



Complaints Policy

Document control table			
Document title:		Complaints Policy	
Author (name and job title)		Sue Lister	
Version number:		1	
Date approved:		4 th May 2017	
Approved by:		Ad Astra Trust Board	
Date of review:			
Document History			
Version	Date	Author	Note of revisions
	October 17		Updates further to recommendations from key personnel
	November 17		
	March 2021		Updates in respect of revised DfE guidance

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1. Purpose

This procedure has been produced as a result of the legal obligations and duties placed on academy schools in relation to the standards set out in the [Education \(Independent School Standards \(England\) Regulations 2014](#) Schedule 1, Part 7. This does not limit complainants to parents or carers of pupils registered at a school. A complainant could be a member of the wider community or representing an ex-pupil. The law also requires the procedure to be publicised.

The governing body of each school within Ad Astra Academy Trust should ensure that any third-party providers offering community facilities or services through the school premises, or using school facilities, have their own complaints procedure in place.

For the purposes of this policy, the use of 'Trust' also includes school(s) within Ad Astra Academy Trust.

2. Dealing with complaints – initial concerns

As a school it should be distinguished as soon as possible if the complaint is actually a complaint or a concern. All staff are advised to take informal concerns seriously at the earliest stage as this should reduce the numbers that develop into formal complaints.

Although a formal complaints policy is a legal requirement, its existence should not undermine efforts to resolve the concern informally and in most cases the class teacher or the person first receiving the approach is often able to resolve concerns 'on the spot.' However, formal complaints should always follow the complaints procedure.

3. Aims of this Policy

The aims of this policy are to;

- Set out clearly the stages of the complaints process and detail how a complaint will be handled including the timescales for response.
- Set out the clearly the procedure for making a complaint.
- Set out the standards of courtesy and reasonableness that should characterise all communications between the Trust and persons who wish to express a concern or pursue a complaint.
- Support the well-being of pupils, staff and everyone else who has legitimate interest in the work of the Trust, including governors and parents.
- Set out when a complaint will be deemed persistent and/or vexatious.
- Set out how the Trust will deal with persistent and vexatious complaints to ensure they are dealt with fairly, honestly and properly whilst ensuring that members of the school community suffer no detriment.

4. Implementation

In implementing this policy, the Trust will seek to ensure that its actions are in accordance with its obligations under the Human Rights Act 1998 and the Convention Rights embodied within it treating everyone equally, with fairness, dignity and respect.

5. Dealing with complaints – formal procedures

The 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.

The Headteacher is responsible for the operation and management of the school complaints procedure.

All formal complaints must be made in writing using the complaints form. It is acknowledged however that some complainants may find it difficult to complete the formal written form and in these circumstances all assistance will be offered to ensure that the complainant is fully supported through this process.

6. Framework of Principles

Schools within Ad Astra recognise that an effective complaints procedure will;

- Encourage resolution of problems by informal means wherever possible;
- Be easily accessible and publicised;
- Be simple to understand and use;
- Be impartial;
- Be non-adversarial;
- Allow swift handling with established time-limits for action and keeping people informed of the progress;
- Ensure a full and fair investigation by an independent person where necessary;
- Respect people's desire for confidentiality;
- Address all the points at issue and provide an effective response and appropriate redress, where necessary;
- Provide information to the school's senior leadership team so that services can be improved.
- Be fully inclusive of all complaints for example from people who are not parents of attending pupils.

7. Managing Expectations

Parents, carers and other members of any school community who raise either informal or formal concerns or complaints with the Trust can expect the Trust to:

- Regularly communicate in writing as appropriate to advise;
 - How and when problems can be raised with any school;

- The existence of the Trust's complaints procedure including the policy for dealing with persistent or vexatious complaints and/or harassment in schools.
- Respond within a reasonable time.
- Be available for consultation as appropriate within reasonable time limits bearing in mind the needs of the pupils within the school and the nature of the complaint/s.
- Respond with courtesy and respect.
- Attempt to resolve problems using reasonable means in line with the Trust's complaints procedure, other policies and practice and in line with guidance and advice from the DfE.
- Keep complainants informed of progress towards a resolution of the issues raised.

