide information to the Academy's senior management team to enable services to be improved.

The Academy will be clear about the difference between a concern and a complaint. We will take concerns seriously at the earliest stage to reduce the numbers that develop into complaints.

Stage 1 – Informal Resolution

We expect most concerns to be dealt with informally and parents/guardian

are encouraged to speak to a member of staff to discuss their concerns. We aim to resolve informal complaints within 10 working days of receipt.

The formal procedures set out below should be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

If a parent/guardian is concerned about anything to do with the education that we are providing within our trust, they should, in the first instance, discuss the matter with their child's class teacher. All teachers work very hard to ensure that each child is happy at school and are making good progress; a teacher will always want to know if there is a problem, so that they can take action before the problem seriously affects the child's progress.

Our Academies operate an open-door policy and as such, parents/guardians may wish to book in some time to talk to the Headteacher (or a person delegated to undertake this meeting) if this would be beneficial in resolving your concern informally.

Should the complaint be about the Headteacher, the Chair of Academy Council will do all they can to resolve the issue informally through a dialogue with the persons concerned.

Stage 2 – Formal Resolution

If the complaint cannot be resolved on an informal basis (as set out above), then parents/guardians must put their complaint in writing (using Appendix 1 attached if required) and hand this in to the Academy for the attention of the Headteacher.

The Headteacher will consider any such complaint seriously. The complaint will be investigated thoroughly (by the Headteacher or a person delegated to undertake the investigation).

The Headteacher will decide, after considering the complaint, the appropriate course of action to take.

In most cases, the Headteacher will meet or speak with the parents/guardians concerned to discuss the matter. If possible, a resolution will be reached at this stage.

The Headteacher (or a person delegated to undertake this work) will use reasonable endeavours to speak to or meet parents/guardians within 10 working days of the formal complaint being received.

Once the Headteacher is satisfied that, so far as is practicable, all of the relevant facts have been established, a decision will be made which will be communicated to parents/guardians in writing giving the reasons for the decision. The written decision should be provided no later than 10 working days after speaking with or meeting with parents/guardians to discuss the matter.

The Academy will hold a written record of all formal complaints, including records of meetings and interviews held in relation to the complaint, and the Academy's decision. The record will be retained for one year after the pupil leaves the Academy.

Should the complaint be about the Headteacher, it will then be considered by the Chair of Academy Council who will follow the above steps.

Only if Stage 2 proceedings fail to resolve the matter should a complaint progress to Stage 3.

Stage 3 – Complaint Panel (Appeal)

If parents/guardians (or other person(s)) seek to invoke Stage 3, following failure to reach an earlier resolution with the Headteacher's (or Chair of Academy Council's) decision, in respect of their formal complaint, they may request their complaint is considered by a Complaints Panel. Such a request must be made in writing addressed to the Chair of the Academy Council, care of the Academy. The Chair of the Academy Council will not be involved in the panel if he/she heard the original complaint at stage 2.

The request for further assessment of the complaint at Stage Three, will, for the purposes of this procedure, be known as an 'appeal'.

Parents/guardians must lodge their appeal in writing within 10 working days of the date of the Academy's decision made in accordance with the Stage 2 procedure.

The parents/guardians should provide in writing the complaint(s) made against the Academy and how they believe the complaint has been unsatisfactorily resolved, along with the remedies sought in respect of each.

The Complaints Panel is only obliged to consider the complaint lodged in this 'initial submission' although they may use their discretion to consider other relevant and related matters that may subsequently arise.

Where an appeal is received by the Academy, the Academy will, within 5 working days, refer the matter to either the Governance Professional to the Academy Council, or a suitable senior administrator within the Academy, who will likely act as Clerk for the Complaints Panel. Where the appeal is

received by the Academy during Academy holidays, or within 2 working days of their commencement, the Academy has 5 working days upon commencement of the school term to refer the matter to the chosen colleague.

On receipt of an appeal, the Academy will then endeavour to convene an Independent Complaints Panel hearing as soon as possible, usually no later than 20 school days after receipt of the notification from the parents/guardian that they wish to invoke Stage 3. The Panel date will be dependent upon the availability of the Panel members.

The Independent Complaints Panel will consist of at least three people who were not directly involved in the complaint. It is likely that two of these members will be councillors from the Academy Council (Governing Body of the Academy). In the event of unavailability or suitability of an academy councillor, a member of the trust's central team may take part in the panel. The third member of the panel will be independent of the management and running of the school and shall not be an employee of the trust.

For the avoidance of doubt, a Local Academy Councillor of another Shaw Education Trust Academy within the group may be the independent Complaint Panel member, as long as they are not an employee of that academy or the Trust, and they are sufficiently removed from the management and running of the Academy to be considered truly independent.

