



# **Red Kite Schools Trust**

## **Complaints Policy and Procedure**

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March 2019



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## 1 Aims

- 1.1 This is the Complaints Policy of Red Kite Schools Trust.
- 1.2 The aims of this policy and related procedures are to provide a framework for the resolution of complaints which:
  - 1.2.1 allows for their resolution informally and sets out the school's formal procedures where this is not achievable;
  - 1.2.2 is easily accessible and publicised, simple to understand and use and impartial and non-adversarial;
  - 1.2.3 respects people's desire for confidentiality;
  - 1.2.4 addresses all the points at issue and provides an effective response and appropriate redress, where necessary, and;
  - 1.2.5 provides information to Trustees and/or the school's senior leadership/management team so that services can be improved.

## 2 Scope and application

- 2.1 This policy applies to both concerns and complaints; these are defined in 6.1 below.
- 2.2 This policy does not apply to matters for which there are separate statutory procedures (e.g. admission appeals, exclusion reviews, special educational needs appeals etc
- 2.3 This policy is not limited to parents or carers of children registered at Red Kite Schools Trust. Any person may make a complaint under this policy with the exception of the circumstances outlined in 2.3 above.
- 2.4 Requests for financial awards, such as claims for compensation or damages are beyond the scope of this policy.
- 2.5 All complainants should be aware that regardless of the nature of a complaint and whether or not it is upheld, complainants are not entitled to details of any related sanctions imposed on staff, pupils or parents.
- 2.6 Anonymous complaints will not normally be investigated. However, the Headteacher or Chair of Governors may determine, if appropriate, that such a complaint warrants an investigation.
- 2.7 Complaints must be received within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this timeframe only if exceptional circumstances apply.
- 2.8 We will consider complaints made outside of term time to have been received on the first school day after the holiday period.
- 2.9 This policy does not cover complaints about services provided by other, unrelated providers who may use school premises or facilities for their own business. They should have their own complaints policy and procedures and should be contacted directly.

## 3 Regulatory framework

- 3.1 This policy has been prepared to meet the school's responsibilities under:
  - 3.1.1 Education (Independent School Standards) Regulations 2014;

- 3.1.2 Statutory framework for the Early Years Foundation Stage (DfE, March 2017);
- 3.1.3 Education and Skills Act 2008;
- 3.1.4 Equality Act 2010.

#### 4 Responsibility statement and allocation of tasks

- 4.1 The Multi Academy Trust has overall responsibility for all matters which are the subject of this policy.
- 4.2 To ensure the efficient discharge of its responsibilities under this policy, the Trust has allocated the following tasks:

Task	Allocated to	When / frequency of review
Keeping the policy up to date and compliant with the law and best practice	Trustees	Annually
Monitoring the implementation of the policy	Local Governing Body	At least annually
Formal review	Trustees	Every three years

#### 5 Publication and availability

- 5.1 This policy is published on the school’s website and on that of Red Kite Schools Trust.
- 5.2 This policy is available in hard copy on request.
- 5.3 A copy of this policy is available for inspection from the school office during a working day.
- 5.4 This policy can be made available in large print or other accessible format if required.

#### 6 Definitions and interpretation

- 6.1 The school differentiates between a concern and a complaint.
  - 6.1.1 A concern may be defined as ‘an expression of worry or doubt over an issue considered to be important for which reassurances are sought’.
  - 6.1.2 A complaint may be defined as ‘an expression of dissatisfaction however made, about actions taken or a lack of action’.
- 6.2 Where the following words or phrases are used in this policy:
  - 6.2.1 References to the **Proprietor** are references to Red Kite Schools Trust, the Academy Trust.
  - 6.2.2 References to **school days** mean Monday to Friday, when a school is open to pupils during term time. The dates of terms are published on the school’s website.
- 6.3 Timescales for each stage of the complaints procedure are set out below in the relevant paragraphs. It is expected that the management of every complaint will progress in a timely manner.
- 6.4 The school will aim to resolve all complaints efficiently and promptly and complainants are encouraged to bring any matter causing concern to the school's attention as soon as possible.

- 6.5 Where there are exceptional circumstances resulting in a delay to the timescales for a stage of the complaints procedure, the school will notify the complainant and inform them of the new timescales as soon as possible.

## 7 Management of complaints

- 7.1 This policy allows for complaints to be considered at three stages:

Stage 1: Informal raising of a complaint. Further details of this procedure are set out in Appendix 1.

Stage 2: A formal complaint in writing. Further details of this procedure are set out in Appendix 2.

Stage 3: Referral to a Complaint Panel. Further details of this procedure are set out in Appendix 3.

## 8 Expected standards of behaviour

- 8.1 Attention is drawn to the information included in Appendix 4, which has been developed having regard to the Department for Education's Best practice for school complaints procedures 2019 for maintained schools.

## 9 Record keeping and confidentiality

- 9.1 All records created in accordance with this policy are managed in accordance with the Trust's policies that apply to the retention and destruction of records.
- 9.2 The school keeps a written record of all formal complaints, including the following:
- 9.2.1 Whether they were resolved at Stage 2 or Stage 3.
  - 9.2.2 The action taken as a result of the complaints (regardless of whether they are upheld).
- 9.3 In accordance with data protection principles, details of individual complaints will be kept only for as long as is considered to be reasonably necessary in the circumstances.<sup>1</sup>
- 9.4 Correspondence, statements and records relating to individual complaints will be kept confidential, except where access is requested by the Secretary of State or where disclosure is required in the course of an inspection or under other legal authority or court order.
- 9.5 Where a complaint has reached Stage 2, the Headteacher must inform the Executive Headteacher so that s/he is aware of the complaint.

## 10 Complaints to the Education Skills and Funding Agency (ESFA)

- 10.1 Complainants who are dissatisfied with the decision of a Complaint Panel may contact the ESFA, which will consider the complaint on behalf of the Secretary of State.
- 10.2 The ESFA's contact details are as follows:

Online: Via the ESFA's [School Complaints Form](#)

By post: Ministerial and Public Communications Division  
Department for Education  
Piccadilly Gate  
Store Street

<sup>1</sup> In accordance with the terms of reference of the Independent Inquiry into Child Sexual Abuse all schools are required to retain information which relates to allegations (substantiated or not) of organisations and individuals who may have been involved in, or have knowledge of child sexual abuse or child sexual exploitation; allegations (substantiated or not) of individuals having engaged in sexual activity with, or having a sexual interest in, children; institutional failures to protect children from sexual abuse or other exploitation. Details of any complaints made about such matters will be retained.

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## 11 Training

- 11.1 The school will ensure that guidance and training is arranged on induction and at regular intervals thereafter so that staff and volunteers understand what is expected of them by this policy and have the necessary knowledge and skills to carry out their roles.
- 11.2 The level and frequency of training depends on role of the individual member of staff.
- 11.3 The school maintains written records of all staff training.

## 12 Policy review

Date of approval by the Local Governing Body	March 2019
Date of last review of this policy	March 2019
Date for next review of this policy	March 2021

## Appendix 1 Stage 1 - Informal Concerns and Difficulties

### 1 Informal resolution of a concern or difficulty

1.1 We expect that most concerns and difficulties can be resolved informally.

### 2 Who to contact

2.1 In most cases a teacher or the school office will be approached first. This can be done in person, by telephone, email or in writing. The matter may be referred to a more senior member of staff if a teacher is uncertain how to resolve the issue.

2.2 Once a concern or difficulty has been raised, the person raising the concern will be contacted and told what action is being taken and the likely timescales involved.

2.3 Such action may include enquiries being made and/or a meeting with the person raising the concern. Should a meeting be appropriate, the complainant's views on what they think might resolve the issue will be sought during the course of it.

2.4 The aim is for the concern or difficulty to be resolved within **15 school days** of it being raised.

2.5 If the person raising the concern is dissatisfied with the response to the concern or difficulty, they may make a formal complaint under Stage 2 of this procedure, as set out in **Appendix 2**.

2.6 If the member of staff dealing with the concern or difficulty believes it to be a more serious complaint or issue, they should refer it to a more senior member of staff. In this situation, it is likely that the complaint will then move to stage 2, as set out in **Appendix 2**.

### 3 Complaints about the Headteacher

3.1 The procedure for informally raising a concern or difficulty about the Headteacher is set out below:

3.1.1 A concern or difficulty can be raised directly with the Headteacher if it is felt that the matter is capable of resolution informally. It may be raised orally or in writing. If it is raised in writing, it will not automatically be treated as a formal complaint under Stage 2, as the Headteacher will endeavour to resolve the matter raised informally under Stage 1;

3.1.2 The Headteacher will usually seek to resolve the concern or difficulty through direct conversation or a meeting with the person raising the concern, which should usually take place within **15 school days** of the matter being raised;

3.1.3 If the person raising the concern is dissatisfied with the Headteacher's response to the concern or difficulty raised, they may make a formal complaint under Stage 2 of this procedure, as set out in **Appendix 2**.

3.2 Alternatively, the person raising the concern may choose to make a formal complaint about the Headteacher in writing to the Executive Headteacher. In this case, the complaint will be treated as a formal complaint under Stage 2 of this procedure, as set out in **Appendix 2**.

## Appendix 2 Stage 2 - Formal Complaint

### 1 How to make a formal complaint

- 1.1 Complaints will usually only progress to Stage 2 after the matters raised have been considered informally under Stage 1, and where the person raising the concern indicates that they intend to escalate a matter to the formal stage.
- 1.2 There may, however, be some instances where it is determined that the matters raised should therefore be dealt with formally at Stage 2 immediately, without being considered at Stage 1.
- 1.3 The formal complaint must be in writing. There is a form in Appendix 5 which can be used for this purpose. The complaint should be addressed to the Headteacher and should include:
  - 1.3.1 A copy of all relevant documents and full contact details; and
  - 1.3.2 Details of all the grounds of the complaint and the outcome desired.
- 1.4 The complaint will be acknowledged by telephone, email or letter within **3 school days**, indicating the action that is being taken and the likely timescales.

### 2 Investigation

- 2.1 The subject matter of the complaint will be investigated in the most appropriate manner, which may include some or all of the following steps:
  - 2.1.1 Delegation of the investigation to a senior member of staff;
  - 2.1.2 Involvement of one or more Local Governors;
  - 2.1.3 Request for additional information from the complainant, including what they think might resolve the issue (if not already requested at Stage 1); and
  - 2.1.4 Request for a conversation and/or a meeting with the complainant personally and/or others with relevant knowledge of the circumstances.
- 2.2 Written records will be kept of all meetings and interviews held in relation to the complaint. Where the investigation has been delegated to a senior member of staff, he/she will prepare a report on the investigation which will be considered by the Headteacher. Personal data may be redacted and names anonymised or cyphered in line with data protection principles.

### 3 Decision

- 3.1 The Headteacher will notify the complainant by email or letter of his/her Stage 2 decision and the reasons for it within **15 school days** from receipt of the formal complaint.
- 3.2 If the complainant is dissatisfied with the Stage 2 response to the complaint, the complainant can request that the complaint be referred to a Complaint Panel under Stage 3 using the procedure set out in Appendix 3.

### 4 Complaints about the Headteacher

- 4.1 The procedure for making a formal complaint about the Headteacher is set out below:
  - 4.1.1 The complaint should be put in writing to the Executive Headteacher. The written complaint should include a copy of all relevant documents and full contact details and details of all the grounds of the complaint and the outcome desired.

- 4.1.2 The Executive Headteacher will acknowledge the complaint by telephone, email or letter within **3 school days** of receipt and indicate the action that is being taken and the likely timescale. Such action may include an investigation and/or a meeting with the complainant.
- 4.1.3 The complainant will receive a response to the complaint within **15 school days**.
- 4.1.4 If the complainant is dissatisfied with the response to the complaint, the complainant can request that the complaint be referred to a Complaint Panel under Stage 3, using the procedure set out in **Appendix 3**.
- 4.1.5 A complaint about the Executive Headteacher should follow the same process but should be addressed to the Chair of Trustees.

## 5 **Complaints about Governors**

- 5.1 The procedure for making a formal complaint about individual governors or the local governing body is set out below:
  - 5.1.1 A complaint about an individual governor or about an entire local governing body should be put in writing to the Clerk to the Local Governing Body. The written complaint should include a copy of all relevant documents and full contact details and details of all the grounds of the complaint and the outcome desired.
  - 5.1.2 The Clerk will acknowledge the complaint by telephone, email or letter within **3 school days** of receipt and indicate the action that is being taken and the likely timescale.
  - 5.1.3 The Clerk will refer the matter to a suitably skilled and impartial member of the local governing body if the complaint is about an individual governor and to Trustees in the case of a complaint against the Chair, Vice-Chair or the whole LGB. Trustees will decide on an appropriate course of action which will depend upon the nature of the complaint.
  - 5.1.4 The complainant will receive a response to the complaint within **15 school days**.
  - 5.1.5 If the complainant is dissatisfied with the response to the complaint, the complainant can request that the complaint be referred to a Complaint Panel under Stage 3, using the procedure set out in **Appendix 3**.

## Appendix 3 Stage 3 - Complaint Panel Hearing (Hearing)

### 1 Complaint Panel Hearing

- 1.1 If a complainant is dissatisfied with the Stage 2 response to the complaint, the complainant can request a Complaint Panel Hearing (**Hearing**).
- 1.2 A Hearing is a hearing to consider those elements of the Stage 2 response to the complaint with which the complainant remains dissatisfied. The Complaint Panel is not obliged to consider any new complaints which have not been previously raised.

### 2 How to request a Hearing

- 2.1 A request for a Hearing must be put in writing to the Clerk to the Local Governing Body and will usually only be considered if the procedure at Stage 2 has been completed.
- 2.2 The written request should include:
  - 2.2.1 A copy of all relevant documents and full contact details;
  - 2.2.2 Details of all the grounds of the complaint and the outcome desired;
  - 2.2.3 A list of the documents which the complainant believes to be in the school's possession and wish the Complaint Panel to consider; and
  - 2.2.4 Whether the complainant proposes to be accompanied to the Hearing (see paragraph 3.5 below).
- 2.3 If assistance with the request is required, for example because of a disability, please inform the Clerk to the Local Governing Body who will be happy to make appropriate arrangements.
- 2.4 The Clerk to the Local Governing Body will acknowledge the request for a Hearing in writing within **3 school days** of receipt.
- 2.5 Every effort will be made to enable the Hearing to take place within **15 school days** of receipt of the request.
- 2.6 A complainant may withdraw their request for a Hearing at any point up to and including the intended date of the Hearing.

### 3 Planning the Hearing

- 3.1 The Clerk to the Local Governing Body will send written notification to each party of the date, time and place of the Hearing at least **10 school days** before the date of the Hearing.
- 3.2 Copies of any documents (additional to those specified in 2.2.1 and 2.2.3) that the complainant wishes the Complaint Panel to consider should be sent to the Clerk to the Local Governing Body to be received at least **7 school days** prior to the Hearing.
- 3.3 The Clerk to the Local Governing Body will circulate a copy of the bundle of documents to be considered by the Complaint Panel to all parties at least **3 school days** prior to the Hearing.
- 3.4 The complainant may be accompanied at the Hearing, for example by a relative or friend. The Hearing is an internal process, not legal proceedings, and legal representation is therefore inappropriate and unnecessary.
- 3.5 If the complainant wishes to be accompanied by a relative or friend who is legally qualified,

the Parent is required to notify the Clerk to the Local Governing Body in the initial request for a Hearing. The complainant should note that the Complaint Panel will wish to speak to that person directly prior to the Hearing, and they will not be permitted to act as an advocate or address the Complaint Panel at the Hearing unless invited to do so by the Chair of the Complaint Panel.

3.6 A person will be appointed to take a minute of the Hearing.

#### **4 Composition of the Complaint Panel**

4.1 The Complaint Panel will comprise at least three individuals who have no detailed prior knowledge of the circumstances of the complaint, including at least one person who is independent of the management and running of the school (i.e. they will not be a Director/Trustee, a Local Governor at any of the Trust's academies, or an employee of the Trust at any of its academies).

4.2 The complainant may ask the Clerk to the Local Governing Body to inform them who has been appointed to sit on the Complaint Panel ahead of the Hearing. Fair consideration will be given to any reasonable objection to a particular member of the panel.

4.3 The Complaint Panel members will appoint one of their number to be the Chair of the Complaint Panel throughout the proceedings.

#### **5 Role of the Complaint Panel**

5.1 The role of the Complaint Panel is to establish the facts surrounding the complaints that have been made by considering:

5.1.1 the documents provided by both parties; and

5.1.2 any representations made by the parties

and to reach a decision as to whether or not to uphold each complaint.

#### **6 The Hearing**

6.1 The Hearing should proceed notwithstanding that the complainant may decide not to attend. In these circumstances, the Complaint Panel will consider the complainant's complaint in his/her absence and issue findings on the substance of the complaint in the usual way.

6.2 During the Hearing, the parties shall have the opportunity to ask questions and make comments in an appropriate manner. The Hearing is not a legal process and the Complaint Panel shall be under no obligation to hear oral evidence from witnesses but may do so and/or may take written statements into account.

6.3 All statements made at the Hearing will be unsworn. The parties will be entitled to write their own notes for reference purposes.

6.4 All those present during the Hearing are expected to show courtesy, restraint and good manners or, after due warning, the Hearing may be adjourned or terminated at the discretion of the Chair. Any person who is dissatisfied with any aspect of the way the Hearing is conducted must say so before the proceedings go any further and his/her comment will be minuted.

6.5 The Chair may, at his/her discretion, adjourn the Hearing if he/she considers it appropriate to do so. This may include an adjournment for the parties to take legal advice on a specific issue

arising.

- 6.6 A Hearing before the Complaint Panel is a private proceeding. No notes or other records or oral statements about any matter discussed in or arising from the proceeding shall be made available directly or indirectly to the press or other media (including social media).
- 6.7 When the Chair of the Complaint Panel is satisfied that sufficient consideration has been given to the documentation provided and any representations made by the parties, he/she will conclude the Hearing.

## 7 **Decision**

- 7.1 The Complaint Panel will make findings about each complaint on the balance of probabilities, and may make recommendations.
- 7.2 It is not within the powers of the Complaint Panel to make any financial award, nor to impose sanctions on the Academy's staff, pupils or parents, although the Complaint Panel may make recommendations.
- 7.3 The Complaint Panel's findings and any recommendations will be provided in writing to the complainant and, where relevant, the person complained about, within **5 school days** of the Hearing.
- 7.4 The Complaint Panel's findings and any recommendations will also be made available for inspection on the school's premises by the Trust and the Headteacher.
- 7.5 The completion of Stage 3 represents the conclusion of the school's complaints procedure.

## Appendix 4 Unreasonable Complaints

- 1 Red Kite Schools 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 us. 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.
- 2 We adopt the Department for Education definition of unreasonable complaints as those made by persons who, because of the frequency or nature of their contact with the school or the Trust, hinder our consideration of their or other people's complaints.
- 3 Unreasonable complaints are taken seriously as they put a strain on valuable resources and hinder the progress of proper investigations. A complaint may be judged to be unreasonable by assessing a number of factors, including those that are outlined below.
- 4 A complaint may be regarded as unreasonable when the person making the complaint:
  - 4.1 refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
  - 4.2 refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
  - 4.3 refuses to accept that certain issues are not within the scope of a complaints procedure;
  - 4.4 insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
  - 4.5 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;
  - 4.6 makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
  - 4.7 changes the basis of the complaint as the investigation proceeds;
  - 4.8 repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
  - 4.9 refuses to accept the findings of the investigation into that complaint where our complaint procedure has been fully and properly implemented and completed;
  - 4.10 seeks an unrealistic outcome;
  - 4.11 makes excessive demands on school 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.
- 5 A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:
  - 5.1 maliciously;

- 5.2 aggressively;
  - 5.3 using threats, intimidation or violence;
  - 5.4 using abusive, offensive or discriminatory language;
  - 5.5 knowing it to be false;
  - 5.6 using falsified information;
  - 5.7 publishing unacceptable information in a variety of media such as in social media websites and newspapers.
- 6 A complaint may also be considered unreasonable if it is manifestly unjustified, inappropriate, or an improper use of formal procedure. In assessing this, the school shall have regard to all the circumstances of the case and the nature of the complaint itself rather than the nature of the complainant. In assessing all of the circumstances of the case, a school will consider a range of factors including:
- 6.1 whether a complaint has reasonable foundation;
  - 6.2 the history and context of the complaint (and any evidence where relevant);
  - 6.3 whether the time and cost of investigating the complaint is proportionate to the issue(s) complained of;
  - 6.4 whether an investigation of the complaint is likely to cause a disproportionate or unjustified level of disruption, irritation or distress;
  - 6.5 unexplained delay in raising a complaint or issue;
  - 6.6 if the purpose of the complaint is to obtain an outcome which is unavailable via the complaints procedure, such as a claim for compensation, damages or a refund of fees paid;
  - 6.7 any evidence of a complaint being brought for an improper purpose.
- 7 Whenever possible, the Headteacher will discuss any concerns with the complainant informally before dismissing a complaint as unreasonable. The Headteacher will normally only do so after consultation with the Chair of the Local Governing Body.



### Complaint Form

Please complete and return this form to the Headteacher who will acknowledge receipt and explain what action will be taken. (If the complaint is about the Headteacher you should contact the Executive Headteacher. You should contact the Clerk to the Governing Body should the complaint relate to governors.)

<b>Your name:</b>
<b>Child's name (if relevant):</b>
<b>Your relationship to the child (if relevant):</b>
<b>Address:</b>          <b>Postcode:</b>  <b>Day time telephone number:</b>  <b>Evening telephone number:</b>  <b>Email address:</b>



**Please give details of your complaint, including whether you have spoken to anybody at the school about it.**

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



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

**Signature:**

**Date:**

**Official use**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Date:**