Complainants who may have been restricted in their communications with the school can also be advised to ask an appropriate third party to act on their behalf.

The Trust expects parents/carers/members of the public who wish to raise problems with the Trust to;

- Raise all reasonable complaints in an appropriate manner in accordance with the Trust's complaints policy and refrain from raising complaints on social media and other online forums.
- Treat all Trust staff with courtesy and respect.
- Respect the needs and well-being of pupils and staff in the Trust.
- Avoid any use, or threatened use, of violence to people or property.
- Avoid any aggression, verbal abuse or inappropriate language.
- Recognise the time constraints under which members of staff in the Trust work and allow the Trust a reasonable time to respond.
- Recognise that resolving a specific problem can sometimes take time.

8. Investigating complaints

Each school will have a **complaints coordinator**. This role will usually be undertaken by the Headteacher of each school unless they delegate this responsibility to another person. In this case the complaint's coordinator will be required to notify the Headteacher of the progress and outcome of the complaint. If the complaint relates to the Headteacher then this role will be undertaken by the CEO of Ad Astra Academy Trust through the Trust Chief Operating Officer.

The Complaints Coordinator will

- establish **what** has happened so far, and **who** has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would put things right;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;

- conduct the interview with an open mind and be prepared to persist in the questioning;
- The Complaints Coordinator must keep notes of all interviews or arranges for an independent note taker to minute any meetings.
- Receive an annual update on the Trust Complaint's Policy at a Headteacher Board meeting (Where the Headteacher is not the complaints coordinator this is disseminated).

9. Resolving complaints

At each stage in the procedure the school should always take into consideration ways in which a complaint can be resolved and accept that it might be sufficient to acknowledge that the complaint is valid in whole or in part.

- In addition, it should be considered whether it is appropriate to offer one or more of the following:
 - an apology
 - mediation
 - an explanation;
 - an admission that the situation could have been 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;
 - an undertaking to review school policies in light of the complaint.

Complainants should also be encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence.

The person handling the complaint should identify areas of agreement between the parties and also clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

10. Vexatious, Persistent and Malicious Complaints

One outcome from the application of this policy is to limit the number of complaints that become protracted. However, there may be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to re-open the same issue, the CEO (following consultation with Chair of the Trust board) should either refer to the Trust's Vexatious and Persistent Complaints Policy section below (10.1).

It is important to note however that, should a complainant raise an entirely new, separate complaint, it must be responded to in accordance with the complaints procedure. It is not the complainant who is vexatious; it is the correspondence.

10.1 Dealing with Persistent, Malicious or Vexatious Complaints/ Harassment in Schools

The Trust expects that the Headteacher and staff working within the Trust to deal with complaints as part of their day-to-day management of the school either informally or in accordance with this procedure. In handling complaints effectively and by following this policy, the expected outcome is that this will limit the number of complaints that become protracted.

The majority of complaints are resolved quickly, sensitively and to the satisfaction of the complainant. However, there are occasions when despite all stages of the procedures having been followed, the complainant remains dissatisfied. There may also be times when complainants behave in an unreasonable manner when raising and/or pursuing complaints and concerns. In these circumstances the school may take action in accordance with this policy.

10.2 When is a Complaint Persistent and/or Vexatious?

For the purpose of this policy, a persistent or vexatious complainant is a person 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 whose behaviour is deemed unreasonable by the Trust. Such behaviour may be characterised by;

- Actions which are obsessive, persistent, harassing, prolific, frivolous or repetitious.
- Prolific correspondence or excessive e-mail or telephone contact about a concern or complaint.
- An insistence upon pursuing unsubstantiated complaints and/or unrealistic or unreasonable outcomes.
- An insistence upon pursuing complaints in an unreasonable manner.
- 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.
- Repeatedly pursuing complaints that have previously been addressed by the Trust.

10.3 When is a Complainant deemed to be causing 'Harassment?'

For the purpose of this policy, harassment is the unreasonable pursuit of such actions as 10.2 above in such a way that the behaviour;

- Appears to target over a significant period of time one or more members of Trust staff.
- Causes ongoing distress to individual member(s) of Trust staff.
- Has a significant adverse effect on the whole/parts of the Trust community.
- Is 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 and health.

- Includes inappropriate posting on social media, networking sites or other public forums which can reasonably be deemed as bullying, intimidating, threatening, slanderous, malicious, and defamatory or otherwise making unsubstantiated claims which could affect the professional standing of a member of Trust staff.
- Includes vexatious, malicious or repetitious complaints which intentionally undermine or seek to damage the professional standing of members of staff, or which result in the Trust incurring significant legal or other costs and/or divert significant time from members of staff and governors

10.4 Trust Action in Cases of Persistent or Vexatious Complaints or Harassment

In the first instance the Complaints Co-ordinator/Headteacher who received the complaint will seek advice from the CEO of the Trust (or his/her representative) to confirm the complaint is persistent or vexatious. If school staff find it difficult to deal direct with a complainant because of the complainant's unreasonable behaviour and other strategies are not working, they are able to approach the Trust central team for assistance.

If this is agreed, complainants can be advised not to contact the school, but to communicate instead with the designated Trust Officer who will co-ordinate any response. If it is decided by the CEO that the complaint is vexatious or malicious the Trust will then inform the complainant that his/her behaviour is considered to be unreasonable/ unacceptable and, if it is not modified, action may be taken in accordance with this policy. In certain circumstances it may be appropriate to take action against the complainant without first giving a warning.

If the complaint relates to a safeguarding issue the CEO of the Trust will take immediate advice from the appropriate Local Authority Designated Office ("LADO") before determining jointly if it is a persistent or vexatious complaint.

A warning will subsequently be confirmed in writing (Model Letter 1-Appendix 2).

If the behaviour is not modified the Trust will take some or all of the following actions as necessary, having regard to the nature of the complainant's behaviour and the effect on the Trust community:

- Inform the complainant in writing that his/her behaviour is now considered by the Trust to be unreasonable/unacceptable and, therefore, falls under the terms of this policy (see Model Letter 2-Appendix 3)
- Inform the complainant that all meetings (if it is still appropriate to hold 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 (see Model Letter 2 - Appendix 3)

- Inform the complainant that, except in emergencies, all routine communication with the complainant to the Trust should be in writing only (see Model Letter 2- Appendix 3) and not by telephone, email or in person (as appropriate).
- Inform the complainant that communications raising issues that have been previously addressed by the Trust will not be responded but will be noted and placed on file.

Where the complaint is deemed to have displayed physical or verbal aggression or otherwise displayed inappropriate behaviour, regard will be had to “A Legal Toolkit for Schools: Tackling abuse, threats and violence towards members of the school community” (DfES Publications 2002) and Ad Astra Academy Trust’s Nuisance and Disturbance Policy. Consideration will be given to warning the complainant about being banned from a school site or an immediate temporary ban may be implemented if appropriate.

Legal advice may be taken on pursuing a case under Anti-Harassment and/or anti-social behaviour legislation. Advice may also be sought from an external organisation (e.g. the police) as appropriate.

Legitimate new complaints will still be considered even if the person making them is, or has been in the past, subject to the policy for dealing with persistent or vexatious complaints and/or harassment.

If a complainant’s persistent complaining/harassing behaviour is modified and is resumed at a later date the Trust may resume the process identified above. In these circumstances further legal advice may also be sought.

10.5 Other Circumstances when a School may stop Responding to a Complaint

The decision to stop responding should never be taken lightly. The school can do this if the following apply;

- The school has taken every reasonable step to address the complainant’s needs;
- The complainant has been given a clear statement of the school’s position and their options (if any); and
- The Headteacher has discussed the matter with the CEO

Schools must provide parents with the information they are entitled to under The Education (Pupil Information) (England) Regulations 2005. The school needs to ensure that they are acting reasonably, and that any genuine complaint can still be heard.

11. Cut-off Limits

Ad Astra Academy Trust expects parents to make a complaint as soon as possible after an incident arises but accept there may be good reasons why a parent has not made a complaint earlier (e.g. they were gathering further information to support their complaint or they were

not fully aware of the implications of an incident until a later date). The policy of the Trust is that any complaint should be lodged within three calendar months of the incident occurring however may consider exceptional circumstances depending on the nature of the complaint.

12. The stages of the complaint

12.1 Stage 1 (informal): complaint heard by staff member

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. The purpose of this procedure is to make staff aware of what to do when they receive a complaint. It is expected that this stage of the complaint will be resolved within 3 working days of the complaint being received (In the case of safeguarding this will be undertaken immediately).

In order to assist this procedure, the school should respect the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the complaints co-ordinator will refer the complainant to another staff member.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the Headteacher or complaints co-ordinator may consider referring the complainant to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

Where the first approach is made to a governor or a trustee, the governor or trustee concerned will refer the complainant to the appropriate person and advise them about the procedure. Governors and trustees will not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a committee at a later stage of the procedure.

It is good practice to try and resolve complaints amicably. Where a complaint at Stage 1 cannot be resolved by Headteacher or relates to the Headteacher; the Trust's CEO or Head of School Improvement would meet with the complainants informally to try and solve any issues going forward through a supportive discussion or mediation. This would occur if the Head or the Chair of Governors (in the case of a complaint against a Headteacher) agreed and felt this would prevent moving to a more formal stage.

If it becomes clear that the complaint is unlikely to be resolved informally then either party can escalate the complaint to stage 2

12.2 Stage 2 (formal): complaint heard by Headteacher

The complainant may be dissatisfied with the way the complaint was handled at stage one as well as pursuing their initial complaint. If this is the case the next stage in this procedure is to refer the complaint to the Headteacher by completing the appropriate complaints form

(Appendix 1). At this point the Complaints Co-ordinator should inform the Chief Operating Officer for procedural support and assistance. The Complaints Co-ordinator must follow the check list in Section 5 of this document under “Investigating Complaints”. The Headteacher may delegate the task of investigating the complaint and collating the information to another staff member but the decision on the action to be taken will be the responsibility of the Headteacher.

At this stage the complainant should receive a written acknowledgement letter within five working days of the complaint being received by the Headteacher. This should set out clearly the timescale for the complaint to be heard. It is expected that this will be undertaken within ten working days of the complaint being received. Sometimes this timescale will need to be extended and if this is the case the complainant should receive written confirmation of this with details of the revised timescale. Copies of all documentation should be then forwarded securely to the Chief Operating Officer for central record keeping.

If the complainant remains dissatisfied with the decision of the Headteacher then they will be advised regarding escalating the complaint to stage 3.

12.3 Stage 3 (formal): complaint heard by Chair of the Local Governing Body and/or the Chief Executive Officer* of the Trust

*** The CEO will liaise with the Chair of Governors to determine who is the most appropriate person to hear the complaint, or if it is to be heard by both.**

If the complainant is not satisfied with the decision of the Headteacher or the complaint is about the Headteacher, the complainant will be advised to write to the CEO enclosing a copy of their complaint to request that their complaint is considered further. The CEO will discuss ways forward with the Chair of Governors. At this point the Chair of Governors/CEO must inform the Chief Operating Officer for procedural support and assistance. The Chair of Governors/CEO will also need to receive all documentation pertaining to the complaint to review and then determine if any further investigations are needed. Notes of any meetings must be kept, and copies forwarded to the Chief Operating Officer for central record keeping.

Timescales for this stage are in line with those specified at stage 2. The complainant will be informed if there is any necessary deviation from these along with the revised timescale.

If the complainant remains dissatisfied with the decision of the CEO/Chair of the Local Governing Body then they will be advised regarding escalating the complaint to stage 4.

12.4 Stage 4 (formal): complaint heard by Hearing Committee of the Trust Board

The complainant will be required to write to the Chief Operating Officer of the Academy Trust giving details of the complaint and asking that it is put before a hearing committee. The Chair of the Academy Trust, or if the Chair has been involved at any previous stage in the process, a nominated trustee, will convene a hearing committee which will be held within 20 working days of the request.

The Trustee hearing is the last Trust-based stage of the complaints process and is not convened merely to rubber-stamp previous decisions.

Individual complaints will not be heard by the whole Trust board at any stage, as this could compromise the impartiality of any committee set up for a disciplinary hearing against a member of staff following a serious complaint.

The Trust board should nominate three members with delegated powers to hear complaints at this stage ensuring that there is at least one independent member to the school to which the complaint relates and set out its terms of reference. The committee will select its own Chair. The committee will be responsible for

- drawing up its procedures;
- hearing individual complaint appeals;
- making recommendations on policy as a result of complaints

12.5 The remit of the Hearing Committee

The hearing committee 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 problems of a similar nature do not recur.

Trustees on the hearing committee agree that;

1. It is important that the complaint hearing is independent and impartial and that it is seen to be so.
2. No trustee may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the committee, the Trust board should ensure that there is a cross-section of the categories of Trustee and be sensitive to the issues of race, gender and religious affiliation.
3. The aim of the hearing, which needs to be held in private, should always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that the complainant might not be satisfied with the outcome if the hearing does not find 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.
4. An effective committee should 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 committee Chair should ensure that the proceedings are as

welcoming as possible. The layout of the room should set the tone and care is needed to ensure the setting is informal and not adversarial.

5. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The committee needs to be aware of the views of the child and will give them equal consideration to those of adults. Where the child's parent is the complainant, the parent will be given the opportunity to say which parts of the hearing, if any, the child needs to attend.
6. The trustees sitting on the committee need to be aware of the complaints procedure.

Parents will be allowed to attend the panel hearing and may be accompanied if they wish. The aim of the hearing is to achieve reconciliation and to put things right that may have gone wrong. In line with DfE recommendations, for the most part neither the complainant nor the Trust will be permitted to bring legal representation to the hearing as it is not a form of legal proceedings. However, it is recognised that there may be some occasions where legal representation may be appropriate such as if a Trust employee is a witness in a complaint. In these circumstances, they may be entitled to bring union or legal representation.

13. Roles and responsibilities

13.1 The role of the clerk

Any meeting of the hearing committee considering a complaint should be clerked. The clerk would be the contact point for the complainant and be required to

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing (recommended at least five school days in advance);
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the committee's decision.

As best practice, the Clerk should share copies of the committee meeting minutes with all parties involved in the committee hearing, providing a reasonable opportunity for the minutes to be agreed and if necessary, challenged.

13.2 The role of the Chair of the Trust or the nominated trustee

The nominated trustee role will

- Check that the correct procedure has been followed;
- If a hearing is requested, instruct the clerk to arrange the committee.

13.3 The role of the Chair of the Committee

The Chair of the hearing committee has a key role, ensuring that

- the remit of the committee is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the committee is open minded and acting independently;
- no member of the committee has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties. If a new issue arises all parties will be given the opportunity to consider and comment on it.

14. Checklist for a committee hearing

The committee should take the following points into account

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The headteacher may question both the complainant and the witnesses after each has spoken.
- The headteacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the headteacher and the witnesses after each has spoken.
- The committee may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The headteacher is then invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the committee decides on the issues.
- The Chair explains that both parties will hear from the committee within the set time scale (ten working days).

15. Notification of the committee's decision

The hearing committee will be required to make findings and recommendations in respect of the complaint heard and will be required to ensure that a copy of the findings and recommendations are;

- provided to the complainant and, where relevant, the person complained about. this will be done within ten working days of the hearing.
- available for inspection at the school premises by the Headteacher and the Trust. The complainant will be informed of the conclusions and any decisions in writing and any further rights of appeal.

A copy of the meeting minutes will also be issued to the complainant.

16. Record Keeping

A written record will be kept of all complaints that are made, including if they have been resolved following a formal procedure or panel hearing and the actions taken by the school (or the Trust) as a result of these complaints (regardless of whether they have been upheld). This record must include;

- the progress of the complaint and the final outcome
- whether the case progressed to a panel hearing
- the action taken by the school or the Trust regardless of outcome
- a determination of who is responsible for these records and responsibility for data security in line with the requirements of the Data Protection Act and General Data Protection Regulations. Any 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 Education and Skills Act requests access to them.

17. Stage Five – Complaint referred to the Education and Skills Funding Agency

If a complaint has been through all the stages of the Trust's complaints procedure but the complainant remains dissatisfied, they can ask the Education and Skills Funding Agency (ESFA) to review the handling of the complaint.

Further information about referring the handling of a complaint to the ESFA can be found at;

The complaints about academies page on the Department for Education website (press control and click the hyperlink below);

[Academy Complaint Form - ESFA](#)

Write to Academies Central Unit (Academy Complaints), Education and Skills Funding Agency, Earlsdon Park, 53-55 Butts Road, Coventry, CV1 3BH

Telephone the Department's Public Communications Unit on 0370 000 2288

18. What will the ESFA (Education and Skills Funding Agency) do?

The ESFA will look at complaints about academies that fall into the following areas;

- undue delay or non-compliance with an academy's own complaints procedure
- an academy's failure to comply with a duty imposed on it under its funding agreement with the Secretary of State
- an academy's failure to comply with any other legal obligation, unless there is another organisation better placed to consider the matter as set out in the next section

The ESFA will not investigate complaints that are, for example;

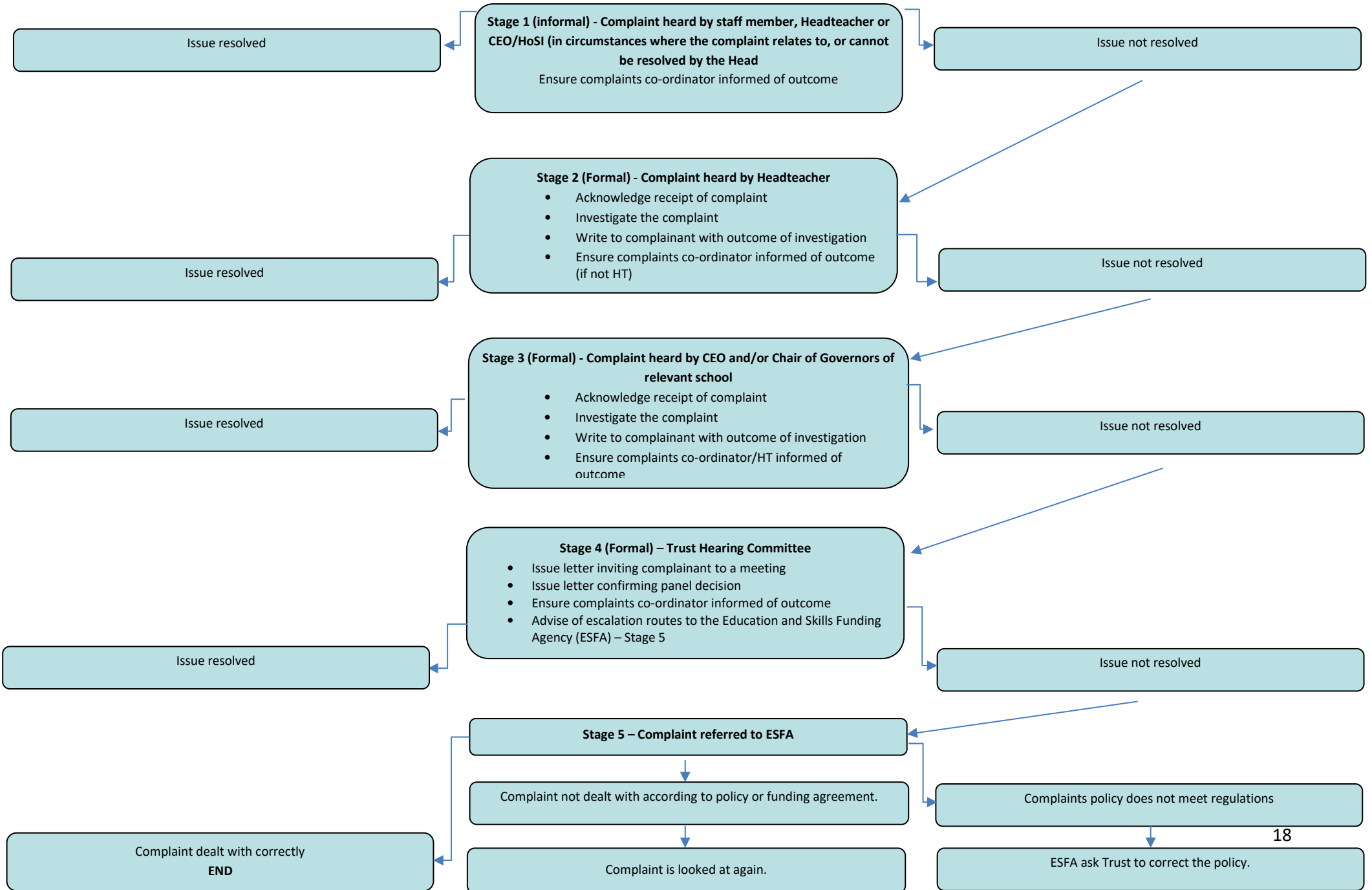
- About the quality of education or leadership, or concerns affecting the school as a whole. These should be raised with Ofsted
- About discrimination. These should be raised with the Equality Advisory Support Service
- About data protection. These should be raised with the Information Commissioner's Office
- About exam malpractice or maladministration. These should be raised with the Office of Qualifications and Examinations Regulation (Ofqual) and relevant awarding body
- About criminal behaviour. These should be raised with the police
- about any matter which is, or has been, subject to legal action
- About employment matters. These should be raised through the academy's grievance procedure, or taken to an Employment Tribunal
- About child protection. These should be taken up with the relevant local authority designated officer (LADO) and/or the Director of Children's Services
- about a child or young person's Statement of Special Educational Need where there is another route of appeal, for example the First Tier Tribunal (Special Educational Needs and Disability) Service formerly the Special Educational Needs and Disability Tribunal (SENDIST)

The ESFA will not consider complaints more than 12 months after a decision or action is taken. The only exceptions will be if the delay in sending the complaint to them was unavoidable or if there is evidence that the academy is not currently complying with legal requirements.

The ESFA reserve the right not to consider complaints that;

- are malicious (that is, they are instituted without sufficient grounds and serving only to cause annoyance)
- use obscenities, racist or homophobic language
- contain personally offensive remarks about members of our staff
- are repeatedly submitted with only minor differences after they have fully addressed the complaint

Summary of Dealing with Complaints



Appendix 1: Ad Astra Academy Trust

Complaint Form

Please complete and return to the Headteacher (Complaints Coordinator) who will acknowledge receipt and explain what action will be taken.

Your Details

Name

Pupil's name (if relevant)

Your relationship to the pupil (if relevant)

School pupil attends

Address

Postcode

Daytime telephone number

Evening telephone number

Please give details of your complaint

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What action, if any, have you already taken to try and resolve your complaint? (Who did you speak to and what was the response?)

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Appendix 2

Model Letter One – Initial letter informing a complainant that his/her behaviour is considered to fall below a reasonable/acceptable standard.

Recorded Delivery

Dear

Ad Astra Academy Trust is committed to dealing with all complaints fairly and impartially. As a general rule, our schools are orderly, safe places, where relationships between staff and parents, demonstrate mutual respect and a recognition of shared responsibility for pupils' welfare and educational progress.

Parental involvement is an important factor in educational success and the Trust does not normally limit the contact complainants have with it. However, there are occasions when it is appropriate to put in place a framework for dealing with a situation where an individual is making unreasonable, persistent complaints.

Given the volume and frequency of your recent complaints [and/or the manner in which they are being pursued] I am of the view that you are making unnecessarily excessive demands on the time and resources of staff and governors of the school thereby preventing a resolution of your complaints for the following reasons: [details].

I am writing to request you desist from:

1. Making complaints about issues that have already been resolved.
2. Making persistent, prolific or repetitious complaints or demands of staff time.
3. Pursuing complaints in an unreasonable manner.
4. Pursuing complaints outside the Trust's complaints policy.
5. Pursuing complaints where the outcome you seek is beyond the remit of the Trust.
6. Pursuing complaints that have previously been addressed by the Trust.

Please note that the Trust's Policy for Dealing with Persistent or Vexatious Complaints/Harassment sets out standards of behaviour expected of all people in their dealings with the Trust. These include:

- behaving reasonably
- treating others with courtesy and respect
- resolving complaints using the Trust's Complaints Procedure
- avoiding physical and verbal aggression at all times

The Policy also indicates the steps that we may take if these standards are breached. These include:

- making special arrangements for meetings and communication with the Trust
- considering a ban from one of our school premises
- considering legal action
- Restricting the manner in which a complainant may raise complainants with the Trust and the circumstances in which the Trust will respond.

At the moment we are dealing with your current complaints [if any] as follows:

□ [details]

Your complaints are being dealt with in accordance with the Trust's complaints policy and [set out next steps].

I would ask that you allow the Trust time to resolve the issues according to the Trust policy and desist from making further complaints on issues you have already raised. If you fail to do so further action may be taken in accordance with the Trust's "Policy for Dealing with Persistent or Vexatious Complaints."

Yours sincerely

Headteacher

Appendix 3

Model Letter Two – Informing a complainant that his/her behaviour is now considered to fall under the terms of the policy for dealing with persistent or vexatious complaints/harassment.

Recorded Delivery

Dear

You will recall that I wrote to you on [insert date] telling you that I felt you were pursuing your complaints against the Trust unreasonably or in an unreasonable manner.

I am now writing to inform you that in view of your behaviour on [date], when you [describe actions/behaviour] it has been decided that the Trust's Policy for Dealing with Persistent or Vexatious Complaints/Harassment Policy will apply.

In the circumstances I have made the following arrangements for your future contact with the school: [Delete as applicable]

- Any further communications from you must be in writing only addressed to [name of a contact at the school].
- Communications may be sent by email [if appropriate] to [address] or by post to [address].
- Any communications made to anyone other than [name] will not be responded to (unless it is felt appropriate to do so). Instead such communications will be forwarded to [name] for reply if necessary.
- Telephone calls [and emails] will not be returned.
- Any communications about issues already raised and responded to will not be replied to but will be placed on file.
- It will be in the Trust's discretion to decide whether or not a complaint has been responded to previously.
- Any complaints about new issues will be treated on their merits and will be responded to as appropriate within 10 working days (during term time) in accordance with the Trust's complaints policy.
- Any requests for face to face meetings will be considered but may be declined. If a meeting is arranged arrangements may be made for another member of staff to be present. A note of the meeting will be made.

Exceptionally, these arrangements do not apply to any emergency involving [insert name of pupil] in which case you may contact the school in the usual way. You may also attend

parents' evenings unless advised otherwise although an additional member of staff may be present.

These arrangements take effect straightaway.

If you wish to make a representation about the contents of this letter, which may include any expressions of regret on your part and any assurances you are prepared to give about your future conduct, you can do so by writing to me at the school by [state ten working days from the date of the letter].

If on receipt of your comments I consider that the arrangements outlined above should continue, you will be supplied with details of how to seek a review of the circumstances of your case.

Yours sincerely

Headteacher