



Complaints Policy	
Policy Ref:	Gen 011
Status	Statutory
Purpose	
Committees	Trust Board
Other linked policies	Grievance Policy , Harassment Policy , Disciplinary Policy , Whistle Blowing Policy
Issue date	July 2021
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If you become concerned in any way about your child's education, it is important that you tell us about this. As a first step you should discuss your concerns with your child's teacher. If you are still concerned you should arrange to meet a representative of the school, which might be the Principal / Headteacher. As a staff we will do all we can to resolve your concerns and to ensure you are happy with your child's education.

If, after discussions at the Academy, parents are still unhappy, they will need to put their complaint in writing to the Chair of the Local Governing Board.

Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), the school will use this complaints procedure.

The Academy will not investigate anonymous complaints under the procedure in this Complaints Policy. Anonymous complaints will be referred to the Principal / Headteacher who will decide what, if any, action should be taken.

The Complaints Form is included in this Policy and copies of the form can be obtained from the Academy office.

Introduction

1. At our Academies we encourage all parents and pupils to approach any member of staff in the first instance if they have a concern or complaint.
2. In the event that these initial approaches fail to resolve a complaint this policy lays out the procedures that should be followed to allay any concerns about a particular issue.
3. If you do not understand any part of this policy, please do not hesitate to contact the school (Principal / Headteacher / Deputy Headteacher / Principal or the Chair of the Local Governing Board - please contact the academy office in confidence to obtain contact details). Your complaint will then be investigated fully, ensuring all relevant facts are taken into consideration.
4. In order to enable a proper investigation, complaints should be brought to the attention of the Academy as soon as possible.



Scope

5. A complaint is an expression of dissatisfaction that requires a response from the academy. This procedure deals with such complaints if made by a pupil, a parent or other external stakeholder, except that there are separate appeals procedures for a parent dissatisfied with a decision regarding either the admission or the exclusion of their child and for appeals against the grade awarded to their child in an external examination.
6. There are also separate Policies to deal with staff complaints. These include the Grievance Policy for a complaint by an employee of unfair treatment, the Harassment Policy for an employee complaining of bullying or intimidation, the Disciplinary Policy for an employee complaining about the conduct of another member of staff and the Whistle Blowing Policy for an unresolved allegation of institutional malpractice.
7. Complaints should not be raised with individual governors as they have no power to act on an individual basis.
8. Complaints about the Chair of Governors, any individual governor or the whole Local Governing Board should be addressed to the clerk to the Local Governing Board, via the school office, marked 'private and confidential'.
9. If a school receives what we consider to be a large volume of complaints, all based on the same subject and possibly from complainants not connected to the school, then we will treat these complaints as being part of a campaign and respond in one of the following two ways, depending on the nature and scale of the complaint:
 - Send the same response to all complainants; or
 - Publish a single response on the school's website.
10. Complainants must raise the complaint within three months of the incident, or where a series of associated incidents occur, within three months of the last of these incidents. The Chief Executive Officer will determine if exceptional circumstances apply where a complaint is made outside of this time frame.
11. Trust schools will consider complaints made outside of term time to have been received on the first school day after the holiday period.
12. If other bodies are investigating aspects of the complaint, for example, the police, local authority (LA) safeguarding teams or tribunals, this may impact on school's ability to adhere to the timescales in this procedure or result in the procedure being suspended until those public bodies have completed their investigations.
13. If a complainant commences legal action against a Trust school in relation to their complaint, the Trust will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.
14. At each stage in the procedure, school's want to resolve the complaint. If appropriate, school's may acknowledge that the complaint is upheld in whole or part.



15. If a complainant wants to withdraw their complaint, school's will ask them to confirm this in writing.

Third parties

16. If a complaint is in connection with a third party using the school site, the complaint should be made through the third parties complaints procedure.

Complaints Procedure

17. Any complaint should follow this step-by-step process:

Stage 1 – Raise your Concern

Contact your child's teacher, either at the beginning or end of the Academy day, or by phone or via the Academy email address.

If you feel the concern is more serious, you can contact the Headteacher / Principal or Deputy Headteacher / Principal via the academy office, by phone or via the Academy email address.

Most concerns are best resolved through conversations with the relevant member of staff.

(Complaints may move from Stage 1 directly to Stage 3 (or any other stage) as determined by the Chief Executive Officer or the Chief Executive Officer may determine that someone other than the Principal / Headteacher deal with the complaint at Stage 2.)

Stage 2 - Contact the Principal / Headteacher

If your concern has not been resolved at Stage 1, and you wish to take it further, the next step is to write to the Principal / Headteacher, making it clear that you want the letter to be treated as a complaint. The Principal / Headteacher will either reply in writing within 10 working days of receiving your letter, or let you know that more time is needed to investigate the issue properly.

