

# Complaints Policy



## Equalities Statement

In our Trust we work to ensure that there is equality of opportunity for all members of our community who hold a range of protected characteristics as defined by the Equality Act 2010, as well as having regard to other factors which have the potential to cause inequality, such as socio-economic factors. For further information, please see our Equalities Policy.

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## **1. Statement of Policy**

- 1.1 Each school must be clear about the difference between a concern and a complaint. The Department for Education (DfE) defines a concern as *'an expression of worry or doubt over an issue considered to be important, for which reassurances are sought'*. It defines a complaint as *'an expression of dissatisfaction, however made, about actions taken or lack of action'*. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.
- 1.2 The aim of this policy is to ensure that any complaint, including a complaint against a member of staff, is handled by Swale Academies Trust sympathetically, efficiently and at the appropriate level, and resolved as soon as possible.
- 1.3 Concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. In most cases a member of staff will receive the first approach. Staff should try to resolve issues on the spot, including apologising where necessary.
- 1.4 This policy has been approved by the CEO and the Trust's Board of Directors/Trustees and provides guidelines for handling concerns and complaints. It takes account of Part 7 of Schedule 1 to the Education (Independent School Standards) (England) Regulations 2014.

## **2. Time scales**

- 2.1 Complaints must be raised 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 only consider complaints made outside of this time frame if exceptional circumstances apply.
- 2.2 We will consider complaints made outside of term time to have been raised on the first school day after the holiday period.

## **3. Scope of this complaints procedure**

- 3.1 This procedure covers all complaints about any provision of community facilities or services by Swale Academies Trust. Other complaints that are dealt with under other statutory procedures are listed below.
- 3.2 If other bodies are investigating aspects of the complaint, for example: the police, local authority (LA) safeguarding teams or tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.
- 3.3 If a complainant commences legal action against the Academy in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

## **4. Out of Scope of this complaints procedure**

- 4.1 Complaints that are dealt with under other statutory procedures are outside the scope of this complaints procedure and are listed below:
  - Admission to schools;
  - Exclusion of children from school;
  - Whistleblowing;
  - Staff conduct;
  - Complaints about services provided by other providers who may use Trust premises or facilities.

## 5. Procedures

### 5.1 Informal Procedures

Swale Academies Trust aims to meet its statutory obligations when responding to complaints from parents of pupils/students at our schools.

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

In many cases, a concern can be resolved quickly and will not reach the stage of becoming a formal complaint.

### 5.2 Formal Procedures

Formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

## 6. The Complaints Procedure (please refer to [Appendix 1](#))

6.1 At each stage, clarification of exactly who will be involved, what will happen and how long it will take must be communicated. There may, on occasion, be the need for some flexibility - for example, there may be a need for further meetings between the complainant and the member of staff directly involved or further investigations may be required by the School Improvement Executive/Headteacher/Head of School/Manager. The complaint decision can:

- Dismiss the complaint in whole or in part;
- Uphold the complaint in whole or in part;
- Decide on the appropriate action to be taken to resolve the complaint;
- Recommend changes to the school's systems or procedures to ensure that similar problems do not recur.

Complaints will be considered and resolved as quickly as possible. Realistic time limits for each action within each stage are defined below. However, when further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

6.1.1 The following stages are likely to be sufficient:

### Informal

<p><b>Stage 1 Informal</b></p> <p>Expression of concern made to the school</p>	<p>If a parent/carer is concerned about anything to do with the education being provided at a Trust school they should, in the first instance, discuss the matter with the member of staff concerned. In our experience most matters of concern can be resolved positively in this way. All staff work very hard to ensure that each child is happy at school and is making good progress; they naturally want to know if there is a problem, so that they can take action before it seriously affects the child's progress. Most issues can be resolved quickly.</p> <p>Members of the school's Senior Leadership Team may be involved at this stage without the need for a formal complaint.</p>
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### Formal

<p><b>Stage 2 Complaint</b></p> <p>Complaint raised formally in writing to the Headteacher/Head of School/Manager</p>	<p>A formal complaint should be made in writing by completing the <i>Stage 2 Complaint Form</i> (<a href="#">Appendix 2</a>) for the attention of the Headteacher/Head of School/Manager via the school office or school email (see school website). Receipt will be acknowledged within <b>5 school days</b>. The Headteacher/Head of School/Manager reserves the right to allocate the investigation to another member of the Senior Leadership Team where deemed appropriate. An appointment will be made to meet within <b>7 school days</b>.</p> <p>All complaints are taken seriously and most complaints are normally resolved at this stage. The outcome of the investigation will be communicated within <b>15 school days</b>. This will be in the form of a written response, with full explanation of the decision and the reason for it, as well as any action taken.</p>
<p><b>Stage 3 Complaint</b></p> <p>Complaints very rarely reach this formal level but should you need to, you may make a formal complaint via the Company Secretary to the Director of Primary/Secondary</p>	<p>If the complaint is not resolved following the response from the Headteacher/Head of School/Manager then the complaint should be made in writing by completing the <i>Stage 3 Complaint Form</i> (<a href="#">Appendix 3</a>) within <b>10 school days</b> of the decision at Stage 2 for the attention of the Director of Primary/Secondary via the Company Secretary at the Trust Office. If the complaint is directly about the Headteacher/Head of School/Manager the matter should also be referred to the Director of Primary/Secondary via the Company Secretary at the Trust Office* at Stage 3.</p> <p>Receipt of the complaint will be acknowledged within <b>5 school days</b>. The Director of Primary/Secondary reserves the right to appoint an appropriate senior leader to investigate the complaint at this stage. The outcome of the investigation will be communicated within <b>15 school days</b> with a full explanation of the decision and the reason for it as well as any action taken.</p> <p><i>*Please note that if the school is not aware of the complaint or has not had the opportunity to resolve it, it will be assessed and redirected to Stage 1 or 2.</i></p>
<p><b>Stage 4 Final Panel</b></p> <p><b>Appeal Hearing of the Trust Complaints Panel</b></p> <p>Complaints at this stage should be made via the Company Secretary for the attention of the Chief Executive Officer</p>	<p>Complaints at this stage should be received by the Chief Executive Officer (CEO) within <b>10 school days</b> of the decision at Stage 3. The complaint should be made in writing by completing the <i>Stage 4 Complaint Form</i> (<a href="#">Appendix 4</a>) addressed to the CEO via the Company Secretary at the Trust Office*, and should set out why you remain unhappy and what you wish to see happen. The complaint will be acknowledged within <b>5 school days</b>. A Complaints Panel, of at least three people, will be convened within <b>20 school days</b>. None of the members of the Complaints Panel will have been directly involved in any previous consideration of the complaint. One of the members of the Complaints Panel will be independent of the management and running of the Trust.</p>

\*([hello@swale.at](mailto:hello@swale.at));

**Company Secretary, Swale Academies Trust, Ashdown House, Johnson Road, Sittingbourne, Kent ME10 1JS.**

A complaint against the CEO or the Trust should be made in writing and directed to the Chairman of the Board of Directors/Trustees via the Company Secretary at the Trust Office.

6.1.2 A complainant can take a complaint to the next stage if they feel it is unresolved.

- 6.1.3 The role of the Company Secretary is to ensure fair and impartial consideration of all complaints at Stages 3 and 4 and to ensure that complainants are provided with well-considered responses to their concerns within the appropriate timescales. The Company Secretary will maintain a record of all complaints referred and will ensure that all correspondence, statements and records of any such complaints are kept confidential.
- 6.1.4 At Stage 4 the complainant will be invited to the appeal hearing of the Complaints Panel and will be given at least 7 days' notice in writing of the time and venue of the hearing. Complainants will also be advised that, if they wish, an appropriate friend or adviser may accompany them to the appeal hearing.
- 6.1.5 The Chair of the Committee will provide the complainant and Swale Academies Trust with a full explanation of their decision and the reason(s) for it, in writing, within **20 school days**. The letter will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Swale Academies Trust will take to resolve the complaint.

The panel will ensure that those findings and recommendations are sent by electronic mail, or otherwise given to the complainant and, where relevant, the person complained about.

- 6.1.6 A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.

## **7. Resolving Complaints**

- 7.1 At each stage in the procedure, the school will consider ways to resolve a complaint. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:
- An apology
  - An explanation
  - An admission that the situation could be handled differently or better;
  - An assurance that the event complained of will not recur;
  - An explanation of the steps that have been taken to ensure that it will not happen again. Details of any disciplinary procedures that have taken place as a result of the complaint are not released;
  - An undertaking to review school/Trust policies in light of the complaint;
  - An explanation that there is insufficient evidence and thus the complaint cannot be upheld;
  - An explanation that, following investigation, the concern is not substantiated by the evidence;
- 7.2 An admission that the school/Trust could have handled things in a better way is not the same as an admission of negligence.

## 8. Unreasonable and Persistent Complaints

### 8.1 Unreasonable Complaints

8.1.1 Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- Refuses to co-operate with the complaints investigation process
- Refuses to accept that certain issues are not within the scope of the complaints procedure
- Insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- Introduces trivial or irrelevant information which they expect to be taken into account and commented on
- Raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- Makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- Changes the basis of the complaint as the investigation proceeds
- Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- Refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed, including referral to the ESFA
- Seeks an unrealistic outcome
- Makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- Uses threats to intimidate
- Uses abusive, offensive or discriminatory language or violence
- Knowingly provides falsified information
- Publishes unacceptable information on social media or other public forums

**Please note:** the above list is not intended to be exhaustive and is for guidance purposes only. It is at the discretion of the school what is deemed to be unreasonable.

8.1.2 Complainants should try to limit their communication with the school / Trust while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.

8.1.3 Steps we will take:

- Whenever possible, the headteacher will discuss any concerns with the complainant informally before applying an '*unreasonable*' marking.
- If the behaviour continues, the headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact the school causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months. The communication may:

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third party to act on their behalf, such as [Citizens Advice](#)
- Put any other strategy in place as necessary

8.1.4 The headteacher will take every reasonable step to address the complainant's comments, and give them a clear statement of their position and their options. The headteacher will maintain their role as an objective arbiter throughout the process, including when meeting with individuals. The Headteacher will follow our complaints procedure as normal (as outlined above) wherever possible.

8.1.5 Whenever possible, the headteacher will discuss any concerns with the complainant informally before applying an 'unreasonable' marking. If the behaviour continues, the headteacher will write to the complainant explaining that their behaviour is unreasonable, refer them to this policy and remind them to act in accordance with it.

8.1.6 In response to any serious incident of aggression or violence, the headteacher will immediately inform the police and communicate our actions in writing. This may include barring an individual from school premises and ensuring appropriate measures of support are provided to staff where they are the subject of aggression and/or violence.

## 8.2 Serial/Persistent Complaints

8.2.1 If the complainant contacts the school again on the same issue, the correspondence may then be viewed as 'serial' or 'persistent'. The school may stop responding to the complainant when the following conditions are met:

- The school has taken every reasonable step to address the complainant's concerns
- The complainant has been given a clear statement of the school's position and their options
- The complainant contacts the school repeatedly, making substantially the same points each time

The case to stop responding is stronger if:

- The complainant's communications are often or always abusive or aggressive
- The complainant makes insulting personal comments about or threats towards staff
- The school has reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience

Where the school decides to stop responding, the headteacher will inform the individual in writing. It will also be explained that the school will consider any new complaints they make provided the concerns raised are materially different to those raised previously and/or are unconnected to the previous concern

## 8.3 Duplicate complaints

8.3.1 If the complaint has been resolved under this procedure and a duplicate complaint is received on the same subject from a partner, family member or other individual, the headteacher will assess whether there are aspects that hadn't previously been considered, or any new information needs to be taken into account.

If the headteacher is satisfied that there are no new aspects, they will:



- Tell the new complainant that the school have already investigated and responded to this issue, and that the local process is complete
- Direct them to the Trust Complaints Policy if they are dissatisfied with the original handling of the complaint
- If a duplicate complaint is raised which in the view of the school warrants further consideration, the procedure outlined in section 6 or 7 (as appropriate) will be repeated.

#### 8.4 Complaint Campaigns

8.4.1 Where the school receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school may respond to these complaints by:

- Publishing a single response on the school website
- Sending a template response to all of the complainants
- If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply.

### 9. Managing and Recording Complaints

9.1 **Recording Complaints** - A complaint may be made in person, by telephone, or in writing. The complaint forms can be found in Appendix 2 and 3. At the end of a meeting or telephone call, the member of staff should ensure that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls should be kept and a copy of any written response added to the record.

9.2 A written record will be kept of all complaints made at Stages 2, 3, and 4, detailing:

- whether they are resolved or proceeded on to the next stage; and
- action taken by the school as a result of those complaints (regardless of whether they are upheld);

9.3 All correspondence statements and records relating to individual complaints will be kept confidential, except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

9.4 **Local Governing Body Review** - The Local Governing Body should monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Complaints information shared with the whole Local Governing Body must not name individuals.

9.5 The process of listening to and resolving complaints will contribute to school improvement. When individual complaints are heard, underlying issues that need to be addressed may arise. The monitoring and review of complaints by the school and the Local Governing Body can be a useful tool in evaluating a school's performance.

### 10. Next Steps

10.1 If the complainant believes the school/Trust did not handle their complaint in accordance with the published complaints procedure, or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the ESFA after they have completed Stage 4.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by Swale Academies Trust. They will consider whether Swale Academies Trust has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed Part 7 of the Education (Independent School Standards) Regulations 2014.

10.2 The complainant can refer their complaint to the ESFA online at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by telephone on: 0370 000 2288 or by writing to:

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

## **11. Contacting Ofsted**

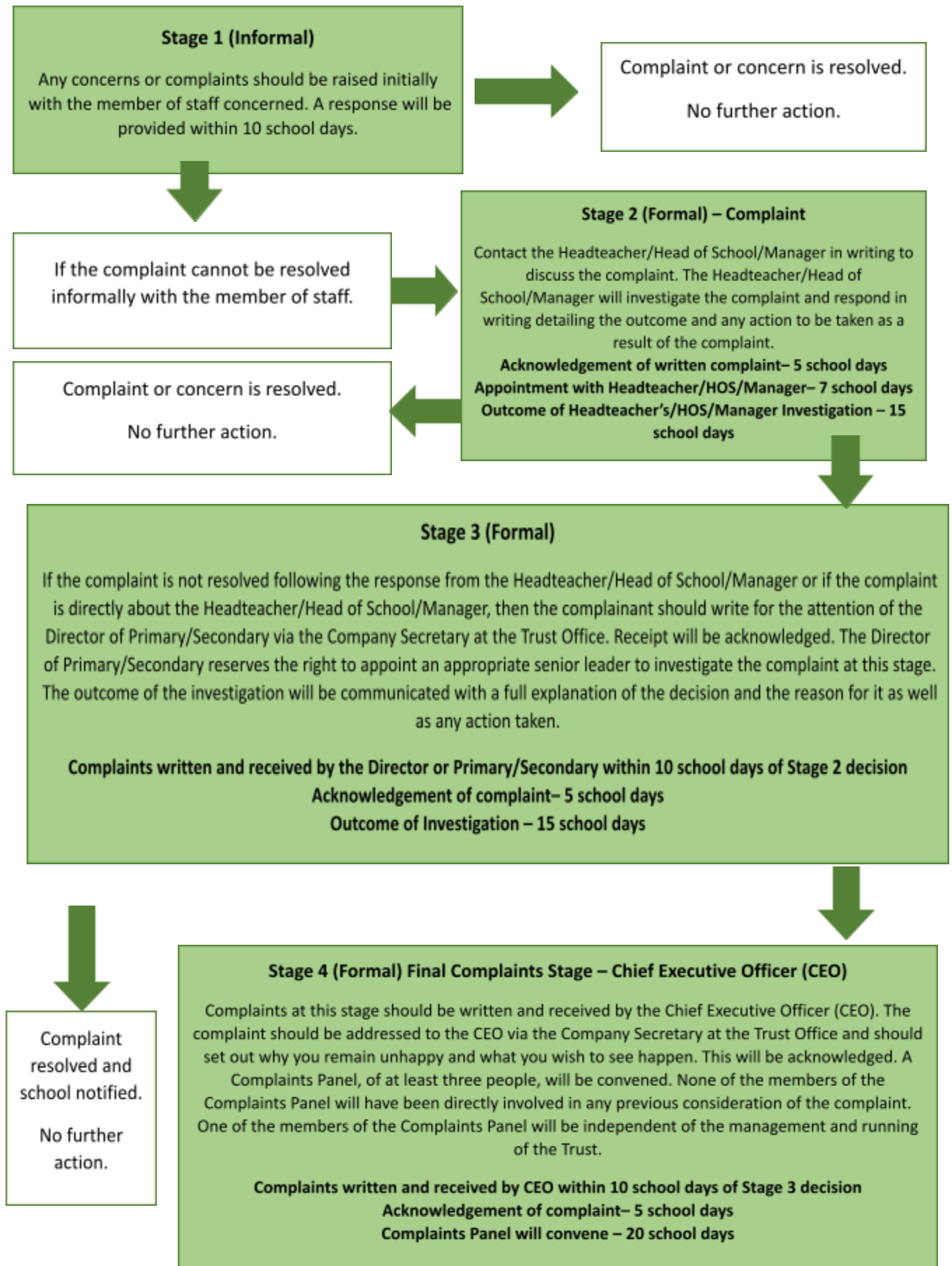
11.1 Ofsted, the regulatory body, is there to ensure we meet the required standards. However, Ofsted generally prefers complaints to be addressed through the provider's internal procedures first. We encourage you to follow this policy before contacting Ofsted. If, after following our complaints procedure, you remain unsatisfied with the outcome, you can then raise your concerns with Ofsted.

11.2 Following this policy allows for:

- A quicker resolution to your concern.
- A deeper understanding of the issue from both sides.
- The opportunity to work collaboratively towards a solution.

## Appendix 1 - Complaints Procedure

We are confident that by following this process, we can address your concerns effectively.



## Appendix 2 - Complaint Form, Stage 2

Please complete and return to the Headteacher/Head of School/Manager (Stage 2) via the school office or school email (see school website for downloadable form and contact details).

Receipt of your complaint will be acknowledged and next steps explained within 5 school days.

School:	Pupil's name:
Your name and relationship to the child:	
Contact address:	Telephone:
Email:	Date:

Please give details of what actions were taken (by yourself and the school) at Stage 1 of the Trust Complaints Policy to try and resolve your complaint. (Who did you speak to and what was their response?)

Please provide details of why you now feel your complaint should be considered at Stage 2:

What further actions do you feel may resolve the problem?

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

Signature:

Date:

### Appendix 3 - Complaint Form, Stage 3

Please complete and return to the Director of Primary/Secondary (Stage 3) via the Company Secretary ([hello@swale.at](mailto:hello@swale.at)) (see school website for downloadable form).

Receipt of your complaint will be acknowledged and next steps explained within 5 school days.

School:	Pupil's name:
Your name and relationship to the child:	
Contact address:	Telephone:
Email:	Date:

Please give details of what actions were taken (by yourself and the school) at Stage 2 of the Trust Complaints Policy to try and resolve your complaint?
Please provide details of why you now feel your complaint should be considered at Stage 3:
What further actions do you feel may resolve the problem?
Are you attaching any paperwork? If so, please give details.
Signature: _____ Date: _____

## Appendix 4 - Complaint Form, Stage 4 Appeal Hearing

Please complete and return to the CEO (Stage 4) via the Company Secretary ([hello@swale.at](mailto:hello@swale.at)) within 10 school days of the decision at Stage 3.

Receipt of your complaint will be acknowledged and next steps explained within 5 school days.

School:	Pupil's name:
Your name and relationship to the child:	
Contact address:	Telephone:
Email:	Date:

Please give details of what actions were taken (by yourself and the school) at Stage 2 and 3 of the Trust Complaints Policy to try and resolve your complaint?

Please provide details of why you remain unhappy with the outcome at Stage 3 and why you now feel your complaint should be considered at Stage 4:

What further actions do you feel may resolve the problem?

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

Signature:

Date: