



# Concerns and Complaints Policy

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## 1. Introduction

- 1.1 This policy applies to Raleigh Learning Trust and all of its academies. It may be used by parents/carers or other members of the community to raise a concern or make a complaint to the Trust or any of its academies. If an employee has a concern or wishes to raise a complaint they should refer to the Trust's Grievance Policy.
- 1.2 The Trust understands that feedback from all Academy stakeholders is an essential part of improving our organisation, from the education we deliver to the way we communicate with parents and pupils and all stakeholders as part of our organisational strategy. We want to encourage feedback, even when the feedback might be something an individual may not be happy about as we can only resolve concerns or complaints if we know about them.
- 1.3 We aim to ensure that any concern or complaint is managed sympathetically, efficiently, quickly and at the appropriate level, and is resolved as soon as possible. We will try to resolve every concern or complaint in a positive way with the aim of putting right a matter which may have gone wrong and, where necessary, we will review our systems and procedures in light of the circumstances of the concern or complaint.
- 1.4 We recognise that a difficulty which is not resolved quickly and fairly can soon become a cause of resentment and so we need to know as soon as possible if there is any cause for dissatisfaction.
- 1.5 Individuals should never feel that a complaint will adversely affect a pupil or staff member, or their opportunities at one of our Academies. This policy distinguishes between a concern or difficulty which can be resolved informally at Academy level and a formal complaint which will require investigation.
- 1.6 For the purposes of this policy the following definitions apply:
- **"Parent/Carer"** means a current parent or carer or legal guardian
  - **"You"** means the individual making a complaint
  - **"Concern"** relates to a report of something which makes you worried or anxious within our academies or the Trust. This can be reported verbally or in writing to us
  - **"Complaint"** is defined as a statement that something is unsatisfactory or unacceptable within our Academies or the Trust
  - **"Academy concern/complaint"** means a concern raised or complaint made about a Trust Academy
  - **"Trust concern/complaint"** means a concern raised or complaint made about the Raleigh Learning Trust or our central team
  - **"Working days"** mean Monday to Friday when the Academy is open during term time for Academy concerns/complaints and Monday to Friday, excluding bank holidays or office closure over Christmas for Trust concerns/complaints.

## **2. Scope and purpose**

- 2.1 This policy can be used by all Academy and Trust stakeholders to raise concerns or complaints.
- 2.2 This policy does not apply to all concerns or complaints made to the Academy or Trust. Certain topics of complaint may mean that the concern or complaint should be paused whilst the content is investigated under a separate Trust process. Should this be the case, you will be advised accordingly. The following is an indicative list of such topics:
- Admissions appeals to Academies
  - Safeguarding
  - Staff grievances and disciplinary procedures
  - Complaints about services provided by other providers using Academy premises or facilities
  - Whistleblowing
  - Permanent exclusion appeals of pupils from an Academy

## **3. Legislation and regulation**

- 3.1 This policy is written in line with the following legislation and guidance:
- Education Skills and Funding Agency (ESFA) guidance
  - The Education (Independent School Standards) Regulations 2014 Schedule 1, Part 7

## **4. Safeguarding**

- 4.1 We are committed to safeguarding and promoting the welfare of all pupils. If concerns raised by parents/carers relate to a possible safeguarding issue, the matter will be referred to the Designated Safeguarding Lead (DSL) on the senior leadership team in an Academy. This will be handled in line with our Trust-wide Child Protection and Safeguarding Policy, as well as under this complaints policy.

## **5. The Data Protection Act 2018 and General Data Protection Regulations 2018**

- 5.1 We take data protection seriously and will comply with data confidentiality. For more information on how we handle data, please see our privacy policies. Should your complaint or concern relate to misuse of data, please contact the Data Protection Officer (DPO) for the Trust by email at [Claire.beardsall@raleighlearningtrust.co.uk](mailto:Claire.beardsall@raleighlearningtrust.co.uk).

## **6. Management of complaints**

- 6.1 The Trust concerns and complaints procedure has three stages:
- Stage 1 Informal Concern: informal raising of a concern or difficulty with a member of staff orally or in writing

- Stage 2 Formal Complaint: a formal complaint in writing
- Stage 3 Complaint Hearing: a referral to the complaints panel where the complainant is not satisfied with the response to the complaint Stage 2.

6.2 The composition of a complaint hearing panel at Stage 3 will be in accordance with the Trust's Scheme of Delegation.

## **7. Confidentiality**

7.1 A written record will be kept of all concerns and complaints, and of whether they were resolved at Stage 1, Stage 2, or proceeded to a Stage 3 complaint panel hearing. A record of the number of formal complaints registered during the preceding school year will be maintained by each Academy and by the Trust.

7.2 Each Academy will retain a record of all concerns and complaints, action taken and resolution from Stage 1, Stage 2 and Stage 3. This is collated by all Academies and reported to the CEO on a termly basis who will provide data to the Trust Board in accordance with the reporting cycle.

7.3 All investigations of Academy complaints will be reported internally to the CEO for full oversight.

7.4 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 Academy inspection or under other legal authority.

7.5 In accordance with data protection legislation principles, details of individual complaints will be kept only for as long as is considered to be reasonably necessary in the circumstances.

## **8. Anonymous complaints**

8.1 In so far as we are able, we will manage anonymous complaints as we do any other complaint. Anyone considering submitting an anonymous complaint should be aware that there may be instances where our ability to investigate a complaint thoroughly could be hindered by a lack of information – including our ability to speak to the complainant directly about their concerns.

8.2 We will always investigate the complaint as far as we are able based on the information given. However, we will only provide feedback on the outcome of any investigation regarding one of our Academies to a known parent of a pupil at the Academy.

## **9. Expectations in relation to raising a concern**

9.1 Individuals who raise either informal concerns or formal complaints with the Trust or one of its Academies, can expect:

- This policy to be available with the other policies on the Trust's website and on each Academy website;
- Response within a reasonable time and with courtesy and respect;

- A staff member to be available for consultation within reasonable time limits bearing in mind the needs of pupils within the Academy and the nature of the complaint;
- An attempt to resolve concerns using reasonable means in line with this policy.

9.2 In turn, the Trust and its academies can expect anyone raising a concern to:

- Treat all staff with courtesy and respect;
- Respect the needs and well-being of pupils and staff;
- Avoid any use, or threatened use, of violence to people or property;
- Avoid any aggression, verbal abuse or other intimidating behaviour;
- Ensure that written communications state the facts surrounding the concern without using threatening or unpleasant language;
- Recognise the time constraints under which members of staff in our Academies work and allow the Academy a reasonable time to respond;
- Recognise that resolving a specific problem can sometimes take some time.

## **10. Persistent or unreasonable complainants**

10.1 Each complaint will be reviewed individually and responded to, based on the information received. However, the Trust reserves the right to restrict contact with those who make persistent or unreasonable complaints as defined below.

10.2 For the purpose of this policy, a persistent complainant is someone who complains about issues, either formally or informally, or frequently raises issues that the complainant considers to be within the remit of the Trust and/or its Academies, and whose behaviour is unreasonable.

10.3 Such behaviour may be characterised by:

- Actions which are obsessive, persistent, harassing, prolific, repetitious; Prolific correspondence or excessive e-mail or telephone contact about a concern or complaint;
- An insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes;
- An insistence upon pursuing complaints in an unreasonable manner;
- An insistence on only dealing with the Principal or Senior Manager within the Trust on all occasions irrespective of the issue and the level of delegation in the Academy to deal with such matters;

- An insistence upon repeatedly pursuing a complaint when the outcome is not satisfactory to the complainant but cannot be changed, for example, if the desired outcome is beyond the remit of the Trust or its Academies because it is unlawful.

10.4 For the purpose of this policy, unreasonable is those who, because of the frequency or nature of their contacts with the Academy, hinder consideration of their or other people's complaints, for example:

- Refusing to articulate a complaint or specify the grounds of a complaint or the outcomes sought, despite offers of assistance;
- Raising large numbers of detailed but unimportant questions;
- Making unjustified complaints about staff who are trying to deal with the issues;
- Changing the basis of the complaint as the investigation proceeds.

10.5 For the purpose of this policy, harassment is the unreasonable pursuit of such actions detailed above in such a way that they:

a. Appear to be targeted over a significant period of time on one or more members of Trust staff or Trustees, and/or

b. Cause on-going distress to individual member(s) of Academy staff, and/or

c. Have a significant adverse effect on the whole/parts of the Academy community; and/or

d. Are pursued in a manner which can be perceived as intimidating and oppressive by the recipient. This could include situations where persistent demands and criticisms, whilst not particularly taxing or serious when viewed in isolation, have a cumulative effect over time of undermining confidence, well-being, physical and mental health.

10.6 The Academy's / Trust's actions in cases of persistent complaints or harassment:

- In the first instance the Trust/Academy will communicate either in writing or verbally (confirmed with a letter) to inform the complainant that their behaviour is considered to be becoming unreasonable/unacceptable and, if it is not modified, action may be taken in accordance with this policy.
- If the behaviour is not modified the Trust/Academy will take some or all of the following actions as necessary, having regard to the nature of the complainant's behaviour and the effect of this on the Academy community:

- a. Inform the complainant in writing that their behaviour is now considered by the Trust/Academy to be unreasonable/unacceptable
  
- b. Inform the complainant that all meetings with a member of staff will be conducted with a second person present and that notes of meetings may be taken in the interests of all parties;
  
- c. Inform the complainant that, except in emergencies, all routine communication with the complainant to the Trust/Academy should be by letter only;
  
- d. In the case of physical, or verbal aggression or other forms of intimidating behaviour, take appropriate advice and consider warning the complainant about being banned from the Academy site; or proceed straight to a temporary ban;
  
- e. Consider taking appropriate advice on pursuing a case under anti-harassment legislation;
  
- f. Consider taking advice from HR / legal provider about putting in place a specific procedure for dealing with complaints from the complainant, i.e. the complainant will not be able to deal directly with the Principal but only with a third person, to be identified by the CEO, who will investigate, determine whether or not the concern/complaint is reasonable and then advise the Principal accordingly.

- In the event of extreme situations or events, the Trust/Academy may take the decision to move implementing one of the above steps immediately. In this situation the complainant will be informed in writing.
  
- The Principal will keep the CEO informed at all times regarding any cases of persistent or unreasonable complaints or harassment.
  
- Legitimate new complaints will still be considered, even if the person making them is, or has been, subject to paragraphs 8 and / or 10 of this policy.
  
- Advice should be sought from the CEO who will ensure that the appropriate HR/legal advice is received. If a complainant's persistent complaining/harassing behaviour is modified and is then resumed at a later date within a reasonable period of time, the Trust/Academy may resume the process identified above at an appropriate level.

## **11. Complaints to the Education Funding Skills Agency (ESFA)**

- 11.1 The Education and Skills Funding Agency (ESFA) has a responsibility to ensure that academies comply with their funding agreements.
  
- 11.2 If the ESFA receives a complaint regarding a Trust Academy or the Trust it will check whether the complaint has been dealt with properly.

- 11.3 The ESFA will consider complaints about the Trust or its Academies that fall into any of the following three areas:
- a. where there is undue delay or the Trust/Academy did not comply with its own complaints procedure when considering a complaint;
  - b. where the Trust/Academy is in breach of its funding agreement with the Secretary of State
  - c. where the Trust/Academy has failed to comply with any other legal obligation.
- 11.4 The ESFA will not overturn an Academy or our Trust's decision about a complaint. However, if the ESFA find that an Academy or the Trust did not deal with a complaint properly they will request the complaint is looked at again and procedures meet the requirements set out in the Regulations.
- 11.5 If any of the issues listed in 11.3 a-c apply, the Education and Skills Funding Agency can be contacted via:
- the Department for Education's schools' complaints form
  - by post to Ministerial and Public Communications Division: Department for Education (DfE) Piccadilly Gate, Store Street, Manchester M1 2WD

## **12. Responsibilities**

- 12.1 The Trust Board has overall responsibility for the content of the policy and for ensuring the policy is adhered to. They delegate this responsibility as follows:
- The CEO is responsible for monitoring the complaints reporting and improvement implemented through the data reporting cycle
  - Principals / Senior Managers are responsible for ensuring the policy is implemented and adhered to in the Academies, including reporting to the CEO
  - Principals are responsible for ensuring Academy compliance with this policy

## **13. Monitoring and compliance**

- 13.1 This policy will be reviewed annually, or when legislation or regulation alters.

## **Appendix 1 – Concerns and complaints procedure**

This procedure supports the implementation of the Trust’s Concerns and Complaints Policy. It sets out how someone can raise a concern or make a complaint to the Trust or any of its Academies and what can be expected at each stage of the process.