The Principal / Headteacher will automatically let the Local Governing Board know that a complaint has been made, and what action has been taken as a result. Your name will not be given to the Local Governing Board at this stage.

If the concern is about the Principal / Headteacher, but it has not been resolved at Stage 1, you can write to the Chair of the Local Governing Board instead (see Stage 3).

Stage 3 – Contact the Chair of the Local Governing Board

If you are not satisfied with the action taken from Stages 1 or 2, you can contact the Chair of the Local Governing Board.

To resolve your concern, the Chair will normally ask you to attend a meeting with the Chair and the Principal / Headteacher in attendance. The Chair will be an impartial chair of the meeting, and will not favour one side over the other, but will listen to what both of you have to say. If you are not willing to attend this meeting, your complaint will not be taken any further. No one else can attend this meeting with you or the Principal / Headteacher, and no one else can take your place or the Principal / Headteacher's place.

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After the meeting, the Chair of the Local Governing Board will write to you within ten working days with a response to the matter, or let you know that more time is needed to investigate the issue properly. The Principal / Headteacher will be given a copy of this letter.

If the Chair of the Local Governing Board cannot find a way of resolving your complaint to your satisfaction, and the Principal / Headteacher's satisfaction, he/she will have to make a judgement between your case and the Principal / Headteacher's case.

Stage 4 – Contact the Chief Executive Officer

If you are not satisfied with the action taken from Stages 1, 2 or 3, you can contact the Chief Executive Officer via the info@victoriousacademies.org e-mail address.

To resolve your concern, the Chief Executive Officer will consider all actions taken in steps 1, 2 and 3. The Chief Executive Officer will normally ask you to attend a meeting with all parties in attendance. The Chief Executive Officer will be an impartial chair of the meeting, and will not favour one side over the other, but will listen to what all parties have to say. If you are not willing to attend this meeting, your complaint will not be taken any further. No one else can attend this meeting with you and no one else can take your place or the Principal / Headteacher's place.

After the meeting, the Chief Executive Officer will write to you within ten working days with a response to the matter, or let you know that more time is needed to investigate the issue properly. All parties involved will be given a copy of this letter.

If the Chief Executive Officer cannot find a way of resolving your complaint to all parties' satisfaction, he/she will have to make a judgement on the case.

Stage 5 – Request a Trustee Complaints Panel

If you are not satisfied with the action taken at Stage 4, you might be able to request a Trustee Complaints Panel. However, this can only happen if the Trustees on the Complaints Panel might be able to do something more than has already been done.

This Complaints Panel is the last Academy based stage of the complaints process. Individual complaints would not be heard by the whole Trust Board at any stage as this would compromise the impartiality of any panel set up for any later discussions.

18. It is important that the appeal hearing is independent and impartial and that it is seen to be so. 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, Trustees need to try and ensure that it is a cross-section of the categories of Trustee and sensitive to the issues of race, gender and religious affiliation.
19. The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the academy and the complainant. The panel chair will ensure that the proceedings are as welcoming as possible. 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 give them equal consideration



to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.

20. The chair of the panel needs to ensure that the complainant is notified in writing of the panel's decision, with the panel's response; this is usually within a set deadline agreed at the hearing. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.
21. If you wish to request a panel hearing, you should write to the Clerk to the Trust Board. If it is unclear whether the Trustees are able to do something more than has already been done, you will be asked to explain how you think a Trustee Complaints Panel could resolve your complaint.
22. If a complaints panel is the right course of action, a panel will be asked to meet, normally within fifteen working days of you contacting the Clerk, depending on everyone's availability. The panel will consist of two Trustees who have no previous knowledge or experience of the complaint and one person who is independent of the management and running of the school. When you meet, both you and the Principal / Headteacher can bring along a supporting person such as a friend or professional representative. However, the supporting person cannot speak on your behalf, unless invited to do so by the Panel Chair. No witnesses can be called to attend this meeting.
23. The meeting will allow you to present your case, and the Principal / Headteacher can ask you questions. After that the Principal / Headteacher will be asked to make their case, and you can ask him / her questions. The Chair of the Local Governing Board might also attend if his/her account of Stage 3 is likely to be valuable to the meeting. He/she can also ask questions, and you can ask him/her questions too.
24. After the meeting, the Trustees will come to a decision. They will write to you, normally within ten working days of the meeting, to let you know what that decision is. This is usually the last stage of a complaint that has not already been resolved in the earlier stages.