The following are entitled to attend a hearing and/or, submit written representations and address the Panel:

- The parent(s)/guardian(s) (parents/guardians may request of the Chair of the Complaints Panel to be accompanied should they wish this to be the case);
- The Headteacher of the Academy (the Headteacher may also have in attendance a relevant academy colleague who may be able to provide detailed information, e.g. head of pastoral care etc.);
- Any other interested person whom the Complaints Panel considers having a reasonable and just interest in the appeal and whose contribution would assist the Panel in their decision-making.

Where required, the Complaints Panel may request any reports, documents, chronology or other useful information in advance of the hearing. Evidence will be sent to and collated by the Clerk who will distribute the information to the relevant parties in advance of the hearing.

After due consideration of the facts considered relevant, the Panel will reach a decision, and make recommendations, which it shall complete within 10 working days of the hearing. The decision reached by the Complaints Panel

is final. Any decision reached that may have financial implications for the Academy will need the appropriate approval from the Shaw Education Trust, although any such approval must be compatible with the decision of the Complaints Panel.

Where relevant a copy of the panel's findings and recommendations will be provided to the person(s) complained about.

The records related to the complaint, including letters, will be made available for inspection by the headteacher and Trustees, including those acting on behalf of the Shaw Education Trust Board of Trustees.

A written record will be kept of all formal complaints and any actions taken regardless of whether they are upheld or resolved following a formal procedure or proceeded to a panel hearing.

Complaint records are kept confidential except where the Secretary of State or a body conducting an inspection request access to them.

The Role of Shaw Education Trust

You do **not** have a right of appeal to Shaw Education Trust should you disagree with a decision of the Academy Council. You may, however, raise the matter with Shaw Education Trust if you consider the complaint wasn't investigated properly or fairly. So long as the Academy Council followed a proper procedure and considered the complaint in a reasonable manner, then the Shaw Education Trust will simply inform you of that fact. If you wish to raise the matter with Shaw Education Trust, please write to:

Chief Operating Officer,
Shaw Education Trust Head Office,
Kidsgrove Secondary School,
Gloucester Road,
Kidsgrove,
ST7 4DL

In your letter please explain:

- what your complaint to the Academy Council was;
- what response they have made to it;
- why you think that the Academy Council has not followed a proper procedure in considering your complaint, and/or
- why you think that their consideration of it was unreasonable.

You will receive a written response within 10 working days to inform you of any further enquiries made into your complaint.

If you consider that the School has not followed the procedure in its complaints policy, you can refer the matter to the Education and Skills Funding Agency ("ESFA"), which will investigate in certain circumstances. You can find further information about referring a complaint to the ESFA on their website: <https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy>. Please note that the ESFA is not able to overturn a decision about a complaint; its role is to ensure that the complaint has been handled properly."

Where the complaint is about a trust central services member of staff, we will follow the same 3 tier complaint structure replacing the following people

- Stage 1 – Complaint heard by member of staff line manager
- Stage 2 – Complaint heard by senior manager e.g. Chief Operating Officer
- Stage 3 – Complaint heard by Complaint Panel

Monitoring, Evaluation and review

The Shaw Education Trust Board will review this policy at least every three years and assess its implementation and effectiveness. The policy will be promoted and implemented throughout each Academy in the Trust.

The Academy Council monitor the complaints procedure, in order to ensure that all complaints are handled properly.

The Academy Council will take into account any local or national decisions that affect the complaints process and make any modifications necessary to this policy. This policy is made available to all parents, so that they can be properly informed about the complaints process.

Vexatious Complaints Procedure



Through our Complaints and Compliments Policy, individual academies and the Trust will look to deal with all concerns and complaints in an objective and timely manner. It is hoped that when done so, whatever the conclusion, that all parties feel that the matter has been dealt with satisfactorily. However, there may be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied.

If a complainant tries to re-open the same issue, they will be informed that the procedure has been completed and that the matter is now closed.

If a complainant continues to communicate with the academy, the academy may view the continued communication as 'serial' or 'persistent'. An academy may continue to receive complaints which may be considered as 'vexatious'. The Office of the Independent Adjudicator defines the characteristics of a 'frivolous' or 'vexatious' complaint as:

- complaints which are obsessive, persistent, harassing, prolific, repetitious;
- insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason;
- insistence upon pursuing meritorious complaints in an unreasonable manner;
- complaints which are designed to cause disruption or annoyance;
- demands for redress that lack any serious purpose or value.

Following careful consideration of all the issues by the Headteacher/Chair of Academy Council/Trust Representative, the following possible actions should only be used in exceptional circumstances after all reasonable measures have been taken to try to resolve complaints under the school's complaints procedures. Judgement and discretion must be used in applying the criteria to identify potential habitual or vexatious complainants and in deciding on the appropriate action to be taken in specific cases.

Complainants will be notified in writing of the reasons why the continual communications with the school have been classified as habitual or vexatious and what action will be taken. This notification may be copied for the information of others already involved in the complaint or matters closely related to it, e.g. staff or Members of Parliament. A record must be kept, for future reference, of the reasons why a complainant has been classified as habitual or vexatious.

Actions which may be taken following a decision that a complaint is vexatious

In the first instance the school will inform the complainant in writing that their behaviour is considered to be unreasonable/unacceptable and, if it is not modified, action may be taken in accordance with these procedures.

If the behaviour is not modified there will be a joint decision as to the actions to be taken will be made having regard to the nature of the complainant's behaviour and the effect of this on the school community. It may be decided to deal with complainants in one or more of the following ways:

(a) Notify the complainant in writing that the Academy Council has responded fully to the points raised and has tried to resolve the complaint but there is nothing more to add and continuing contact on the matter will serve no useful purpose. Complainants will be notified that any further communication by them will be acknowledged but not answered.

(b) Withdraw contact with the complainant either in person, by telephone, by email, by letter or any combination of these, provided that at least one form of contact is maintained.

(c) To restrict contact to liaison through a designated member of staff and/or conduct any meeting in the presence of two school/Trust staff;

(d) Temporarily suspend, for a period to be specified, all contact with the complainant, provided that the Academy Council shall not withdraw or not provide any services to which the complainant or his/her family are entitled;

(e) Ban the complainant from attending the school without prior written consent.

(f) Where the behaviour of the complainant is considered to contravene any legal boundaries, including face-to-face behaviour and/or use of social media/other means, the school may seek legal advice and possibly pursue the matter through the legal system.

Please note that we expect all parents/carers to treat staff with courtesy and respect. Rude offensive behaviour and language will not be tolerated within our academies.

Scope of this complaints procedure

This procedure covers all complaints about any provision of community facilities or services by Academies within The Shaw Education Trust, other than complaints that are dealt with under other statutory procedures, including those listed below.

| Exceptions | Who to contact |
|--|---|
| Admissions to schools | Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority. |
| Statutory Assessment of Children’s Special Educational Needs | Concerns about statutory assessments of special educational needs should be raised directly with local authorities. |
| Matters likely to require a Child Protection Investigation | Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the relevant LA service in Children’s Services. |
| Exclusion of children from school* | Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions . <i>*complaints about the application of the behaviour policy can be made through this complaints procedure.</i> |
| Whistleblowing | We have an internal whistleblowing procedure for all our employees, including temporary staff. The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus . Volunteer staff who have concerns about our school should complain through the school’s |

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| | <p>complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p> |
| Staff grievances | <p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p> |
| Staff conduct | <p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate. However, a parent may raise a complaint about a staff member directly or indirectly.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p> |
| Complaints about services provided by other suppliers who may use school premises or facilities | <p>You should direct complainants to follow the external provider's own complaints procedure for those hiring the academy facilities.</p> |

Appendix 1: Formal Complaint Form for Stage 2 / 3

(Please Include this form with your letter)

| | |
|---|--|
| Academy: | |
| Your name: | |
| Your child's name: | |
| Your child's class: | |
| Your address including postcode: | |
| Phone no(s): | |
| Email address: | |
| Brief details of complaint (please state if this is at Stage 2 or 3) (this can be more detailed within your letter) | |

Contained in your letter please:

- state which stage this complaint is at, i.e. stage 2 or 3.
- provide full details of your complaint, including relevant dates and persons concerned where possible in the box below.
- state what action, if any, you have already taken to try and resolve your complaint?(who did you speak to and what was their response?).
- state how do you feel the problem could be resolved at this stage?

Are you attaching any paperwork? If so, please provide details within your letter of what the extra documents are.

| | |
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| Signed: | |
| Date: | |

Thank you for completing the form and providing us with details of your complaint. Please send in your completed form to the Headteacher, care of the school reception or via email. All paperwork will be held on file securely by the school.



Shaw Education Trust

Shaw Education Trust Head Office,
Kidsgrove Secondary School,
Gloucester Road,
Kidsgrove,
ST7 4DL

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| Twitter | @ShawEduTrust |
| LinkedIn | @ShawEducationTrust |
| Call | 01782 948259 |
| Email | info@shaw-education.org.uk |
| Visit | www.shaw-education.org.uk |

**Pupil &
people
centred**

**Act with
integrity**

**Be
innovative**

**Be best
in class**

**Be
accountable**