



Vanguard Learning Trust Complaints Policy

1. Policy Aim and Statement

Vanguard Learning Trust wishes to communicate effectively with parents, students and its wider stakeholder community. Schools within the Trust are committed to maintaining the highest standards in all aspects of their work and will review feedback provided – good and bad – in order to improve their services further.

The aim of this Complaints Policy is to ensure that a concern, difficulty or complaint is managed sympathetically, efficiently and at the appropriate level. The aim is to resolve issues as soon as possible. Doing so is good practice, fair to those concerned and helps to promote parents' and students' confidence in the school's ability to safeguard and promote welfare.

Individual schools within the Trust will try to resolve concerns, difficulties or complaints in a positive way with the aim of putting right something which may have gone wrong.

Individual schools within the Trust need to know as soon as possible if there is any cause for dissatisfaction. Both individual schools, and the Trust, recognise that a concern or difficulty which is not resolved quickly and fairly can soon become a cause of resentment, which can be damaging to the relationship between a school and the parent and student, and can also have a detrimental effect upon wider ethos and culture.

Parents and students should never feel – or be made to feel – that raising a concern, difficulty or complaint will adversely affect the student's future at any school within the Trust, or place the student at a disadvantage in any way.

2. Application of Policy

This Complaints Policy has been formulated to comply with Schedule 1, Part 7 of the Education (Independent School Standards) (England) Regulations 2014, as well as the ESFA guidance on handling school complaints, equality legislation and the rules of natural justice. In the case of any variance between the procedure outlined in this Complaints Policy and the Regulations, the procedure outlined in the Regulations will apply.

This Complaints Policy applies to all concerns and complaints from the parents of students within any school within the Trust, other than those involving child protection issues, or relating to admissions, public exam results, exclusions and SEN, for which there are separate statutory procedures. Where a complaint is made against a member of staff, depending upon the nature and seriousness of the complaint, the matter may be dealt with under separate HR procedures which are strictly confidential, rather than under this Complaints Policy.

This policy does not cover complaints brought by employees within the Trust. Other policies, for instance the Grievance, Disciplinary or Whistleblowing Policy are more appropriate in these instances.

This Complaints Policy distinguishes between a concern or difficulty, which can usually be resolved informally, and a formal complaint which will require further investigation.

The Rules of Natural Justice

Simply put, the rules of natural justice relate to fairness. The Trust will ensure that all concerns, difficulties or complaints are dealt with in accordance with the following principles:

- All parties will be provided with all information and documentation pertinent to the matters raised;
- All parties will be given the opportunity to prepare and present their case and respond to the other parties involved;
- All persons investigating and making decisions in relation to the matters raised will be impartial and will do so without bias (or apparent bias) to any party involved;
- All decisions will be made on a balanced and considered assessment of the information before the investigator only;
- All decisions will be based upon logical conclusions, applying the principle of balance of probability, and not on mere speculation or suspicion;
- All decisions will be supported by detailed reasons which will be disclosed to all parties involved.

Equality Act 2010

The Trust will deal with concerns, difficulties and complaints in accordance with its duty under the Equality Act 2010 to have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and other conduct prohibited by the Equality Act 2010;
- Advance equality of opportunity between those who share a relevant protected characteristic and those who do not, by having regard to the need to:
 - remove or minimise disadvantages connected to a relevant protected characteristic; and
 - take steps to meet the different needs of those sharing a relevant protected characteristic; and
 - encourage those who share a relevant protected characteristic to participate in school life and activities in which participation is disproportionately low;
- Foster good relations between those who share a relevant protected characteristic and those who do not, by having regard to the need to:
 - tackle prejudice; and
 - promote understanding;

“Relevant protected characteristics” includes sex, race, disability, religion or belief, sexual orientation, gender reassignment, pregnancy and maternity and (in the case of persons who are not students) marriage and civil partnership, and age.

In addition, the Trust will comply with its duty to make the following reasonable adjustments for persons with a disability:

- Where a provision, criterion or practice places a disabled person at a substantial disadvantage compared to a person who is not disabled, reasonable steps will be taken to avoid that disadvantage;

Where a disabled person would, but for the provision of an auxiliary aid, be placed at a substantial disadvantage compared with a person who is not disabled, reasonable steps will be taken to provide the auxiliary aid.

An auxiliary aid can be a piece of equipment or a service.

If a Complainant or other person involved in the complaints procedure requires an interpreter, a signer or any other assistance at meetings or at a Complaint Panel Hearing, they should let the individual school know immediately.

If a complainant commences legal action in relation to their complaint, the complaints procedure will be suspended until the legal proceedings have concluded.

3. Terms Used

For the purpose of this Complaints Policy, a “parent” includes the natural or adoptive parent of a student, irrespective of whether they are or ever have been married, whether they are separated or divorced, whether the student lives with them, whether the father has parental responsibility for the student or whether they have contact with the student.

A “parent” will also include a non-parent who has parental responsibility for a student, an adult non-parent with whom the student lives, and an adult who is involved in the day-to-day care of the student (for example, collecting or dropping off the student from school).

Any reference to a “student” will also include a prospective or former student of any school within the Trust.

A person making a complaint will be referred to as a “Complainant” throughout this Complaints Policy.

4. Procedure

This Complaints Procedure consists of four stages:

- Stage 1 – Concerns and difficulties, dealt with informally;
- Stage 2 – Complaints formally investigated by the Headteacher (or designate);
- Stage 3 – Complaint Panel Hearing.

5. Time Limits

Schools within the Trust aim to resolve concerns, difficulties and complaints in a timely manner. Time limits for each stage of the procedure are set out under each individual stage.

For the purposes of this Complaints Policy, a "school day" is defined as a weekday during term time, when the school is open to children¹. The definition of "school day" therefore excludes weekends, school holidays, bank holidays and staff training days. Term dates are published on each individual school's website, and information about term dates is made available to parents and students periodically. Any complaint made during the holidays will be acknowledged on the first school day of the new half term.

Although every effort will be made by individual schools to comply with the time limits specified under each stage of the procedure, it may not always be possible to do so, for example due to the complexity or number of matters raised, or due to the unavailability of the Complainant to attend a meeting, if offered. In all cases, **where a time limit cannot be complied with, the individual school will write to the Complainant within the specified time limit, setting out the reasons why the time limit cannot be complied with, and confirming the new time limit which will apply.**

If a complainant wants to withdraw their complaint this must be made in writing.

6. Complaints Against a Local Headteacher

If a complaint is about the conduct of an individual Headteacher, the Chair of the Local Governing Body will investigate the complaint under **Stage 2** of this Complaints Policy.

The Board of Trustees will fulfil responsibilities under **Stage 3** of this Policy

7. Complaints Against the Chair of the Local Governing Body

If a complaint is about the conduct of the Chair of the Local Governing Body, the Headteacher will consider the complaint under **Stage 2** of this Complaints Policy as normal. The Board of Trustees will fulfil responsibilities under **Stage 3** of this Policy

8. Late Complaints

Where a complaint is submitted more than three months after the incident or event (or where the complaint relates to a series of incidents or events, more than three months from the date of the latest incident or event), the Trust reserves the right to refuse to investigate the complaint **if it appears reasonable and fair to do so, having regard to the circumstances surrounding the complaint.**

Where a school decides that a late complaint will not be investigated, the school will write to the Complainant notifying them of the decision within **five school days** of the complaint being received.

If the Complainant is unhappy with the decision not to investigate a late complaint, the Complainant may write to the Chair of the Local Governing Body asking for the decision to be reviewed. The Chair of the Local Governing Body will be provided with all documentation relating to the complaint, together with the letter from the school to the Complainant, and will review the decision not to investigate the complaint. The Chair of the Local Governing Body will **not** investigate the complaint itself during this review.

¹ Any complaints made during the holidays will be acknowledged on the first day of the new half term.

The Chair of the Local Governing Body will write to the Complainant with the outcome of the review within **ten school days** of the date that the letter from the Complainant seeking the review was received, and provide the school with a copy of the letter.

If the Chair of the Local Governing Body quashes the decision not to investigate the complaint, it will be referred to the school to be dealt with under this Policy in the usual way.

If the Chair of the Local Governing Body upholds the decision not to investigate the complaint, the Complainant may refer the concern or complaint to the Department for Education using the procedure stated towards the end of this Policy.

In exceptional circumstances, the Chair of the Local Governing Body can delegate the responsibility for the review to the Vice-Chair of Governors.

9. Vexatious, Unreasonable, or Repeated Complaints

There may be occasions when, despite a complaint being considered under all stages in this Policy, the Complainant persists in making the same complaint. There may also be occasions when a Complainant raises unreasonable persistent complaints or complaints about matters which do not affect them. There may also be occasions when a complaint is made about a matter which is clearly so trivial that it would be a waste of a school's resources to deal with it under the formal stages of the procedure.

In all of these cases, the Trust reserves the right to regard the complaint as vexatious and/or repeated and to refuse to investigate it under the procedure in this Complaints Policy, **if it appears reasonable and fair to do so, having regard to the circumstances surrounding the complaint.**

Examples of the types of behaviour which may be considered unreasonable or vexatious are contained at Annex 3.

Where an individual school decides that a complaint is vexatious and/or repeated and will not be investigated, the school will write to the Complainant within **five school days** of the complaint being raised to notify them of the decision.

If the Complainant is unhappy with the decision not to investigate a vexatious and/or repeated complaint, they may write to the Chair of the Local Governing Body to ask for the decision to be reviewed. The Chair of the Local Governing Body will be provided with all documentation relating to the current complaint and any previous complaints which were relevant to the decision, together with the letter from the school to the Complainant, and will review the decision not to investigate the complaint. The Chair of the Local Governing Body will **not** investigate the complaint itself during this review.

The Chair of the Local Governing Body will write to the Complainant with the outcome of the review within **ten school days** of the date that the letter from the Complainant seeking the review was received.

If the Chair of the Local Governing Body quashes the decision not to investigate the concern or complaint, it will be referred to the school to be dealt with under the procedure in this Complaints Policy in the usual way.

If the Chair of the Local Governing Body upholds the decision not to investigate the concern or complaint, the Complainant may refer the concern or complaint to the Education Funding school using the procedure stated towards the end of this Policy.

In exceptional circumstances, the Chair of the Local Governing Body can delegate the responsibility for the review to the Vice-Chair of Governors.

10. Anonymous Complaints

Anonymous complaints will not be investigated under this Policy. Anonymous complaints will be referred to the local Headteacher who will decide what, if any, action should be taken.

11. Data Protection Act 2018 and Freedom of Information Act 2000

Complaints sometimes include requests for information or documentation. Such requests may constitute a “subject access request” under the Data Protection Act 2018 (where the information requested relates to an identifiable individual) or a request for disclosure of information under the Freedom of Information Act 2000 (where the information is general and not related to an identifiable individual).

In both cases, the request to disclose information will be managed in line with the separate policies concerning both of these requests.

Further details can be found in the Trust’s Data Protection and Freedom of Information Policies. These are both available on the Trust’s website. Hard copies can be provided upon request.

12. Retention of Records

A full written record will be maintained by individual schools of all complaints resolved under Stages 2 to 3.

Records of formal complaints and concerns / difficulties will be retained in line with the Trust’s Document Retention Policy, included on the Trust website (www.vlt.org.uk).

Members of staff may also, on occasion, keep a record of any concerns or difficulties raised. Such a record will include details of the issue raised, action taken and, if applicable, the resolution reached.

13. Resolution and Outcome Principles

It is in everyone’s interest that concerns, difficulties and complaints are resolved at the earliest possible stage. The way in which the concern, difficulty or complaint is dealt with after the matter is first raised by the Complainant can be crucial in determining whether the complaint will escalate. To that end, members of staff will be periodically made aware of the procedure in this Complaints Policy, so that they will know what to do when a concern or

difficulty is raised with them.

The Trust understands that complaints can often involve sensitive and emotive issues and that parents / carers are seeking to do the best for their children. In order to resolve complaints effectively, however, it is important that a constructive dialogue is maintained at all times. The Trust reserves the right to suspend the complaints procedure and, in particular, suspend any face-to-face meeting where it is clear that constructive dialogue is not possible.

The steps in this procedure are sequential and should be followed in order. When a Complainant misses out one or more stages, they may be referred back to the relevant stage of the procedure.

At each stage of the complaints procedure, the investigator will consider how the complaint may be resolved. In considering how a complaint may be resolved, the investigator will give due regard to the seriousness of the complaint.

The investigation into the complaint may result in a one of three outcomes:

- There was insufficient evidence to reach a conclusion, so the complaint cannot be upheld;
- The investigation did not substantiate the matters raised, so the complaint cannot be upheld;
- The complaint was substantiated in part or full. A description will be given of the remedial action being taken by the individual school as a consequence of the complaint. This may include further confidential procedures being pursued. **However, details of any disciplinary action or sanctions to be taken against a member of staff are strictly confidential and cannot be disclosed.**

If the complaint is proven, either in full or in part, the investigator may offer one of the following:

- An explanation;
- An apology;
- Reassurance that steps have been taken to prevent a recurrence of events which led to the complaint;
- Reassurance that either the individual school, or the wider Trust, will undertake a review of policies and procedures in light of the complaint.

None of the above will constitute an admission of negligence or an acceptance of liability on behalf of the Trust.

STAGE 1 – Informal Discussion

It is expected that any concerns or complaints will be dealt with via informal discussion in the first instance. Complainants may be invited into school to discuss their concerns, or telephone conversations may take place (as appropriate).

A concern is defined as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*. A complaint is defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action'*.

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

Complainants should address correspondence to the individual school within the Trust. Specific information is required: what has happened, when did it take place, who was involved and how could the situation be resolved.

Each school within the Trust has established mechanisms through which queries and concerns can be raised informally. Details are included at Annex 2.

Child protection issues should be referred immediately to the Designated Individual within each school with responsibility for Child Protection.

The individual to whom the complaint is referred will investigate and refer back to the complainant **within 5 working (ie school) days** of the initial complaint being made.

If a concern or difficulty is raised with a member of staff who feels that it raises serious issues which should be dealt with as a formal complaint immediately, the member of staff will tell the Complainant that they should put their complaint in writing to the Headteacher under Stage 2 of this Complaints Policy. If the Complainant would prefer to complete a form instead of writing a letter, the Complainant can use the Complaint Form contained in Annex 1 of this Complaints Policy to submit their complaint formally.

STAGE 2 – Formal Complaint to the Headteacher (First Formal Stage)

If the complainant is not satisfied with the outcome of the first stage, or wishes to raise a serious matter which requires formal investigation from the outset, he / she may submit a formal written complaint to the relevant Headteacher.

The Complainant should clearly set out the matters in dispute, the relevant dates, the full names of the persons involved and what the Complainant believes the school should do to resolve the complaint. Where the Complainant has sought to resolve the matter informally, they should detail why they remain dissatisfied after the first informal stage. Any documentation relied upon by the Complainant should be attached to the formal complaint.

The Headteacher will acknowledge receipt of the complaint in writing within **five school days** of receipt. The acknowledgement letter will confirm the date that the formal complaint

was received, the action to be taken and the specified time limit.

The Headteacher will be provided with the records of the Stage 1 informal procedure (if applicable) within **five school days** of receipt of the formal complaint, and will then proceed to investigate the complaint. This will involve obtaining and considering all documentation held by the school which is relevant to the complaint. If further information is required from the Complainant, this may be requested from them over the telephone or in writing.

The Headteacher will speak to the persons who were involved in the matters raised by the Complainant. Students will only be spoken to with an independent member of staff present to support them. Where there is an issue about the conduct of a member of staff, that member of staff will be offered the option of having another member of staff present. Other members of staff will be spoken to alone. A written record of the conversation will be made, and the student or member of staff spoken to will be asked to read, sign and date the written record to confirm that it is accurate. In the case of students, the accompanying independent member of staff will also be asked to sign and date the record of the conversation.

In appropriate cases, the Headteacher may delegate the complaint to a member of the Senior Leadership Team (who has not otherwise been involved in the issue), or an independent person, to investigate the complaint with in accordance with the procedure outlined above.

If the Headteacher deems it to be appropriate in relation to the matters raised, the Complainant will be offered a meeting to discuss the issues raised. This may take place at the beginning of the investigation to clarify any matters which are unclear, or after the investigation has taken place with the aim of reaching an amicable resolution.

For complex complaints, involving an independent investigation, the school may need to agree an extension to the investigation period in order to properly establish the full facts surrounding the case. In all cases such an extension will be discussed and agreed with the complainant in advance.

Whilst all complaints will be handled with sensitivity and discretion, the school cannot guarantee to keep the nature of the complaint or the identity of any student confidential, as these details may need to be disclosed in order to allow the complaint to be fully investigated.

The Headteacher will write to the Complainant confirming the outcome of the investigation within **15 school days** from the date that the complaint was received. The letter will set out the individual matters raised by the Complainant, the findings made by the Headteacher during the course of the investigation, the decision he/she has reached, and any action taken or proposed, including details of any request made to those complained against to take particular actions to resolve the complaint

The letter will inform the Complainant that, if they are unsatisfied with the outcome of the Stage 2 investigation, they should write to the Clerk to the Local Governing Body within **5 school days** of receipt of the letter asking for their complaint and the Stage 2 investigation to be reviewed at a Complaint Panel Hearing under Stage 3 of this Complaints Policy.

Stage 3 - Appeal to the Full Local Governing Body / Board of Trustees

If the Complainant is unsatisfied with the outcome of the review under Stage 2 of this Complaints Policy, the Complainant may write to the Clerk to the Local Governing Body (or Clerk to the Board of Trustees) within **five school days**, requesting a Complaint Panel Hearing.

The Complainant should not repeat the matters raised in their original letter or attach documentation already provided, but should clearly set out how and why the Complainant does not accept the findings made under Stage 2.

The Clerk will review the documentation and may recommend to the Chair of the next stage that the complaint is not grounds for escalation. If agreed, a letter will be written to the complainant by the Clerk outlining why the complaint will not be considered at the next stage.

The Clerk will acknowledge receipt of the complaint **within 5 working (ie school) days** of receipt of the letter.

Within a **further 15 working (ie school) days**, the Clerk will convene a Complaints Panel consisting of three people to consider the complaint. None of the three Complaints Panel members will have been involved in the matter which gave rise to the complaint, have been involved in dealing with the complaint previously or have any detailed prior knowledge of the complaint. Two of the Complaint Panel members may (but do not have to) be members of the Local Governing Body. The third Complaint Panel member will be independent of the management and running of both the individual school in question and the Trust more widely, i.e. they will not be a member of staff or a Governor, and will not be linked to the Trust in another way, for example as a parent of a student at any school within the Trust.

After selecting the Complaint Panel members, the Clerk will write to the Complainant informing them of the names of the Complaint Panel members. If the Complainant objects to any of the named persons being appointed to the Complaint Panel, they should notify the Clerk to the Local Governing Body within **three school days** of receipt of the letter. Fair consideration will be given to any bona fide objection to a particular member of the Complaint Panel.

The Panel will nominate one of their number to act as Chair.

The Complainant will be invited to attend the Complaint Panel Hearing, and may be accompanied by another person. For the avoidance of doubt, the Complainant's supporter will be present for moral support only and will not play any part in the proceedings, unless invited to do so by the Chair of the Complaint Panel, entirely at his or her discretion and for a good reason. The Complaint Panel Hearing is **not** a legal hearing and it is not appropriate for either the Complainant or the school to be legally represented.

The school will be represented at the Complaint Panel Hearing by the person who dealt with the complaint under Stage 2, which will usually be the Headteacher. This person will be referred to as the "School's Representative" for the purposes of **Stage 3**.

The Complaint Panel Hearing will be minuted by the Clerk to the Complaint Panel, who will

usually be the Clerk to the Local Governing Body / Board of Trustees.

The Clerk to the Local Governing Body will liaise with the Complaint Panel, the Complainant and the School's Representative to agree a mutually convenient date for the Complaint Panel Hearing, which will usually take place within **twenty school days** of receipt of the Complainant's original request, unless there are exceptional circumstances.

Annex 3 sets out the detailed processes that the Complaints Appeal panel will follow, as well as the roles and responsibilities of various individuals involved.

The Clerk will forward a copy of all paperwork relating to the complaint (consisting of the record of the Stage 1 informal procedure (if applicable), the original letter of complaint or Complaint Form, any documentation provided by the Complainant with their complaint, all investigation records under Stage 2 with the letter of outcome and the Complainant's letter requesting a Complaint Panel Hearing and accompanying documents) to the Complainant, the School's Representative and the three Complaint Panel members at least five days before the Complaint Panel Hearing.

The names of individuals other than the Complainant, the Complainant's family, members of the school's staff and Governors, will be redacted and replaced with a letter relevant to that particular individual (for example "Jane Brown" will be replaced with "A" throughout, "John Jones" will be replaced with B throughout) unless they have provided their written consent for their name to be disclosed.

If the Complainant wishes the Complaint Panel to consider any additional information (including the account of a witness), they should forward this documentation to the Clerk to arrive **at least five school days** before the Complaint Panel Hearing, to enable the Clerk to forward it to the School's Representative and the Complaint Panel members.

The Chair and Clerk will review the paperwork prior to the Complaint Panel Hearing to identify which points have been agreed eg. there is consensus between both parties and which areas have not been resolved.

At the beginning of the meeting, the Chair will agree with the Complainant and school representative the focus of the meeting based on his/her review of the paperwork with the Clerk. In order to do this, the Chair will summarise which points he/she believes are agreed and which areas need to be presented on by each party.

The Chair of the Complaint Panel will decide, at his or her absolute discretion, which witnesses will be permitted to attend the Complaint Panel Hearing to give a verbal statement rather than relying on a written statement or record of meeting which have been signed by the witness.

Witnesses under the age of eighteen other than the Complainant's own family will only be allowed to attend the Complaint Panel Hearing at the discretion of the Chair of the Complaint Panel, and then only if they are accompanied by one of their parents or carers. Any written accounts provided by the Complainant relating to witnesses under the age of eighteen must be signed and dated by the witness **and** one of the witness' parents or carers.

Members of school staff involved in the matters which gave rise to the complaint will usually have provided a signed written account or have signed a note of a meeting during the previous stages, which will be forwarded to all parties with the other complaint

documentation in the usual way. Members of staff will not usually be required to attend the Complaint Panel Hearing to give a verbal statement unless their conduct is in issue or their account is contentious and the rules of natural justice dictate that the Complainant should be allowed to ask that member of staff questions.

Notification of the Complaint Panel's Decision

The Clerk to the Complaints Panel will write within **five school days** of the Complaint Panel Hearing to the:

- Complainant;
- the School's Representative;
- Any person complained about;

The letter will identify each of the issues complained about, summarise how the Complaint Panel Hearing proceeded, and confirm each of the Complaint Panel's findings of fact and recommendations, if any, with reasons. The letter will also confirm that, if the Complainant believes that this Complaints Policy does not comply with the Regulations, or that the school has not followed the procedure outlined in this Complaints Policy, the Complainant may refer their complaint to the Department for Education for further consideration.

The Clerk will also ensure that a copy of the Complaint Panel's findings and recommendations are made available on the Academy's premises for inspection by the Trust, the Local Governing Body and the Headteacher.

Next Steps

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed **Stage 3**.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by the school. They will consider whether the school has adhered to education legislation and any statutory policies connected with the complaint. The complainant can refer their complaint to the Department for Education online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD

14. Reviews and Publication

This Complaints Policy has been ratified by Board of Trustees, and will be reviewed every 3 years. It is published on each school's website, on the Trust website and a hard copy will be provided to parents and students on request.

Approval / Revision History

Post Multi Academy Trust revision history:

Revision date	By	Summary of Changes Made
<i>March 2015</i>	<i>Vyners School HR Committee February 2013</i>	<i>First issue.</i>
<i>June 2015</i>	<i>Vyners School Resources Committee February 2013</i>	<i>Inclusion of para on vexatious / unreasonable complaints. Inclusion of new formal stage</i>
<i>June 2015</i>	<i>Ryefield LGB</i>	<i>First issue</i>
<i>July 2015</i>	<i>VLT Board of Trustees</i>	<i>Post MAT revisions. Policy Agreed</i>
<i>July 2018</i>	<i>VLT Board of Trustees</i>	<i>Major policy revision, to largely adopt existing Ruislip High Complaints Policy. Change of company name</i>
<i>February 2019</i>	<i>VLT Board of Trustees</i>	<i>Clarification of the timescales to convene a Complaints panel under stage 4 of the process</i>
<i>May 2019</i>	<i>VLT Board of Trustees</i>	<i>One stage removed and some final alterations</i>

Annex 1 – Formal Complaint Form

Please complete and return to the individual school who will acknowledge receipt and explain what action will be taken.

Your Name:	Student's Name:
School attended:	
Your Relationship to Student:	Student's DOB and Form / Tutorial:
Address and Postcode:	Daytime Telephone Number:
	Evening Telephone Number:
Full details of complaint (including the names of all persons involved and the dates of incidents referred to):	
What action, if any, have you already taken to try and resolve your complaint (for example, who did you speak to and what was the response)?	
What actions do you feel might resolve the problem at this stage?	
Are you attaching any paperwork? If so, please give details.	
Signature:	Date:
<i>For Official Use:</i>	
<i>Date Acknowledgement Sent:</i>	
<i>Name of Person Complaint Referred To:</i>	
<i>Signature:</i>	<i>Date:</i>

ANNEX 2 – Raising issues and concerns within individual schools

All schools within the Trust encourage stakeholder to raise issues informally at the earliest opportunity.

Your concern / complaint should be directed as follows:

Vyners School

Concerns over pastoral / curriculum issues	- Relevant subject teacher or form tutor
Concerns over behaviour sanctions	- Member of staff who issues the consequence or the relevant Year Leader.
Issues regarding a form tutor or subject teacher	- Year Leader / Subject Leader
Concerns relating to a Year Leader / Subject Leader	- Deputy Headteacher
Matters concerns the administrative running of the school	- Business Manager
Concerns relating to a member of the Senior Leadership Team (ie Deputy Headteachers, Assistant Headteachers or Business Manager)	- Headteacher
Concerns relating to the Headteacher	- Chair of Local Governing Body

Ryefield School

Concerns over pastoral / curriculum issues	- Relevant class teacher
Issues regarding a class teacher	- Year Leader
Concerns relating to a Year Leader	- Headteacher
Matters concerns the administrative running of the school	- Operations Manager or Headteacher
Concerns relating to a member of the Senior Leadership Team (ie Deputy or Assistant Headteachers)	- Headteacher
Concerns relating to the Headteacher	- Chair of Local Governing Body

Ruislip High School

Concerns over pastoral / curriculum issues	- Relevant subject teacher or tutor
Concerns over behaviour sanctions	- Member of staff who issued the sanction or relevant Head of Year
Issues regarding a form tutor or subject teacher	- Head of Year or Subject Leader
Concerns relating to a Year Leader / Subject Leader	- Relevant senior leader (line manager of the middle leader)
Matters concerns the administrative running of the school	- HR and Data Manager
Concerns relating to a member of the Senior Leadership Team (ie Deputy Headteachers, Assistant Headteachers or Business Manager)	- Headteacher
Concerns relating to the Headteacher	- Chair of Local Governing Body

ANNEX 3 – Procedure for Handling Appeals to the Local Governing Body / Board of Trustees

The Complaint Panel Hearing will be conducted as follows:

- The Clerk to the Complaint Panel will greet the Complainant, the Complainant's supporter and the School's Representative and welcome them into the room where the Complaint Panel has convened (any witnesses will remain outside of the room until they are called in to give their account);
- The Chair will agree with the Complainant and the school representative which points are agreed on and which needs to be the focus of each party's case;
- The Complainant will be invited by the Complaint Panel to give an account of their complaint;
- The School's Representative will be invited to ask the Complainant questions, if any;
- The Complaint Panel will ask the Complainant questions, if any;
- At the discretion of the Chair of the Complaint Panel, the Complainant's first witness will be invited into the room to give an account of what they saw or know;
- The School's Representative will be invited to ask the Complainant's witness questions, if any;
- The Complaint Panel will ask the Complainant's witness questions, if any;
- The Complainant's witness will be asked to leave the room;
- If the Complainant has any further relevant witnesses, at the discretion of the Chair of the Complaint Panel, they will be invited into the room individually to provide their accounts and be questioned as outlined above;
- The Academy's Representative will be invited by the Complaint Panel to respond to the complaint and make representations on behalf of the school;
- The Complainant will be invited to ask the School's Representative questions, if any;
- The Complaint Panel will ask the School's Representative questions, if any;
- At the discretion of the Chair of the Complaint Panel, the school's relevant first witness will be invited into the room to give an account or what they saw or know;
- The Complainant will be invited to ask the school's witness questions, if any;
- The Complaint Panel will ask the school's witness questions, if any;
- The school's witness will be asked to leave the room;
- If the school has any further relevant witnesses, at the discretion of the Chair of the Complaint Panel, they will be invited into the room individually to provide their accounts

and be questioned, as outlined above;

- The Complainant will be invited by the Complaint Panel to summarise their complaint;
- The School's Representative will be invited by the Complaint Panel to summarise their response to the complaint and the school's stance;
- The Complaint Panel Hearing will conclude and the Complainant and the School's Representative will be asked to leave.

Factors for the Complaint Panel to Consider

- It is important that the Complaint Panel Hearing is independent and impartial, and that it is seen to be so. No person may sit on the Complaint Panel if they have had a prior involvement in the matters which gave rise to the complaint, in dealing with the complaint in the previous stages, or have a prior detailed knowledge of the complaint;
- The aim of the Complaint Panel Hearing, which must be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the Complainant. However, it has to be recognised that the Complainant may not be satisfied with the outcome if the Complaint Panel does not find wholly in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the Complainant that his or her complaint has been taken seriously;
- An effective Complaint Panel will acknowledge that many Complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The Chair of the Complaint Panel will ensure that the Complaint Panel Hearing is as welcoming as possible, while ensuring that it is procedurally fair to all parties. The layout of the room will set the tone and care is needed to ensure the setting is informal and not substantially adversarial;
- Extra care needs to be taken when the Complainant is a child, or there are child witnesses present. Care should be taken to ensure that the child does not feel intimidated. The Complaint Panel should be aware of the views of the child and give them equal consideration to those of the adults present. Where the child's parent is the Complainant, it would be helpful to give the parent the opportunity to suggest which parts of the hearing, if any, the child should attend, with the Chair retaining discretion;
- The Complaint Panel should ensure that they are familiar with the complaints procedure in advance of the Complaint Panel Hearing.

The Chair of the Complaint Panel will play a key part at the Complaint Panel Hearing, ensuring that:

- The remit of the Complaint Panel is explained to the parties and each party has the opportunity of making representations without undue interruption;
- All of the issues raised in the complaint are addressed;
- Key findings of fact are made, on a balance of probabilities ;
- All parties treat each other with respect and courtesy;

- The Complaint Panel is open minded and acts independently of the school / Trust;
- No member of the Complaint Panel has a vested interest in the outcome of the proceedings;
- Each side is given the opportunity to state their case and ask questions;
- All written material is seen by all parties. If a new issue arises during the course of the Complaint Panel Hearing, it would be useful to give all parties the opportunity to consider and comment on it.

The Complaint Panel's Decision

The Complaint Panel will convene in private, either immediately after the Complaint Panel Hearing or on a subsequent date, and will consider all of the documentation and everything that they have heard at the Complainant Panel Hearing and make:

- **Findings of Fact**

The Complaint Panel will decide which facts are established to be true, on a balance of probabilities (i.e. more likely than not). If a fact is not deemed relevant, the Complaint Panel will not consider it further. The Complaint Panel will make a written record of the facts that have been established, those which have not been established and those which are not relevant, with their reasons for making these findings. If the Complainant is not willing to share supporting information, eg. names of witnesses, to substantiate their complaint, then the Complaint Panel will have to decide what inferences can be drawn from the information. This should be commented on in the Panel's letter.

- **Recommendations**

The Complaint Panel will consider the facts which they have established and will make recommendations based upon them. These recommendations may be aimed at achieving reconciliation between the parties (for example, a written apology), improving procedures or preventing a recurrence in the future. The Complaint Panel will keep a written record of their recommendations, with reasons.

ANNEX 3 – Examples of behaviour which may lead to a complaint being treated as ‘unreasonable’ or ‘vexatious’

- Consistent failure to raise minor issues via an informal method of communication
- Insufficient grounds being offered for a complaint
- Refusal to co-operate with the formal complaints procedure
- Consistently asking the school to resolve issues which are the fair and proper responsibility of another organisation (eg Social Services or the Police)
- Insisting that a complaint is dealt with contrary to the documented procedure (eg insisting that no written record is made of proceedings or that certain members of staff may not deal with a matter which correctly falls within their remit)
- Making what appears to be groundless complaints about staff who are dealing with the complaint and/or seeking to have staff replaced or dismissed.
- Making an unreasonable number of contacts with the school, by any means, in relation to a complaint or complaints.
- Making persistent and unreasonable demands of staff and/or the complaints process (eg insisting replies are made earlier than the time periods set out in the policy, or visiting school and expecting to be seen immediately)
- Harassing, verbally abusing or seeking to intimidate school staff in relation to the complaint. The use of aggressive, foul, inappropriate or discriminatory language will not be tolerated towards school staff.
- Seeking to raise new or subsidiary issues whilst a complaint is being addressed, which were not raised at the start of the process
- Introducing trivial or irrelevant information whilst a complaint is being considered, and expecting such information to be considered and commented upon.
- Changing the substance or basis of the complaint, without sufficient justification, whilst the complaint is being addressed.
- Denying statements made at an earlier stage of the process
- Electronically recording meetings or conversations without the consent of all other parties involved.
- Refusing to accept documented evidence as factual
- Refusing to accept the outcome after all stages of the policy have been exhausted and/or denying that an adequate response has been given
- Making the same complaint repeatedly, with minor differences, and insisting that the differences constitute a new complaint requiring investigation.
- Persisting to seek an outcome which the school has explained is unrealistic for legal, policy, regulatory or financial reasons.

The actions above should not be taken as an exhaustive list of what may be considered to be unreasonable or vexatious behaviour.