



# Complaints Policy

<b>Policy Code:</b>	HR6
<b>Policy Start Date:</b>	January 2022
<b>Policy Review Date:</b>	January 2025

### **Statement of intent**

The Community Inclusive Trust aims to resolve all complaints at the earliest possible stage, and where possible, informally, and is dedicated to continuing to provide the highest quality of education possible throughout the procedure.

This policy has been created to deal with any complaint against a member of staff, an Academy or the Trust as a whole, relating to any aspects of the Trust or the provision of facilities or services.

The Trust will ensure the complaints procedure is:

- Easily accessible and publicised on the Trust and each school's website.
- Simple to understand and put into practice.
- Impartial and fair to all parties involved.
- Respectful of confidentiality duties.
- Continuously under improvement, using information gathered during the procedure to inform the Trust's leadership team.
- Fairly investigated, by an independent person when necessary.
- Used to address all issues to provide appropriate and effective responses where necessary.

## **1. Legal Framework**

1.1. This policy has due regard to all relevant legislation including, but not limited to, the following:

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

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

- DfE 'Best practice guidance for school complaints procedures 2020'
- ESFA 'Best practice guidance for academies complaints procedures'
- HM Government (2016) 'Code of Practice on the English language requirement for public sector workers'

1.3. This policy operates in conjunction with the following school policies:

- Child Protection and Safeguarding Policy
- Grievance Policy
- Exclusion Policy
- Whistleblowing Policy

## **2. Who can make a complaint?**

2.1. This complaints procedure is not limited to parents or carers of children that are registered at a CIT Academy. Any person, including members of the public, may make a complaint to the Trust about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions – see section 9), we will use this complaints procedure.

2.2. The Trust will consider all complaints, providing they are not anonymous.

## **3. Definitions**

3.1. For the purpose of this policy, a “complaint” can be defined as ‘an expression of dissatisfaction’ towards the actions taken or a perceived lack of action taken.

3.2. A “concern” can be defined as ‘an expression of worry or doubt’ where reassurance is required. For the purpose of this policy, concerns will be classed and addressed as complaints.

3.3. It is in everyone’s interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the procedure. CIT takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

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- 3.4. A “grievance” is an issue raised by a member of staff where they feel a policy or process has not been implemented fairly or properly. Grievances will be dealt with in line with the Trust’s Grievance Policy.
- 3.5. For the purpose of this policy, “unreasonable complaints” include:
- Vexatious complaints, which:
    - ◆ Are obsessive, persistent, harassing, prolific, repetitious.
    - ◆ Insist upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason.
    - ◆ Insist upon pursuing meritorious complaints in an unreasonable manner.
    - ◆ Are designed to cause disruption or annoyance.
    - ◆ Demand for redress which lacks any serious purpose or value.
  - Serial or persistent complaints, which:
    - ◆ Are duplicated or sent by the same complainant once the initial complaint has been closed.
    - ◆ Are new complaints that are submitted additionally, as part of an existing open complaint, by the same complainant.
- 3.6. Serial or persistent complaints will only be marked as ‘serial’ once the complainant has completed the complaints procedure. It is the complaint that will be marked as ‘serial’, meaning the complainant can complain about a separate issue if necessary.
- 3.7. For the purpose of this policy, “duplicate complaints” are identical complaints received from a complainant’s spouse, partner, grandparent, child or close friend. These complaints will not be addressed again, the individual making the second complaint will be informed that the complaint has been dealt with on a local level and if they are dissatisfied with the result, they can appeal to the DfE.
- 3.8. Any new details provided by a complainant’s spouse, partner, grandparent, child or close friend will be investigated and dealt with in line with the complaints procedure.

## **4. Roles and responsibilities**

- 4.1. The Trust Board has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. The Board delegates day-to-day responsibility for operating the policy and ensuring its maintenance and review to the Director of HR.
- 4.2. The complainant will receive a more effective response to the complaint if they:
- explain the complaint in full as early as possible
  - co-operate with the Trust in seeking a solution to the complaint
  - respond promptly to requests for information or meetings or in agreeing the details of the complaint
  - ask for assistance as needed
  - treat all those involved in the complaint with respect

- refrain from publicising the details of their complaint on social media and respect confidentiality.

4.3. The Investigating Officers will:

- Establish the facts relevant to the complaint by providing a comprehensive, open, transparent and fair consideration of the complaint through:
  - ◆ sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
  - ◆ interviewing staff and children/young people and other people relevant to the complaint
  - ◆ consideration of records and other relevant information
  - ◆ analysing information
- Liaise with the complainant to clarify what the complainant feels would put things right.
- 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
- Prepare a comprehensive report that sets out the facts, identifies solutions and recommends courses of action to resolve problems.
- Ensure that the complainant is fully updated at each stage of the procedure
- Liaise with staff members, headteacher, Chair of Local School/Trust Board and Clerks as appropriate to ensure the smooth running of the complaints procedure
- Be aware of issues regarding:
  - ◆ sharing third party information
  - ◆ additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
  - ◆ keep records.

4.4. The Clerk 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 the panel meeting, 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 panel meeting and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting

4.5. The Panel Chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the committee is explained to the complainant
- 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 give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting
- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the panel is open-minded and acts independently
- no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk

4.6. Panel Members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so
- Nobody may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the Trust 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 when the complainant is a child/young person and present during all or part of the meeting
- Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.
- The committee should respect the views of the child/young person and give them equal consideration to those of adults.
- If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee

should give the parent the opportunity 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.
- the welfare of the child/young person is paramount.
- The panel can:
  - ◆ Dismiss or uphold the complaint, in whole or in part.
  - ◆ Decide on appropriate action to be taken.
  - ◆ Recommend changes that the school/Trust can make to prevent reoccurrence of the problem.

## **5. Making a complaint**

- 5.1. Complaints should be made using the appropriate channels of communication, including the use of the Complaints Procedure Form. All complaints shall be considered, whether they are made in person, by telephone, in writing, electronically via email, or via a third party (such as the Citizen's Advice Bureau), providing they are not anonymous.
- 5.2. A complaint can progress to the next stage of the procedure even if it is not viewed as "justified". All complainants are given the opportunity to fully complete the complaints procedure.
- 5.3. The first point of contact when following the complaints procedure is as follows:
  - Complaints about a school or a member of school staff (except the head teacher) – The relevant headteacher
  - Complaints about the Trust in general, including the central support hub and its staff – The Director of HR
  - Complaints about any member of a Local School Board or Trust Board – The Director of HR
  - Complaints about LEARN teaching centre – The Director of Learn
  - Complaints about a headteacher, Director of Learn or a member of the Executive Leadership Team, including the CEO – The Director of HR
  - Complaints about the Director of HR – The CEO
- 5.4. See contacts in section 25 for the relevant email addresses. All complaints should have COMPLAINT in the subject header.
- 5.5. In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.
- 5.6. Under some circumstances, it may be necessary to deviate from the complaints procedure. Any deviation will be documented, along with the reasons for this.
- 5.7. Information about a complaint will not be disclosed to a third party without written consent from the complainant.

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- 5.8. The Trust also hopes that a staged framework might prevent an early and unnecessary escalation of the problem.
- 5.9. In addition, the Trust will ensure that lessons learned from the investigation of complaints will prove useful to improve our Trust's policies and practice.
- 5.10. In considering a complaint, if it appears that staff conduct should be investigated, then it may be appropriate for disciplinary or capability procedures to be used. The Director of HR will decide whether an alternative process would be more appropriate.
- 5.11. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.
- 5.12. If the decision is made that a complaint about staff conduct should be dealt with according to the Disciplinary Procedure, the Investigating Officer will ensure that any outstanding general Trust management issues which may arise from that complaint are dealt with under the Complaints Procedure
- 5.13. If following the Complaints Procedure is appropriate, but there is a possibility that the matters could at some future point lead to disciplinary proceedings, the member of staff who is the subject of the complaint will be advised of that possibility.
- 5.14. The Trust should allow that staff member to bring a Trade Union representative or colleague to any meeting about the complaint.
- 5.15. Nothing in this policy precludes a Complaints Panel deciding to refer the complaint back to the Disciplinary Procedure.
- 5.16. All complaints will be treated as confidential. Only those members of staff concerned with investigating the complaint will have access to the file. No confidential information regarding the investigation will be made available publicly. However, it should be noted that if any action taken by a member of staff is the subject of a complaint, then that person should be advised of the complaint made against them.

### **6. Anonymous Complaints**

- 6.1. The Trust will not normally investigate anonymous complaints. However, the head teacher or Director of HR, if appropriate, will determine whether the complaint warrants an investigation.

### **7. Time scales**

- 7.1. Complaints are expected to be made as soon as possible after an incident arises to enable the Trust to address the issue in an appropriate timescale. The Trust upholds a three-month time limit in which a complaint can be lodged regarding an incident.

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- 7.2. Where a series of associated incidents have occurred, the complaint must be made within three months of the last of these incidents.
- 7.3. Complaints made outside this time limit will not be automatically refused and exceptions will be considered. In the case of any timescales changing, all parties involved will be informed of the changes in a timely manner.

### **8. Complaints received outside of term time**

- 8.1. The Trust will consider all complaints made outside of term time to have been received on the first school day after the holiday period.

### **9. Scope**

- 9.1. This procedure covers all complaints about any provision of community facilities or services by the Trust other than complaints that are dealt with under other statutory procedures, including those listed below.

<b>Exceptions</b>	<b>Who to contact</b>
Admissions to schools Statutory assessments of Special Educational Needs School re-organisation proposals	Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals are handled through a separate appeals process.
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.  LADO - 01522 554674, LSCP_LADO@lincolnshire.gov.uk
Exclusion of children from school*	Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a> .  <i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i>
Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.  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

	<p>direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints or whistleblowing procedures. 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	Complaints from staff will be dealt with under the Trust's internal grievance procedures.
Staff conduct	<p>Complaints about staff will be dealt with under the Trust's internal disciplinary procedures, if appropriate.</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 providers who may use school premises or facilities	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
National Curriculum - content	Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>

9.2. If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations. If this happens, we will inform you of a proposed new timescale.

9.3. If a complainant commences legal action against the Trust in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

## 10. Resolving Complaints

10.1. At each stage in the procedure, the Trust wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint

- an apology.

## **11. Withdrawal of a complaint**

- 11.1. If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

## **12. Stage 1 – Informal complaints**

- 12.1. It is to be hoped that most concerns can be expressed and resolved on an informal basis.
- 12.2. Concerns should be raised with the relevant individual as set out in section 5.3.
- 12.3. The Trust will decide an appropriate individual to manage each case at the informal stage, on a case by case basis. All cases will be managed by senior members of staff.
- 12.4. A member of the ELT should be informed of all complaints.
- 12.5. The complaint will be acknowledged either in writing or orally within 2 working days. This acknowledgement will confirm the name and contact details of the individual managing the case.
- 12.6. In some cases, it may be necessary for a meeting with the complainant to be arranged.
- 12.7. The complaint will be investigated accordingly which may involve gathering physical evidence or speaking to other staff.
- 12.8. Brief notes of any meetings or conversations should be kept securely on file.
- 12.9. At the conclusion of their investigation the person investigating the complaint will provide an informal written response within 10 working days of receipt of the complaint.
- 12.10. If it is not possible to meet these deadlines, then the complainant will be informed when they will receive a response.
- 12.11. If the issue remains unresolved, the next step is to make a formal complaint.

## **13. Stage 2 – Formal complaints**

- 13.1. If a complainant is not satisfied with the resolution provided at the informal stage they should provide a formal written complaint to the Director of HR – [HR@citacademies.co.uk](mailto:HR@citacademies.co.uk) with **FORMAL COMPLAINT** in the subject bar.
- 13.2. If the complaint is about the Director of HR the written complaint should be addressed to the CEO.
- 13.3. The complaint should be received within 10 working days of the outcome of stage 1 being received.

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- 13.4. Requests received outside of this time frame will only be considered if exceptional circumstances apply.
- 13.5. The written complaint should set out:
- The nature of the complaint and any issues which remain unresolved following the stage one process;
  - What actions the complainant would require to resolve their complaint.
- 13.6. The Trust will appoint an appropriate Investigating Officer to manage the complaint. The Investigating Officer will have had no previous involvement in the case and will be more senior than the individual who managed the case at stage one.
- 13.7. In some cases, the Investigating Officer may be a member of staff from another school and in exceptional circumstances and independent external investigator may be engaged.
- 13.8. If the complaint is about a Local School Board/Trustee member then the case may be investigated by a member of a Local School Board or the Trust Board.
- 13.9. In exceptional cases the Trust may appoint an independent Investigating Officer who is not a member of staff or board member.
- 13.10. The Director of HR will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 working days and confirm who has been appointed to investigate the complaint.
- 13.11. During the investigation, the Investigating Officer will:
- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
  - keep a written record of any meetings/interviews in relation to their investigation.
  - At the conclusion of their investigation provide a formal written response within 30 working days of the date of receipt of the complaint.
- 13.12. If the Investigating Officer is unable to meet this deadline, they will provide the complainant with an update and revised response date.
- 13.13. Where the Investigating Officer has made reasonable attempts to accommodate the complainant with dates for a meeting and they refuse or are unable to attend, they will be provided questions in writing with a deadline to complete.
- 13.14. Failure by a complainant to respond within 10 working days may lead to the complaint being concluded based on the evidence available.
- 13.15. Where there are communication difficulties, the complaint may be made in person or via telephone
- 13.16. The investigating officer will provide a written response to the complainant that 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 the Trust will take to resolve the complaint.

- 13.17. The written response must be authorised by a member of the Executive Leadership Team before it is sent to the complainant.
- 13.18. If Stage 2 highlights any recommendations of changes in working practice the complainant must allow 60 working days for these recommendations to be embedded fully.
- 13.19. The Investigating Officer will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

#### **14. Stage 3 – Panel Meeting**

- 14.1. If the complainant is dissatisfied with the outcome of the previous stage they can escalate the case to stage 3.
- 14.2. A request to escalate to Stage 3 must be made to the Director of HR, [HR@citacademies.co.uk](mailto:HR@citacademies.co.uk) with FORMAL COMPLAINT in the subject bar.
- 14.3. If the complaint is about the Director of HR the written complaint should be addressed to the CEO.
- 14.4. The Director of HR will ensure that stage 1 and 2 of this complaints process have been completed. If not, the case will be reverted to the relevant stage.
- 14.5. The request should set out:
  - The nature of the complaint and any issues which remain unresolved following the stage one process;
  - What actions the complainant would require to resolve their complaint.
- 14.6. The complaint should be received within 10 working days of the outcome of stage 2 being received.
- 14.7. If the complaint is regarding the failure of the Trust to implement agreed actions within the 60 working days then a complaint can be made within 10 working days of this date.
- 14.8. Requests received outside of this time frame will only be considered if exceptional circumstances apply.
- 14.9. The Director of HR will liaise with the appropriate Clerk (Local School Board or Trust Board) who will write to the complainant to acknowledge receipt of the complaint within 5 working days of receiving the stage 3 request.
- 14.10. The Clerk will aim to convene a meeting within 20 working days of receipt of the Stage 3 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.
- 14.11. If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.
- 14.12. If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire Local School/Trust Board or
- the majority of the Local School/Trust Board

the Stage 3 will be heard by a completely independent committee panel.

- 14.13. The Complaint Panel will consist of three members. None of the three members of the Complaint Panel will have been involved in the incidents or events which led to the complaint, or have been involved in dealing with the complaint in the previous stages, or have any detailed prior knowledge of the complaint.
- 14.14. One of the Complaint Panel members will be independent of the management and running of the Trust. This means that the independent Complaint Panel member will not be a Trustee/LSB member or an employee of the Trust.
- 14.15. A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.
- 14.16. If a trust employee is called as a witness in a complaint meeting, they may wish to be supported by union representation.
- 14.17. Representatives from the media are not permitted to attend.
- 14.18. At least 10 working days before the meeting, the Clerk will:
- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
  - request copies of any further written material to be submitted to the panel at least 7 working days before the meeting.
- 14.19. Any written material will be circulated to all parties at least 5 working days before the date of the meeting. The panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.
- 14.20. The panel will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.
- 14.21. The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.
- 14.22. At the meeting, all participants will be given the opportunity to put their case across and discuss any issues.
- 14.23. The panel will consider issues raised in the original complaint and any issues which have been highlighted during the complaints procedure.

14.24. The procedure recommended for the meeting is as follows:

- The Chair of the Panel will welcome the complainant, introduce the panel members and explain the procedure.
- The Chair of the Panel will invite the complainant, or person accompanying the complainant, to explain the complaint.
- The Panel may question the complainant about the complaint and the reasons why it has been made.
- The Investigating Officer will be invited by the Chair of the Panel to question the complainant about the complaint and why it has been made.
- The Chair of the Panel will invite the Investigating Officer to make a statement in response to the complaint. At the discretion of the Chair of the Panel, the Investigating Officer may invite members of staff directly involved in the complaint to supplement their response.
- The Panel may question the Investigating Officer and/or members of staff about the response to the complaint.
- The Chair of the Panel will invite the complainant to question the Investigating Officer and/or members of staff about the response to the complaint.
- Any party has the right to call witnesses, subject to the approval of the Panel.
- The Panel, the Investigating Officer and the complainant have the right to question any such witnesses.
- The Investigating Officer will be invited by the Chair of the Panel to make a final statement.
- The complainant will be invited by the Chair of the Panel to make a final statement.
- The Chair of the Panel will explain to the complainant and the Investigating Officer that the decision of the Panel will now be considered and a written decision will be sent to both parties within 10 working days.
- The Chair of the Panel will then ask all parties to leave, except for members of the Panel and their Clerk.

14.25. The Chair of the Panel will provide the complainant and the Trust with a full explanation of their decision and the reason(s) for it, in writing, within 10 working days.

14.26. The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by the Trust.

14.27. 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 the Trust will take to resolve the complaint.

14.28. The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the Trust premises by the proprietor and the head teacher.

- 14.29. A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel meeting, along with what actions have been taken, regardless of the decision.
- 14.30. All 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 Act requests access to them.

## **15. Outcomes**

- 15.1. At any of the three stages, any of the below outcomes or findings may be reached as a result of the complaint:
- The complaint requires no further action;
  - There is insufficient evidence to either uphold or dismiss the complainant's complaint;
  - An acknowledgement that the Trust could have handled the situation differently or better;
  - An apology;
  - An explanation of steps which have been taken to ensure the circumstances which led to the complaint will not happen again;
  - An agreement to review the Trust's policies in light of the complaint.

## **16. Next Steps**

- 16.1. If the complainant believes the trust did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the ESFA after they have completed Stage 3.
- 16.2. The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by the Trust. They will consider whether the Trust has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed Part 7 of the Education (Independent School Standards) Regulations 2014.
- 16.3. The complainant can refer their complaint to the ESFA online at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by telephone on: 0370 000 2288 or by writing to:

Academy Complaints and Customer Insight Unit  
Education and Skills Funding Agency  
Cheylesmore House  
Quinton Road  
Coventry  
CV1 2WT

## **17. Interviewing witnesses**

- 17.1. When interviewing pupils to gather information regarding a complaint, the interview should be conducted in the presence of another member of staff or, in the case of serious complaints, e.g. where the possibility of criminal investigation exists, in the presence of their parents.

- 17.2. The Trust will ensure that the conduction of interviews does not prejudice a police or LA designated officer's (LADO) investigation.
- 17.3. The Trust understands the importance of ensuring a friendly and relaxed area which is free from intimidation. All pupils interviewed will be made fully aware of what the interview concerns and their right to have someone with them.
- 17.4. Staff are allowed a colleague and/or trade union representative to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager.
- 17.5. The interviewer will not express opinions in words or attitude, so as to not influence the interviewee.
- 17.6. The interviewee will sign a copy of the transcription of the interview.

## **18. Recording a complaint**

- 18.1. A written record shall be kept of any complaint made, whether made via phone, in person or in writing, detailing:
  - The main issues raised, the findings and any recommendations.
  - Whether the complaint was resolved following an informal route, formal route or panel meeting.
  - Actions taken by the Trust as a result of the complaint (regardless of whether the complaint was upheld).
- 18.2. Recording devices will not be used to review discussions of complaints at a later date. Where there are communication difficulties or disabilities, recording devices may be used for the purposes of reasonable adjustments. All parties in the meeting must provide consent prior to recording devices being used.
- 18.3. The Trust will not accept, as evidence, any recordings that were obtained covertly and without the informed consent of all parties being recorded.
- 18.4. The Trust will hold all records of complaints centrally. Correspondence, statements and records relating to individual complaints are kept confidential except where the Secretary of State or a body conducting an inspection requests to access them.

## **19. Managing unreasonable requests**

- 19.1. The Trust is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. We will not normally limit the contact complainants have with the Trust; however, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.
- 19.2. A complaint may be regarded as unreasonable when the person making the complaint:

- Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance.
- Refuses to cooperate with the complaints investigation process while still wishing their complaint to be resolved.
- Refuses to accept that certain issues are not within the scope of a complaints procedure.
- Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales.
- Makes unjustified complaints about staff who are trying to deal with the issues and seeks to have them replaced.
- Changes the basis of the complaint as the investigation proceeds.
- Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed).
- Refuses to accept the findings of the investigation into that complaint where the Trust's complaints procedure has been fully and properly implemented and completed including referral to the DfE.
- Seeks an unrealistic outcome.
- Makes excessive demands on Trust time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

19.3. A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone, in writing or electronically:

- Maliciously.
- Aggressively.
- Using threats, intimidation or violence.
- Using abusive, offensive or discriminatory language.
- Knowing it to be false.
- Using falsified information.
- By publishing unacceptable information in a variety of media, e.g. social media websites and newspapers.

19.4. Complaints of an inappropriate nature that may be considered obsessive, harassing, repetitious, aggressive or intimidating will be managed using the Trust's vexatious communication policy.

19.5. Complainants should limit the numbers of communications with the Trust while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

19.6. Whenever possible, the Trust will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

19.7. A member of ELT or the Trust board must approve an 'unreasonable' marking.

- 19.8. If the behaviour continues, the Trust will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the Trust causing a significant level of disruption, the Trust may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after six months.
- 19.9. A decision to stop responding will only be considered in circumstances where the following statements are true:
- Every reasonable step has been taken to address the complainant's concerns.
  - The complainant has been given a clear statement of the Trust's position and their options.
  - The complainant contacts the Trust repeatedly, making substantially the same points each time.
- 19.10. If the above criteria are met, in making a decision to stop responding the Trust will also consider if the complainant is often abusive or aggressive in their communication, makes insulting personal comments about or threats towards staff, and if the Trust believes their intent is to disrupt or inconvenience the Trust.
- 19.11. The Trust will not stop responding to a complainant on the basis that they are difficult to deal with or they ask complex questions.
- 19.12. In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the premises.

## **20. Complaints campaigns**

- 20.1. For the purposes of this policy, "complaints campaigns" are where the Trust receives large volumes of complaints that are all based on the same subject.
- 20.2. Where the Trust becomes the subject of a complaints campaign from complainants who are not connected with the Trust, a standard, single response will be published on the Trust's website. If the Trust receives a large number of complaints about the same subject from complainants who are connected to the Trust, e.g. parents, each complainant will receive an individual response.
- 20.3. If complainants remain dissatisfied with the Trust's response, they will be directed to the DfE.

## **21. Barring from the premises**

- 21.1. Trust premises are private property and therefore any individual may be barred from entering the premises.
- 21.2. If an individual's behaviour is cause for concern, the headteacher or member of ELT will ask the individual to leave the premises.
- 21.3. The headteacher/ELT will notify the parties involved in writing, explaining that their implied licence for access to the premises has been temporarily revoked and why, subject to any representations that the individual may wish to make.

- 21.4. The individual involved will be given the opportunity to formally express their views regarding the decision to bar them. This decision to bar will be reviewed by the chair of local school/Trust board or a committee of the Local School/Trust board, taking into account any discussions following the incident. If the decision is made to continue the bar, the individual will be contacted in writing, informing them of how long the bar will be in place, and when the decision will be reviewed.
- 21.5. Anyone wishing to make a complaint regarding a barring order can do so in writing, including email, clerk to the Local School/Trust board.

## **22. Standard of fluency complaints**

- 22.1. As members of a public authority, all staff are subject to the fluency duty imposed by the Immigration Act 2016, which requires staff members to have an appropriate level of fluency in English in order to teach pupils.
- 22.2. The Trust is free to determine the level of spoken communication necessary in order for staff members to develop effective performance, but it will be matched to the demands of the role in question.
- 22.3. The Trust will be satisfied that an individual has the necessary level of fluency appropriate for the role they will be undertaking, whether this is an existing or potential new member of staff. If a member of the Trust community feels that a staff member has insufficient proficiency in spoken English for the performance of their role, they are required to follow the complaints procedure outlined in section 12 of this policy.
- 22.4. For the purpose of this policy, a “legitimate complaint” is one which is about the standard of spoken English of a member of staff; complaints regarding an individual’s accent, dialect, manner or tone of communication are not considered legitimate complaints.
- 22.5. All legitimate complaints regarding the fluency duty will be handled in line with the processes outlined in this policy.
- 22.6. In addition to the processes outlined in this policy, the Trust will assess the merits of a legitimate complaint against the necessary standard of spoken English fluency required for the role in question. To assess the merits, the Trust will undertake an objective assessment against clear criteria set out in the role specification or, against the level of fluency descriptors relevant to the role in question. If the complaint is upheld, the Trust will consider what action is necessary to meet the fluency duty; this may include:
- Specific training
  - Specific re-training
  - Assessment
  - Re-deployment
  - Dismissal
- 22.7. Appropriate support will be provided to staff to ensure that they are protected from vexatious complaints and are not subjected to unnecessary fluency testing.

**23. Availability**

- 23.1. A copy of this policy will be made available on request. It will also be published on the school and Trust websites, as recommended by the ESFA.

**24. Monitoring and review**

- 24.1. The complaints procedure will be reviewed every 3 years, taking into account any legislative changes and the latest guidance issued by the DfE.

**25. Contacts**

<b>School</b>	<b>Email Address</b>
Ambergate Sports College	<a href="mailto:enquiries@ganf-cit.co.uk">enquiries@ganf-cit.co.uk</a>
Boston Endeavour Academy	<a href="mailto:enquiries@bea-cit.co.uk">enquiries@bea-cit.co.uk</a>
Caythorpe Primary School	<a href="mailto:enquiries@caythorpe-cit.co.uk">enquiries@caythorpe-cit.co.uk</a>
Chapel St Leonards Primary School	<a href="mailto:enquiries@chapel-cit.co.uk">enquiries@chapel-cit.co.uk</a>
Foxfields Academy	<a href="mailto:enquiries@foxfields-cit.co.uk">enquiries@foxfields-cit.co.uk</a>
The Garth School	<a href="mailto:enquiries@garth-cit.co.uk">enquiries@garth-cit.co.uk</a>
Greenfields Academy	<a href="mailto:enquiries@greenfields-cit.co.uk">enquiries@greenfields-cit.co.uk</a>
The Isaac Newton Primary School	<a href="mailto:enquiries@isaacnewton-cit.co.uk">enquiries@isaacnewton-cit.co.uk</a>
Linchfield Community Primary	<a href="mailto:enquiries@linchfield-cit.co.uk">enquiries@linchfield-cit.co.uk</a>
Poplar Farm School	<a href="mailto:enquiries@poplarfarmsch-cit.co.uk">enquiries@poplarfarmsch-cit.co.uk</a>
The Priory School	<a href="mailto:enquiries@priory-cit.co.uk">enquiries@priory-cit.co.uk</a>
The Grantham Sandon School	<a href="mailto:enquiries@ganf-cit.co.uk">enquiries@ganf-cit.co.uk</a>
St Paul's Community Primary	<a href="mailto:enquiries@spaldingstpauls-cit.co.uk">enquiries@spaldingstpauls-cit.co.uk</a>
Woodlands Academy	<a href="mailto:enquiries@woodlands-cit.co.uk">enquiries@woodlands-cit.co.uk</a>
Learn	<a href="mailto:enquiries@learnteachingcentre.co.uk">enquiries@learnteachingcentre.co.uk</a>
Central Support Hub	<a href="mailto:enquiries@citacademies.co.uk">enquiries@citacademies.co.uk</a>

# CIT Complaints

## Initial Complaints Form



Your name:			
Pupils name (if relevant):			
Your relationship to pupil (if relevant):			
School:			
Address:		Post Code:	
		Mobile:	
		Home phone:	
Email address:			
Complaint stage:	Stage 1 – Informal <input type="checkbox"/> Stage 2 – Formal <input type="checkbox"/>		
Please give details of your complaint. (Continue on a separate sheet if necessary)			

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

Are you attaching any paperwork?  
If so, please give details below. Yes  No

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**CIT use only**

Date acknowledgement sent:		By whom:	
Complaint referred to:		Date:	
Case reference number:			