The Trust’s Concerns and Complaints Procedure has three stages which are:

- **Stage 1: Dealing with concerns informally**
- **Stage 2: Making a formal complaint**
- **Stage 3: Requesting a complaints panel hearing**

### **Stage 1: Dealing with concerns informally**

#### **Informal resolution of a concern**

We expect that most concerns can be resolved informally. For example, dissatisfaction about some aspect of teaching or pastoral care or a billing error should be able to be resolved by the relevant member of staff in the Academy.

Complaints of discrimination, harassment or victimisation are taken very seriously and should be dealt with at Stage 2 without action at Stage 1.

#### **Disciplinary/behaviour concerns**

A problem over any disciplinary action taken or a sanction imposed against a pupil should be raised first of all with the member of staff who imposed it then with the senior leadership team.

#### **Who to contact**

Where appropriate, concerns should initially be raised as follows:

- **Educational issues:** if the matter relates to classroom practice, the curriculum or special educational needs/and disabilities, please speak or write to the relevant teacher or member of the Senior Leadership Team
- **Pastoral care:** for concerns relating to matters outside the classroom, please speak or write to the class teacher or member of the Senior Leadership Team

A member of the public wishing to raise a concern about an Academy should refer their concern to the Principal.

An individual wishing to raise a Trust concern (i.e., one that relates to the Trust, rather than an Academy) should contact the CEO.

When a concern is raised, we can help more quickly if you, the complainant, provide information which makes it clear what the main issue is and explains how you wish the Trust/Academy to help resolve the concern.

A concern provided in writing will be acknowledged by telephone, email, or letter within 2 working days of receipt during term time and as soon as practicable during the holidays.

A matter raised orally will not necessarily be acknowledged in writing.

A concern which has not been resolved by informal means within 15 working days should be notified in writing as a formal complaint using the procedure set out in Stage 2.

If you are not satisfied with the outcome of the informal Stage 1, an individual may make a formal complaint within 10 working days of the Trust's/Academy's decision about the concern raised at Stage 1.

## **Stage 2: Making a formal complaint**

### **How to make a formal complaint**

If you are dissatisfied with the response to the concern raised under Stage 1, or the complaint requires investigation or involves dissatisfaction with some aspect of the Trust's /Academy policies or management, the complaint must be made under Stage 2.

### **Academy complaints**

The full details of the complaint should be set out in writing and sent with all the relevant documents and full contact details to the Principal. The Principal will ensure that the complaint is:

- a. Logged with the date and time of receipt as part of the complaints tracking process and the Principal will acknowledge receipt of the complaint
- b. In the event the complaint is about the Principal, this will be passed to the CEO

### **Trust complaints**

Individuals making a formal complaint regarding the Trust, rather than an Academy, should send their complaint to the CEO. All formal complaints will be acknowledged by, email or letter within 2 working days during term time, and as soon as practicable during the holidays, indicating what action is being taken and the likely timescale.

## **Investigation**

### **Academy complaints**

The Principal may ask a senior member of staff to act as investigator for the Academy complaint at Stage 2.

If the complaint is about the Principal, the CEO may ask another Principal to undertake the investigation.

### **Trust complaints**

A member of the Trust's Executive Team will investigate the complaint.

The investigator may request additional information from you the complainant and will probably wish to speak to you personally and to others who have knowledge of the circumstances. Written records will be kept of all meetings and interviews held in relation to the complaint. The investigator will prepare a report which will be considered by the CEO.

## **Decision**

The Principal / CEO will then notify you by telephone, email or letter of their decision and the reasons for it within 10 working days from the receipt of the complaint. Where there are exceptional circumstances resulting in a delay, you will be notified of this and informed of the new timescales as soon as possible.

Any complaint received within one week of the end of a term or half term is likely to take longer to resolve owing to the Academy holidays and the unavailability of personnel required for the investigation to be undertaken properly.

Please note: Where a complaint is made by a parent in the EYFS setting, the complaint will be investigated in accordance with this procedure and you will be notified of the outcome within 28 days of the complaint being received.

## **Stage 3: Requesting a complaints panel hearing**

### **What is a complaints panel hearing?**

If you, as the complainant, are not satisfied with the outcome of your complaint at Stage 2, you may escalate your complaint to Stage 3 of the procedure.

This means that a panel can hear the complaint and undertake a review of the decisions taken after investigation of the complaint at Stage 2.

The panel will not consider any new areas of complaint which have not been previously raised at Stage 1 and Stage 2 of the complaint procedure.

The role of the panel is to establish the facts surrounding the complaints that have been made and to reach a decision, on the balance of probability, as to whether the complaint has been handled properly by considering:

- the documents provided by both parties; and
- any representations made by you, and the Academy/Trust

It is not within the powers of the hearing panel to make any financial award, nor to impose sanctions on staff, pupils or parents. The hearing panel may make recommendations on these matters or any other issues to the Principal / CEO, as appropriate.

### **How to request a complaints panel hearing**

A request for a hearing before a complaints panel must be put in writing to the Principal (Academy complaints) or CEO (Trust complaints) within 10 working days of the Stage 2 decision being communicated.

The written request should include:

- a copy of all relevant documents and full contact details;
- details of all the grounds of the complaint and the outcome desired;
- a list of the documents which the parents believe to be in the Trust/Academy's possession and wish the panel to see; and
- whether you wish to be accompanied to the hearing as outlined below.

If assistance with the request to attend and be accompanied at the panel is required, for example because of a disability, please inform the Principal / CEO who will be happy to make appropriate arrangements. You have the right to attend the panel hearing and may be accompanied by another person, for example a relative, teacher or friend.

The Principal / CEO will acknowledge the request for a hearing in writing within 2 working days of receipt during term time and as soon as practicable during the holidays.

Every effort will be made to enable the hearing to take place within 15 working days of receipt of the request. However, please note that the panel will not normally sit during half terms or Academy holidays.

## **Planning the hearing**

A panel clerk / notetaker will be appointed to arrange the hearing, including coordination of all paperwork and taking minutes at the hearing. As soon as reasonably practicable, and in any event at least 10 working days before the hearing, the panel clerk / notetaker will send written notification to each party of the date, time and place of the hearing.

Copies of any additional documents you wish the panel to consider should be sent to the panel clerk to be received at least 5 working days prior to the hearing.

You may be accompanied to the hearing by another person, for example a relative, teacher or friend. The panel hearing is not a legal proceeding and so legal representation is not usually necessary.

The panel clerk will circulate a copy of the bundle of documents to be considered by the panel to all parties at least 3 working days prior to the hearing.

## **Composition of the Panel**

The composition of the panel and the role of the Chair is set out in the Trust's Scheme of Delegation.

## **The Panel hearing**

All those present at the hearing shall have the opportunity to ask questions and make comments in an appropriate manner. The hearing is not a legal proceeding and the panel shall be under no obligation to hear oral evidence from witnesses but may do so and/or may take written statements into account.

At the hearing, the panel will, in general:

- Explain the purpose of the hearing and the procedure;
- Invite you to explain your complaint and ask you further questions;
- Invite the investigator and Stage 2 lead to explain how they handled the complaint;
- Question any witnesses.

All statements made at the hearing will be unsworn. All present will be entitled, should they wish, to write their own notes for reference purposes.

All those attending 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.

If terminated, the original decision will stand. 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 their comment will be minuted.

The Chair may, at their discretion, adjourn the hearing for further investigation of any relevant issue. This may include an adjournment to take legal advice.

A hearing before the complaints 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.

### **The decision**

The panel will reach a decision, on a balance of probabilities, unless there is an agreed position.

The decision, findings and any recommendations will be provided to the complainant, and where relevant the person complained about, in writing by mail / e-mail, normally within 5 working days of the hearing. If you do not wish to receive the decision by e-mail, please inform the panel clerk / notetaker of this and a copy will be mailed or hand-delivered to you.

The Principals / CEO reviews findings and recommendations as part of quality assurance work to ensure that lessons learned from complaints can inform the work in our Trust and ensure that a written record is retained of all outcomes of all concerns and complaints, their formal or informal resolution at Stages 1, 2 to 3 and ensure that action is taken by an Academy / the trust, whether a complaint is upheld or not.

The decisions, findings and any recommendations will also be available for inspection by the Board of Trustees.

This represents the conclusion of the Trust's complaints procedure.

If you are still dissatisfied with the outcome of your complaint you may be entitled to complain to the Education and Skills Funding Agency, as set out in paragraph 11 of the Concerns and Complaints Policy.