What other support is there?

25. The Trust can check that a complaint has been dealt with properly, if appropriate. Their officers can also help an Academy investigate and resolve complaints when needed.

Academy Admissions and Exclusions and Special Needs

26. These are special issues, so there is a different process for these matters. Please ask the academy for more information if your concern relates to academy admissions and exclusions.

Complaints against Academy Staff

27. If your concern is about a particular member of staff, the issue might be better considered under the Academy's procedures for employees. If so, you will be advised by the Principal / Headteacher (or Chair of the Local Governing Board if the complaint is about the Principal / Headteacher).

Who to complain to

28. If the issue is not about an Academy matter, but something which the Trust is responsible for, you can complain directly to them. To find out more, ask the Academy for further information.

Time Limits

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29. Complaints need to be considered, and resolved, as quickly and efficiently as possible and within realistic time limits that may be set by the appointed governor or Principal / Headteacher and agreed by the complainant.

Recording of Complaints

30. The Panel will make its findings and recommendations ensuring that a copy of these is
 - a. Provided to the complainant and, where relevant, the complained about; and
 - b. Available for inspection on the school premises by the proprietor and the Principal.
31. Written records will be kept of all complaints, indicating whether they were resolved at the preliminary stage or whether they proceeded to a panel hearing.
32. All correspondence, statements and record of complaints are to be kept confidential

Policy for managing serial and unreasonable complaints

33. Trust schools are committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. Schools will not normally limit the contact complainants have with our school.
34. 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.
35. The 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 school, such as, if the complainant does the following:
 - Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
 - Refuses to cooperate with the complaints investigation process;
 - Refuses to accept that certain issues are not within the scope of the complaints procedure;
 - Insists on the complaint being dealt with in ways that are incompatible with the complaints procedure or with good practice;
 - Introduces trivial or irrelevant information that 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 school's complaint procedure has been fully and properly implemented and completed including referral to the DfE;
 - Seeks an unrealistic outcome;
 - Makes excessive demands on 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;

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- Knowingly provides falsified information; or
- Publishes unacceptable information on social media or other public forums.

36. Complainants should try to limit their communication with the 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) because it could delay the outcome being reached.

37. Whenever possible, the Headteacher / Principal / Deputy Headteacher / Principal or Chair of the Local Governing Board will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

38. If the behaviour continues, the Headteacher / Principal / Deputy Headteacher / Principal will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact a 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.

39. 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 a school site.

40. If you have any queries, please see the Trust Vexatious Complaints Policy.

Persistent correspondence

41. If complainants frequently contact a Trust school, causing a significant level of disruption, but refuse to engage with the complaints procedure, school's may do the following:

- Restrict the complainant to a single point of contact via an email address; and / or
- Limit the number of times the complainant can make contact.

42. This restriction will be limited to the complainant's capacity to complain. For all other issues, the complainant may contact the school as normal.

Review of Complaints

43. The Trust Board will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. The Principal / Headteacher will report any official complaints in the termly Principal / Headteacher's Report to Governors and this information will be shared with Trustees.

44. As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to the Trust and Academy improvement. When individual complaints are heard the Trustees or Local Governing Board may identify underlying issues that need to be addressed. The monitoring and review of complaints by the Academy and the Local Governing Board will be a useful tool in evaluating the Trust and the Academy's performance.

45. Monitoring and review of complaints will also take place at Trust Board level where Members and Trustees will review the numbers and types of complaints received in connection with specific academies.



Publicising the Procedure

46. There is a legal requirement for this Complaints Procedures to be publicised. Our Academies will include this information on the academy website. A copy can be requested from the Academy office.

Monitoring and review

47. The **Trust Board** will review this policy **annually**, ensuring that all procedures are up-to-date.



Appendix A: Meeting Request and Complaints Forms

Please complete and return to the Principal / Headteacher / Deputy Headteacher / Chair of the Local Governing Board who will acknowledge receipt and explain what action will be taken.

Guidance in completing the form:

You should include details which might assist the investigation, such as 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 Academy to take to resolve your concern. Without this, it is much more difficult to proceed.

Please pass the completed form, in a sealed envelope to the Academy office. The envelope should be addressed to the Principal / Headteacher / Deputy Headteacher, or to the Clerk to the Local Governing Board, as appropriate.

Complainants should wherever possible:

- Explain the complaint in full as early as possible;
- Cooperate with the school in seeking a solution to the complaint;
- Respond promptly to requests for information or meetings or in agreeing on the details of the complaint;
- Ask for assistance as needed;
- Treat all those involved in the complaint with respect; and
- Refrain from publicising the details of their complaint on social media and respect confidentiality.

The Principal / Headteacher (or Chair) may invite you to a meeting to clarify your concerns and to explore the possibility of an informal 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 a meeting with the Principal / Headteacher (or Chair).

If not, 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 days of the Academy receiving your formal complaint, of how the Academy intends to proceed. This notification should include an indication of the anticipated timescale.

Investigators will, wherever possible:

- Conduct interviews with an open mind and be prepared to persist in the questioning;
- Keep notes of interviews or arrange for an independent note-taker to record minutes of the meeting;
- Ensure that any papers produced during the investigation are kept securely pending any appeal;
- Be mindful of the timescales to respond; and
- Prepare a comprehensive report for the Headteacher / Principal or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.



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

If you are not satisfied with the manner in which the process has been followed, you may request that the Local Governing Board reviews the process followed by the Academy, in handling the complaint. Any such request must be made in writing to the Clerk to the Local Governing Board, within 10 school days of receiving notice of the outcome, and include a statement specifying any perceived failures to follow the procedure.

Where appropriate the Clerk to the governing body will:

- Ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR);
- Set the date, time and venue of meetings, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible;
- Collate any written material relevant to the complaint (for example, stage one paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale;
- Record any proceedings;
- Circulate the minutes of any meetings; and
- Notify all parties of the committee's decision.

Where appropriate the Committee chair will:

- That both parties are asked (via the clerk) to provide any additional information relating to the complaint by a specified date in advance of a meeting;
- Meetings are conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy;
- That complainants, who may not be used to speaking at such a meeting, are put at ease;
- The remit of the committee is explained to the complainant;
- That the written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR – if a new issue arises, it would be useful to allow everyone to consider and comment on it; this may require a short adjournment of the meeting;
- That both the complainant and the school are allowed to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself;
- That the issues are addressed;
- That key findings of fact are made;
- That the committee is open-minded and acts independently;
- That no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- That meetings are minuted; and
- That they liaise with the clerk.

Where appropriate Committee members will be made aware of the following:

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



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Trust Meeting Request Form

Please complete the form and return it to the Academy office

I wish to meet with the following teacher:	
Insert name:	
I wish to discuss the following matter:	
Brief details of topic to be discussed:	
Dates / times when it would be most convenient for a meeting:	
Insert dates / times:	
Your name:	
Your relationship to the Academy:	
Pupils name if relevant:	
Your address:	
Postcode:	
Day time telephone number:	
Evening telephone number:	
E-mail address:	
Signature:	
Date:	

Academy Use only:	
Date form received:	Date response sent:
Received by:	Response sent by:

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Trust Complaints Form

Please complete the form and return it to the Academy office – the Academy leader will acknowledge receipt of the form and inform you of the next stage in the procedure

Your name:	
Relationship with the Academy (ie a parent of a pupil on the Academy roll):	
Pupil's name (if relevant to your complaint):	
Your address:	
Day time telephone number:	
Evening telephone number:	
E-mail address:	
Please give details of your complaint, including dates, names of witnesses, etc) to allow the matter to be fully investigated:	

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	(please attach additional sheets if necessary)
What action, if any, have you already taken to try and resolve your complaint (ie who have you spoken with or written to and what was the outcome). (please attach additional sheets if necessary)	(please attach additional sheets if necessary)
What actions do you feel might resolve the problem at this stage?	(please attach additional sheets if necessary)
Are you attaching any paperwork? If so, please give details.	
Signature:	
Date:	

Academy Use only:	
Date form received:	Date acknowledgement sent:
Received by:	Acknowledgement sent by:
Complaint referred to:	Date:
Complaint referred to:	Date:
Complaint referred to:	Date:



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Trust Complaint Review Request Form

Please complete the form and return it to the Academy office – the Academy leader will acknowledge receipt of the form and inform you of the next stage in the procedure

Your name:	
Relationship with the Academy (ie a parent of a pupil on the Academy roll):	
Pupil's name (if relevant to your complaint):	
Your address:	
Day time telephone number:	
Evening telephone number:	
E-mail address:	

Dear Sirs,

I submitted a formal complaint to the Academy on (insert date) and I am dissatisfied by the procedure that has been followed.

My complaint was submitted to (insert name) and I received a response from (insert name) on (insert date).

I have attached copies of my formal complaint and of the response(s) from the Academy.

I am dissatisfied with the way in which the procedure was carried out, because:

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

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

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

Signature:

Date:

Academy Use only:

Date form received:

Date acknowledgement sent:

Received by:

Acknowledgement sent by:

Request referred to:

Date:

Request referred to:

Date:

Request referred to:

Date: