

Hartlepool Aspire Trust (Catcote Academy & Catcote Futures)

Complaints Policy

Reviewed:

Louise Robson Head of Corporate Services Date: Mar-2022

Lisa Greig CEO Apr-2022

Approved:

Helen Gordon Trustees Board Date: Jul-2022

Contents

Statement of intent

1. [Legal framework](#)
2. [Definitions](#)
3. [Roles and responsibilities](#)
4. [Making a complaint](#)
5. [Complaints procedure](#)
6. [Interviewing witnesses](#)
7. [Recording a complaint](#)
8. [Complaints not covered by this procedure](#)
9. [Exceptional circumstances](#)
10. [Managing unreasonable requests](#)
11. [Complaints campaigns](#)
12. [Barring from the premises](#)
13. [Standard of fluency complaints](#)
14. [Role of the school complaints unit \(SCU\)](#)
15. [Transferring data](#)
16. [Availability](#)
17. [Monitoring and review](#)

Appendices

- A. [Complaints Procedure Form](#)
- B. [Example Letter to Complaints for a Stage Three Complaint](#)
- C. [Example Letter for Complaints Against the Headteacher \(CEO\)](#)

Statement of intent

Hartlepool Aspire Trust (Catcote Academy and Catcote Futures) 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 or the trust as a whole, relating to any aspects of the trust or the provision of facilities or services. It is designed to ensure that the trust's complaints procedure is straightforward, impartial, non-adversarial, allows a full and fair investigation, respects confidentiality and delivers an effective response and appropriate redress.

Any person, including a member of the public, is able to make a complaint about the provision of facilities or services that the trust provides. This policy outlines the procedure that the complainant and trust must follow. Once a complaint has been made, it can be resolved or withdrawn at any stage.

The Headteacher (CEO) will be the first point of contact when following the complaints procedure.

The Trust also welcomes those wishing to compliment the Trust, whether it be a particular employee or event etc. Any person wishing to do so, can also contact the Headteacher (CEO).

1. Legal framework

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

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

- DfE (2021) 'Best practice guidance for school complaints procedures 2020'
- ESFA (2021) 'Best practice guidance for academies complaints procedures'
- HM Government (2016) 'Code of Practice on the English language requirement for public sector workers'

This policy operates in conjunction with the following trust policies:

- Data Protection Policy
- Child Protection / Vulnerable Adult Safeguarding Policy
- Grievance Policy
- Exclusion Policy
- Whistleblowing Policy

2. Definitions

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.

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.

Complaints can be resolved formally, through this procedure, or informally dependent on the complainant’s choice. Any complaint or concern will be taken seriously, whether formally or informally, and the appropriate procedures will be implemented.

A “**grievance**” is an issue raised by a member of staff where they feel the trust has not implemented a policy or process fairly or properly. Grievances will be dealt with in line with the trust’s Grievance Policy.

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, 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.

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.

For the purpose of this policy, "**duplicate complaints**" are identical complaints received from a complainant's spouse, partner, grandparent or child. 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.

Any new details provided by a complainant's spouse, partner, grandparent or child, will be investigated and dealt with in line with the complaints procedure.

3. Roles and responsibilities

The complainant will:

- Cooperate with the trust in seeking a solution to the complaint.
- Express the complaint and their concerns in full at the earliest possible opportunity.
- Promptly respond to any requests for information or meetings.
- Ask for assistance as needed.
- Treat any person(s) involved in the complaint with respect.

The complaint investigator will:

- Ensure that all parties involved in the complaint are fully updated throughout each stage of the procedure.
- Guarantee that all parties involved in the procedure are aware of any relevant legislation, including the Equality Act 2010, UK GDPR, Data Protection Act 2018 and Freedom of Information Act 2000.
- Keep up-to-date records throughout the procedure – these records will be kept securely on the trust's ICT system and retained in line with the trust's Data Protection Policy.
- Liaise with all parties involved to ensure the complaints procedure runs smoothly, including the Headteacher (CEO), clerk to trustees and chair of trustees.
- Ensure, where the complainant is dissatisfied with the response, they are allowed to escalate it to the next formal stage and are provided the opportunity to complete the complaints procedure in full.
- Be aware of issues with regards to sharing third party information.
- Understand the complainant's need for additional support, including interpretation support, and will be aware of any issues concerning this.

The Headteacher (CEO), or where the complaint is against the Headteacher (CEO), the chair of trustees, is responsible for ensuring that those involved in the investigation and resolution are:

- Providing a sensitive and thorough interviewing process of the complainant to establish what has happened and who is involved.
- Considering all records, evidence and relevant information provided.
- Interviewing all parties that are involved in the complaint, including staff and students.
- Analysing all information in a comprehensive and fair manner.
- Being mindful of timescales and ensuring all parties involved are aware of these timescales.
- Identifying and recommending solutions and courses of actions to take.
- Liaising with the Headteacher(CEO) or chair of trustees to clarify an appropriate resolution to the problem.
- Responding to the complainant in a clear and understandable manner.

The panel chair will:

- Ensure that minutes of the meetings are taken on every occasion.
- Explain the remit of the panel to the complainant.
- Ensure that all issues are addressed and that outcomes are reached based on facts and evidence.
- Help to put at ease and console individuals involved who are not used to speaking at such hearings, particularly any students involved.
- Conduct the hearing in an informal manner, ensuring that everyone is treated with respect and courtesy.
- Ensure that the room's layout and setting is informal and non-adversarial, yet still sets the appropriate tone.
- Confirm that no member of the panel has previously been involved in the earlier stages of the procedure or has an external interest in the outcome of the proceedings.
- Give both the complainant and the trust the opportunity to state their case and seek clarity without undue interruption.
- Provide copies of any written material or evidence to everyone in attendance of the meeting, ensuring that everyone has seen the necessary material.
- Organise a short adjournment of the hearing if required.
- Continuously liaise with the panel clerk and complaint investigator to ensure the procedure runs smoothly.
- Help to provide the support necessary where the complainant is a child/vulnerable adult.

All panel members will be aware that:

- The review panel meeting is independent and impartial.
- No individual with prior involvement in the complaint, or the circumstances surrounding it, is permitted to sit on the panel.
- The aim of the panel is to achieve a reasonable resolution and, ultimately, attain a harmonious reconciliation between the parties involved.

- Reconciliation between the trust and complainant is not always achievable, and that it may only be possible to establish facts and make recommendations to reassure the complainant that their case has been taken seriously.
- The panel can:
 - Dismiss or uphold the complaint, in whole or in part.
 - Decide on appropriate action to be taken.
 - Recommend changes that the trust can make to prevent reoccurrence of the problem.
- Complainants may feel nervous or inhibited in a formal setting and, therefore, the proceedings should be as welcoming as possible.
- When a child/vulnerable adult is present at the hearing, extra care needs to be taken to ensure that the child/vulnerable adult does not feel intimidated, as well as ensuring the child's/vulnerable adult's view is represented equally.

The panel clerk will:

- Continuously liaise with the complaint investigator.
- Record the proceedings.
- Set the date, time and venue of all hearings, ensuring that this is appropriate, convenient and accessible to all parties involved.
- Collate all written material or evidence involved and send it to the parties involved in timely advance of the hearing.
- Greet all parties as they arrive at the hearing.
- Ensure that the minutes of the panel hearing are circulated.
- Notify the relevant parties of the panel's decision and any other actions to be taken.

4. Making a complaint

Complaints are not restricted to parents of attending students – the trust will consider all complaints, providing they are not anonymous.

The trust will ensure the complaints procedure is:

- Easily accessible and publicised on the trust'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 SLT.
- Fairly investigated, by an independent person when necessary.
- Used to address all issues to provide appropriate and effective responses where necessary.

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

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. Whilst anonymous complaints will not normally be investigated, the Headteacher (CEO), or chair of trustees (if appropriate), will determine whether the complaint warrants an investigation.

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.

Any complaint made against a member of staff will be initially dealt with by the Headteacher (CEO), or a member of SLT appointed to do so by the Headteacher (CEO), and then by a committee of the trustee board if not resolved.

Any complaint made against the Headteacher (CEO) shall be initially dealt with by the chair of trustees and then by a panel hearing if necessary.

Any complaint made against the chair of trustees or any other member of the trustee board should be made in writing to the clerk to trustees. Any complaint made against the entire trustee board, or complaints involving the chair of trustees and the vice chair of trustees, should be made in writing to the clerk to trustees. The clerk to trustees will then determine the most appropriate course of action, depending on the nature of the complaint. This action may involve sourcing an independent investigator to initially deal with the complaint and then getting the complaint to be heard by co-opted trustees from another school/college.

Under some circumstances, it may be necessary to deviate from the complaints procedure. Any deviation will be documented, along with the reasons for this.

Information about a complaint will not be disclosed to a third party without written consent from the complainant.

5. Complaints procedure

Academies' complaints procedures must consist of at least three stages:

- Informal (meeting with the complainant)
- Formal (the complaint is put in writing)
- A panel hearing, with an independent panel member

Stage one – Informal concern made to a member of staff

A complaint may be made in person, by telephone or in writing.

The member of staff the complaint has been made against can discuss the concern with the Headteacher (CEO) to seek support.

To prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls are kept and a copy of any written response is added to the record. These notes are kept securely on the trust's ICT system and, where appropriate, encrypted.

If the concern is about the Headteacher (CEO), the complaint must be made in writing to the clerk to trustees. The complainant can then be referred to the chair of trustees.

In case a complaint is made initially to a trustee, the complainant should be referred to the appropriate person. The individual in question should not act alone on a complaint outside the procedure; if they do, they cannot be involved if the complaint is subject to a hearing at a later stage of the procedure.

Within 15 school/college days, the complainant and the relevant member of staff should discuss the issue in a respectful and informal manner to seek a mutual resolution. Notes must be taken during this discussion.

At this stage, the complainant will be asked what they think might resolve the issue – any acknowledgement that the trust could have handled the situation better is not an admission of unlawful or negligent action.

If an appropriate resolution cannot be sought at this informal level, or if the complainant is dissatisfied with the outcome following the initial discussions, the complainant may wish to proceed to the next level of the procedure.

Stage two – Formal complaint made to the Headteacher(CEO), or in the case of a complaint against the Headteacher(CEO), made in writing to the clerk to trustees for the chair of trustees

Stage two of the process will be completed within 15 school/college days. Where the situation is recognised as complex, and it is deemed to be unable to be resolved within this timescale, the Headteacher(CEO) or clerk to trustees will contact the complainant to inform them of the revised target date via a written notification.

An appointment with the Headteacher(CEO), or a member of SLT appointed by the Headteacher(CEO) to do so, should be made as soon as reasonably practical, to avoid any possible worsening of the situation.

If the complaint is against the Headteacher(CEO), the complainant will initially need to write, in confidence, to the clerk to trustees. The clerk to trustees will then pass the complaint to the chair of trustees, who will seek to resolve the issue informally, e.g. by arranging a meeting with the complainant within 15 days, before moving directly to stage three of the procedure.

Where the Headteacher(CEO) or chair of trustees has made reasonable attempts to accommodate the complainant with dates for a complaint meeting and they refuse or are unable to attend, the meeting will be convened in their absence and a conclusion will be reached in the interests of drawing the complaint to a close.

Where there are communication difficulties, the complaint may be made in person or via telephone.

To prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls are kept, and a copy of any written response is added to the record. These notes are kept securely on the trust's ICT system and, where appropriate, encrypted.

In terms of a complaint being made against a member of staff, the Headteacher(CEO), or a member of SLT appointed by the Headteacher(CEO) to do so, will discuss the issue with the staff member in question. Where necessary, they will also conduct interviews with any relevant parties, including witnesses and students, and take statements from those involved.

All discussions shall be recorded by the Headteacher(CEO) / SLT member or the clerk to trustees, and findings and resolutions will be communicated to the complainant either verbally or in writing.

Once all facts are established, the Headteacher(CEO) / SLT member shall contact the complainant in writing with an explanation of the decision. The complainant will be advised of any escalation options (e.g. escalation to stage three) and will be provided with details of this process.

Any further action the trust plans to take to resolve the issue will be explained to the complainant in writing. If the complainant is not satisfied with the outcome suggested, the procedure will progress to stage three.

Stage three – Complaints appeal panel (CAP)

Following receipt of a stage two outcome, the complaint should be made in writing to the chair of trustees within 10 school/college days.

Where there are communication difficulties, the complaint may be made in person or via telephone.

To prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls are kept, and a copy of any written response is added to the record. These notes are kept securely by the clerk to trustees.

Written acknowledgement of the complaint will be made within 3 school/college days. This will inform the complainant that a CAP will hear the complaint within 20 school/college days.

Neither the trust nor the complainant should bring legal representation to the CAP proceedings; however, there are occasions where legal representation may be appropriate, e.g. where a trust employee is a witness in a complaint, they may be entitled to bring union or legal representation.

The chair of trustees, or another nominated trustee, will convene a CAP comprising:

- At least three people not involved in the complaint, one of whom is independent of the management and running of the trust. The independent panel member will not be a member, trustee or employee of the trust. Trustees are not eligible to be independent panel members.

Where an independent panel is arranged on an ad-hoc, informal basis, trustees who are suitability skilled and who can demonstrate their independence will be sourced. Trustees from any category of governor/trustee or associate members of another school or academy trustee/governing board can be approached to take part in an independent panel.

Where appropriate, the clerk to trustees will ask for support from their network or governor services team at the LA.

Five days' notice will be given to all parties attending the CAP, including the complainant.

Prior to the hearing, the chair of trustees will have written to the complainant informing them of how the review will be conducted. The Headteacher(CEO) will also have a copy of this letter.

At the hearing, all participants will be given the opportunity to put their case across and discuss any issues.

The CAP will consider issues raised in the original complaint and any issues which have been highlighted during the complaints procedure.

The meeting should allow for:

- The complainant to be present and accompanied at the hearing if they wish.
- The complainant to explain their complaint and the Headteacher(CEO) to explain the reasons for their decision.
- The complainant to question the Headteacher(CEO), and vice versa, about the complaint.
- Any evidence, including witnesses who have been prior approved by the chair of the CAP, to be questioned.
- Members of the CAP to question both the complainant and the Headteacher(CEO).
- Final statements to be made by both parties involved.

The complainant and the person complained about where relevant, will receive a written response, via email or otherwise, explaining the panel's findings and recommendations within 15 school/college days. This response will also explain whether there are any further rights of appeal and to whom they need to be addressed.

A copy of the panel's findings and recommendations will be made available for inspection on the academy premises by the board of trustees and the Headteacher (CEO).

Where relevant, the person complained about will receive a summary of the panel's findings and recommendations.

Final stage – Appeal

If a complainant has exhausted the trust's complaints procedure, they will be advised that, for the academy and those funded by the ESFA at Catcote Future, they can submit a complaint to the ESFA using the [online form](#) or in writing to:

Academy Complaints and Customer Insight Unit

Education and Skills Funding Agency

Cheylesmore House

Coventry

5 Quinton Road

Coventry

CV1 2WT

The ESFA will not overturn the panel's decision or re-investigate the original complaint. The ESFA will only intervene following a complaint if it believes the trust has:

- Breached a clause in its funding agreement.
- Failed to comply with education law or acted unreasonably when exercising related education functions.

There are exceptional circumstances to the provisions above. These are outlined in the [exceptional circumstances](#) section of this policy.

For complaints pertinent to those not funded by the ESFA at Catcote Futures complaints can be made to the funder (Local Authority Social Care or CHC). If the complainant wishes to appeal further, they may contact the Local Government & Social Care Ombudsman on 0300 0610614 or visit www.lgo.org.uk.

6. Interviewing witnesses

When interviewing students 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.

The trust will ensure that the conduction of interviews does not prejudice a police or LA designated officer's (LADO) / Local Authority Adult Safeguarding investigation.

The trust understands the importance of ensuring a friendly and relaxed area which is free from intimidation. All students interviewed will be made fully aware of what the interview concerns and their right to have someone with them. 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.

The interviewer will not express opinions in words or attitude, so as to not influence the interviewee.

The interviewee will sign a copy of the transcription of the interview.

7. Recording a complaint

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 hearing.
- Actions taken by the trust as a result of the complaint (regardless of whether the complaint was upheld).

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.

The trust will not accept, as evidence, any recordings that were obtained covertly and without the informed consent of all parties being recorded.

Details of any complaint made shall not be shared with the entire trustee board. The exception to this is when a complaint is made against the whole trustee board and they need to be aware of the allegations made against them, to respond to any independent investigation. Complainants have a right to access copies of these records under the UK GDPR and the Freedom of Information Act 2000.

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.

An annual report will be provided to the board summarising any compliments/ complaints and this will include an analysis of issues over the twelve month period to aid the identification of trends and remedial action.

8. Complaints not covered by this procedure

Complaints regarding the following topics should be directed to the LA:

- Statutory assessments of SEND

Complaints about child/vulnerable adult protection matters will be handled in line with the trust's Child Protection/Vulnerable Adult Safeguarding Policy and in accordance with relevant statutory guidance. Any child/vulnerable adult protection complaints should be directed to the LADO/LA Adult Safeguarding lead or the multi-agency safeguarding hub (MASH).

Complaints regarding exclusions will be dealt with in accordance with procedure outlined in the Exclusion Policy.

The trust has an internal whistleblowing procedure for all employees, including contractors and temporary staff outlined in the Whistleblowing Policy. Any whistleblowers not wishing to raise the issue with their employer will direct their complaint to the DfE.

Volunteers who have concerns about the trust or a member of staff should make their complaint in line with this policy. Volunteers may also be able to complain to the LA or DfE, depending on what the complaint is about.

Staff grievances and disciplinary procedures will be dealt with in line with the Grievance Policy. In these cases, complainants will not be informed of the outcome of any investigations; however, they will be notified that the matter is being addressed.

This complaints procedure is not to be used when addressing any complaints made about services provided by a third party who may use the trust premises or facilities. The Headteacher (CEO) will ensure all third-party suppliers have their own complaints procedures in place, and all complaints concerning this should be directed to the service provider.

Complaints about how the school delivers the curriculum, including RE and RSE, will be dealt with using this complaints procedure.

Requests for information and issues with the trust's process for dealing with FOI requests, will be dealt with in accordance with the Freedom of Information Policy.

9. Exceptional circumstances

The DfE expects complainants to have completed the trust's complaints procedure before directing a complaint to them. The exceptions to this include when:

- Students are at risk of harm.
- Students are missing education.
- A complainant is being prevented from having their complaint progress through the trust's complaints procedure.
- The DfE has evidence that the trust is proposing to act or is acting unlawfully or unreasonably.

If a social services authority decides to investigate a situation, the Headteacher(CEO) or trustee board may postpone the complaints procedure.

Where a matter can be resolved through a legal appeal, it will not be considered as a formal complaint. The key areas are: admissions decisions, certain decisions relating to formal assessment of SEND, and decisions to permanently exclude a child.

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

10. Managing unreasonable requests

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.

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.

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.

Complainants should limit the numbers of communications with a school/college 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.

Whenever possible, the Headteacher(CEO) or chair of trustees will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues, the Headteacher(CEO) 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.

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.

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.

The trust will not stop responding to a complainant on the basis that they are difficult to deal with or they ask complex questions.

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.

11. Complaints campaigns

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.

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 issued/published. 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.

If complainants remain dissatisfied with the trust’s response, they will be directed to the DfE.

12. Barring from the premises

Trust premises are private property and therefore any individual may be barred from entering the premises.

If an individual’s behaviour is cause for concern, the Headteacher(CEO) or chair of trustees will ask the individual to leave the premises.

The Headteacher(CEO) 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.

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 trustees or a committee of the Trustee 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.

Anyone wishing to make a complaint regarding a barring order can do so in writing, including email, to the Headteacher(CEO) or chair of trustees. Once the trust’s complaints procedure is completed, individuals may be able to apply to the Courts and should seek independent legal advice if they wish to do so.

13. Standard of fluency complaints

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.

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.

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 the [complaints procedure](#) section of this policy.

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.

All legitimate complaints regarding the fluency duty will be handled in line with the processes outlined in this policy.

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

Appropriate support will be provided to staff to ensure that they are protected from vexatious complaints and are not subjected to unnecessary fluency testing.

Records of complaints regarding fluency will be kept in accordance with the processes outlined in the [recording a complaint](#) section of this policy.

14. Role of the school complaints unit (SCU)

If a complainant remains dissatisfied once the complaint procedure has been completed, they have the right to refer their complaint to the Secretary of State for students in education.

If a complainant wishes to escalate a complaint of bias, the DfE will require evidence to be submitted with the complaint. The Secretary of State will only intervene when they believe that the trust board has acted unlawfully or unreasonably.

The SCU will not overturn a school’s decision about a complaint except in exceptional circumstances, such as the school acting unlawfully.

When making a final decision about a complaint, the trust reserves the right to seek advice from the SCU on whether they are acting reasonably and lawfully; however, they will not be able to advise on how to resolve the complaint.

15. Transferring data

When a student changes school, the student's educational record will be transferred to the new school and no copies will be kept.

The trust will hold records of complaints separate to student records while a complaint is ongoing, so that access to these records can be maintained.

Information that the trust retains relating to a complaint will be stored securely and in line with the Data Protection Policy.

16. Availability

A copy of this policy will be made available on request. It will also be published on the trust website, as recommended by the ESFA.

17. Monitoring and review

The complaints procedure will be reviewed every 2 years by the Headteacher (CEO) and approved by the trust board, taking into account any legislative changes and the latest guidance issued by the DfE. The next scheduled review date for this policy is March 2024.

Information gathered through reviewing the complaints procedure will be used to continuously improve and develop the process.

The monitoring and reviewing of complaints will be used to help evaluate the trust's performance.

Complaints Procedure Form

If you have tried unsuccessfully to resolve your complaint and wish to take the matter further, please complete this form and send it to the Headteacher(CEO). (If your complaint is against the Headteacher (CEO), you will need to send the form to the chair of the trustee board via the clerk to the trustees – lucy.emmerson@stockton.gov.uk.)

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

Example Letter to Complainant for a Stage Three Complaint

Address line one

Address line two

Town

County

Postcode

Date

RE: Stage three complaint

Dear addressee's name,

Thank you for your letter dated date setting out the reasons why you are not satisfied with the Headteacher (CEO)'s response to your complaint about details of the complaint.

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

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

Yours sincerely,

Chair of the Trustee board

Example Letter for Complaints Against the Headteacher (CEO)

Address line one

Address line two

Town

County

Postcode

Date

RE: Complaint against the Headteacher (CEO)

Dear addressee's name,

I have received your complaint against the Headteacher (CEO) of name of school/college.

I write to let you know that I have forwarded a copy of your complaint to the Headteacher (CEO), with a request that they respond to the issues raised in the complaint within **10** school/college days.

A copy of the Headteacher (CEO)'s response will be sent to you as soon as possible.

If you are not satisfied with the Headteacher (CEO)'s response, I will arrange for a complaints appeal panel (CAP) to consider your complaint in accordance with stage two of the attached complaints procedure.

As explained in the procedure, the chair of the CAP will advise you, in writing, how the complaint will proceed.

Yours sincerely,

Chair of the Trustee board