

Canonium Learning Trust



Concerns and Complaints Policy

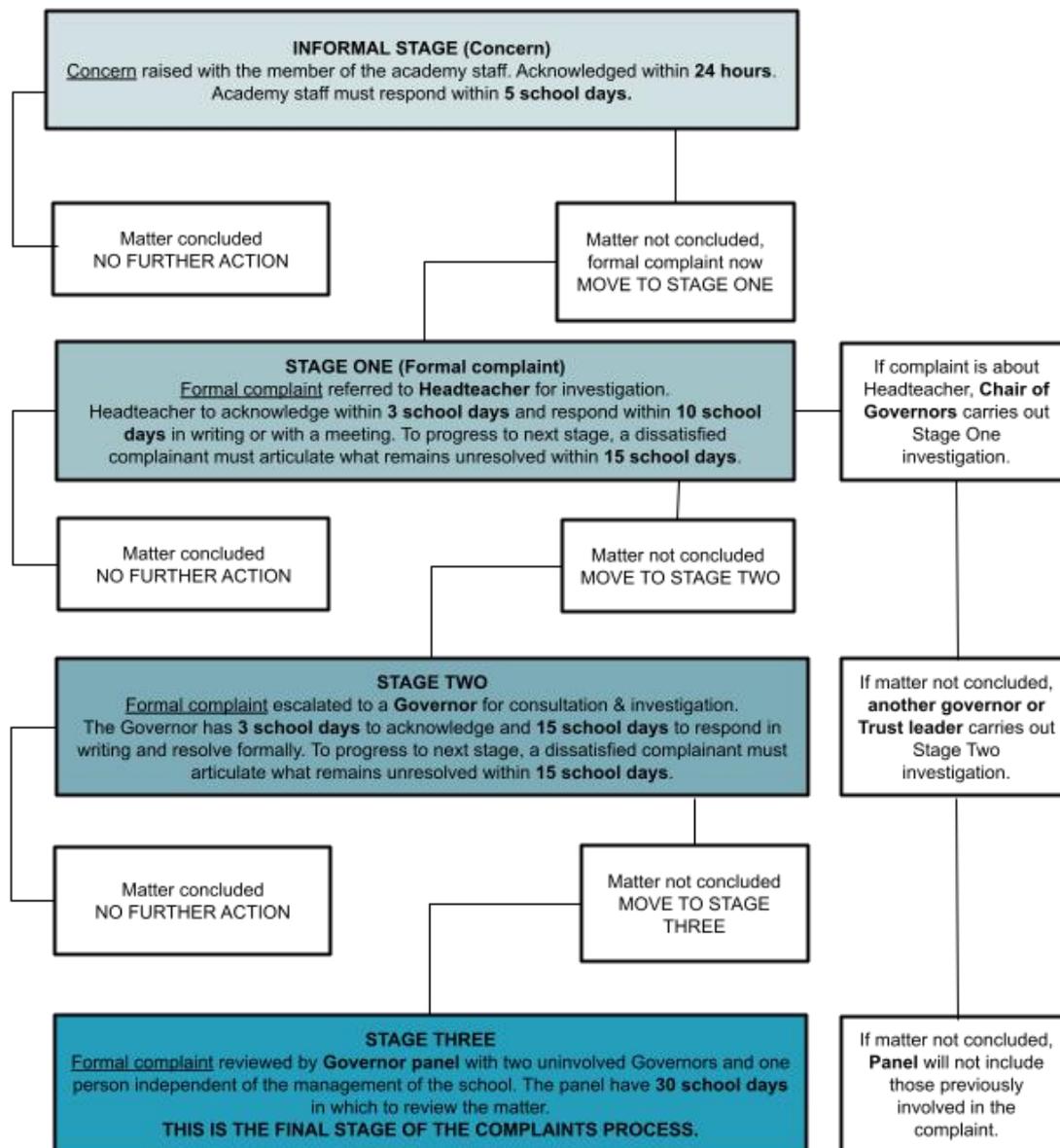
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This document is a statement of how Canonium Learning Trust Academies will deal with concerns and complaints directed at the academy (*sometimes referred to as school*).

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Flowchart of complaints procedure



Principles

This procedure exists to provide a formal structure to express a concern about school issues. The aim is to ensure that all concerns and complaints are dealt with efficiently, sensitively and at the appropriate level. All complaints are handled in a balanced, neutral way, and assuming nothing until all of the facts are established.

Who can make a complaint?

Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure. Please see the section below entitled Scope of this Complaints Procedure for matters that sit outside the scope of this policy.

Where a complainant is not directly associated with an academy, the process may not necessarily follow the procedure outlined below.

The difference between a concern and a complaint

A concern may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'. A complaint may be 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. Our academies take concerns seriously and will make every effort to resolve the matter as quickly as possible.

If a complainant has difficulty discussing a concern with a particular member of staff, they may be referred to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, it may be referred to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

Anonymous concerns or complaints

We will not normally investigate anonymous complaints. However, the Headteacher or Chair of Teaching and Learning Council, if appropriate, will determine whether the complaint warrants an investigation.

Time scales

A complainant must raise the complaint 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 not consider complaints made outside of this time frame unless exceptional circumstances apply.

Concerns or complaints received outside of term time

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by the Trust with the **exception** of complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact / Applicable policy
<ul style="list-style-type: none"> • Admissions to schools • Statutory assessments of Special Educational Needs • School reorganisation proposals 	<p>For school admissions and school reorganisation proposals, complaints should be raised with the Trust, which is the admissions authority for all academies, via admin@canoniumtrust.com</p> <p>Complaints about statutory assessments of Special Educational Needs should be raised with the Local Authority.</p>
<ul style="list-style-type: none"> • Matters likely to require a Child Protection Investigation 	<p>Complaints about child protection matters are handled under the school's Child Protection and Safeguarding Policy, available on the academy website, and in accordance with relevant statutory guidance.</p>
<ul style="list-style-type: none"> • Exclusion of children from school* 	<p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.</p> <p><i>*complaints about the application of the academy's behaviour policy can be made through the school's complaints procedure.</i></p>
<ul style="list-style-type: none"> • Whistleblowing 	<p>The Trust has a Whistleblowing Policy and Procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters directly with their employer. Referrals can be made at: www.education.gov.uk/contactus.</p>
<ul style="list-style-type: none"> • Staff grievances 	<p>Complaints from staff will be dealt with under the Trust's Grievance Policy.</p>
<ul style="list-style-type: none"> • Staff conduct 	<p>Complaints about staff will be dealt with under the Trust's Disciplinary Policy, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
<ul style="list-style-type: none"> • Complaints about services provided by other providers who may use school premises/facilities 	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them directly.</p>

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on the Trust's ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against the Trust 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.

Resolving complaints

At each stage in the procedure, the main aim is to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology.

Withdrawal of a Complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing/by email.

Procedures

Informal Stage - How to raise a concern

A concern can be communicated in person, in writing, by email or by telephone. They may also be communicated by a third party acting on behalf of a concerned party, as long as they have appropriate consent to do so. Concerns should be raised with either the class teacher or Head of Year in the first instance. When the concern is received in writing, by email or by telephone, staff should acknowledge the concern within **24 hours** and respond as soon as possible and in all events within **5 school days**.

Concerned parties should not approach individual governors to raise issues. They have no power to act on an individual basis and it may also prevent them from considering complaints at a later stage of the procedure.

A concern that involves or is about the Headteacher may be addressed to the academy Chair of Teaching and Learning Council, via the school office.

Concerns about the Chair of Teaching and Learning Council, any individual governor or the whole governing body should be addressed to the Clerk to the Governing Body, via the school office.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable concerned parties to access and complete this complaints procedure. For instance, providing information in alternative formats, print sizes or languages, assisting concerned parties in raising a formal complaint or holding meetings in accessible locations.

If the complainant remains dissatisfied and can articulate what remains unresolved, the matter becomes a formal complaint requiring investigation and will move to Stage 1 of the process.

Stage 1 - Formal complaint - investigation by Headteacher

Formal complaints must be made to the Headteacher (unless they are about the Headteacher), via the school office. This may be done in person, in writing, by email, or by telephone.

The Headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within **3 school days**. The Headteacher should avoid involving the Chair of Teaching and Learning Council at this stage.

Within this response, the Headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Headteacher can consider whether a face-to-face meeting is the most appropriate way of doing this.

Note: The Headteacher may delegate the investigation to another member of the school's senior leadership team but will maintain oversight at all times and be responsible for the final decision.

During the investigation, the Headteacher (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the Headteacher will provide a formal written response within **10 school days** of the date of receipt of the complaint. If the Headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

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 the academy will take to resolve the complaint.

If the complaint is about the Headteacher, the Chair of Teaching and Learning Council will complete all the actions at Stage 1. If the complaint is about the Chair of Teaching and Learning Council or governing body, Stage 1 will be considered by the Trust governance leadership. At the conclusion of any investigation, a formal written response will be provided.

If the complainant remains dissatisfied and can articulate what remains unresolved, a request to escalate to Stage 2 must be made to the school office, within **15 school days** of receipt of the Stage 1 response. The complainant will be advised how to escalate their complaint to Stage 2.

Stage 2 - Investigation by member of Local Governing Board (Teaching and Learning Council)

Stage 2 involves a review and, if necessary, further investigation by a member of the Local Governing Board who has not been involved in Stage 1. The governor has **3 school days** in which to acknowledge the complaint and 15 school days in which to respond in writing/by email and resolve the matter formally.

During the investigation, the governor will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation.

Again, 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 the academy will take to resolve the complaint.

If the complainant remains dissatisfied and can articulate what remains unresolved, the complainant will be advised how to escalate their complaint to Stage 3 – a meeting with a panel of governors. **This is the final stage of the complaints procedure.**

Stage 3 - Panel Review

A request to escalate to Stage 3 must be made to the Clerk, via the school office, within **15 school days** of receipt of the Stage 2 response. Requests received outside of this time frame will only be considered if exceptional circumstances apply. The Clerk will record the date the communication is received and acknowledge receipt of the complaint in writing (either by letter or email) within **5 school days**.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting and complete Stage 3 within **30 school days** of receipt of the Stage 3 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of proposed dates three times, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

The complaints panel will consist of at least two governors with no prior involvement or knowledge of the complaint and one person independent of the management or running of the school. If the complaint is about the Chair of Teaching and Learning Council, the entire governing body or the majority of the governing body, Stage 3 will be heard by a panel of individuals who are independent of the management and running of the school.

Panel Process

The panel will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.

A complainant may bring someone along to the panel to provide support. This can be a relative or friend. Neither party should bring legal representatives to the panel meeting.

Note: *Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.*

Representatives from the media are not permitted to attend.

At least **10 school days** before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates as previously agreed by all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the panel at least 5 school days before the meeting.

Any written material will be circulated to all parties at least **5 school days** before the date of the meeting. The panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The panel will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

The meeting will be held in private and may be in a remote/virtual format depending upon circumstances, as agreed by all parties. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The panel will consider the complaint and all the evidence presented. The panel can:

- uphold the complaint in whole or in part

- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the panel will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

The Chair of the panel will provide the complainant and the academy with a full explanation of their decision and the reason(s) for it, in writing/by email, within **5 school days**.

The letter to the complainant 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 the Trust or academy 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. Furthermore, they will be available for inspection on the school premises by the proprietor and the head teacher.

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.

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.

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 ESFA after they have completed Stage 3.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made. They will consider whether the 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](#). Part 7 of the Education (Independent School Standards) Regulations 2014.

The complainant can refer their complaint to the ESFA online at: 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

In [their guidance](#), their guidance, the ESFA recommends that complainants contact the school to discuss a concern first, as most problems can be solved this way. Complainants may only complain to the ESFA directly where it relates to a child at risk, a child missing school or where the school has failed to follow its complaints procedure.

If a complainant lodges a concern directly with the ESFA about a child at risk or missing school, and the ESFA confirms with the Trust that the substance of the concern has been addressed to their satisfaction, the Trust reserves the right to consider the matter closed.

Serial and Persistent Complainants

Academies should do their best to be helpful to people who contact them with a complaint or concern or a request for information. However, in cases where an academy is contacted repeatedly by an individual making the same points, or who asks them to reconsider their position, academies will need to act appropriately.

There will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. It is important for academies to recognise when they really have done everything they can in response to a complaint. It is a poor use of academies' time and resources to reply to repeated letters, emails or telephone calls making substantially the same points. If a complainant tries to re-open the same issue, the Chair of Teaching and Learning Council or the Chair of the Board can inform them that the procedure has been completed and that the matter is now closed.

If the complainant contacts the academy again on the same issue, then the correspondence may be viewed as 'serial' or 'persistent' and the academy may choose not to respond. However, academies must be careful that they do not mark a complaint as 'serial' before the complainant has completed the procedure.

Note: The ESFA does not itself use the term 'vexatious' when dealing with serial or persistent correspondents as it could potentially be inflammatory. However, it is a recognised term. In the context of Freedom of Information (FOI) requests, the Upper Tribunal concluded that 'vexatious' could be defined as the '...manifestly unjustified, inappropriate or improper use of a formal procedure.' An exemption therefore exists in Section 14(1) of the Freedom of Information Act 2000. However, this exemption can only be applied to requests themselves, and not the individuals who submit them.

More information about dealing with vexatious requests for information is available on the [Information Commissioner's Office \(ICO\) website](#).

Under no circumstances should an individual be marked as serial for exercising their democratic right to refer their complaint to their local MP regardless of which stage the complaint has reached. The application of a 'serial or persistent' marking should be against the subject or complaint itself rather than the complainant.

Unreasonable Complainants

Canonium Learning Trust is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with our school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening. Once a complainant's behaviour has become so extreme as to be deemed unreasonable and abusive, they will not necessarily be entitled to all stages of the complaint procedure outlined above.

CLT defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- 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 cooperate 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.

Complainants should try to limit their communication with the school about the complaint 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.

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. In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing/by email. This may include barring an individual from the school.

Ultimately, if a complainant persists to the point that the academy considers it to constitute harassment, legal advice should be sought as to the next steps. In some cases, injunctions and other court orders have been issued to complainants because of their behaviours.

Is it time to stop responding to a serial complainant?

The decision to stop responding should never be taken lightly. An academy needs to be able to say yes to all of the following:

- The academy has taken every reasonable step to address the complainant's needs;
- The complainant has been given a clear statement of the academy's position and their options (if any); and
- They are contacting the academy repeatedly but making substantially the same points each time.

The case is stronger if the academy agrees with one or more of these statements:

- The academy has reason to believe the individual is contacting them with the intention of causing disruption or inconvenience - have they actually said as much in a letter, email or telephone call?
- Their letters/emails/telephone calls are often or always abusive or aggressive.
- They make insulting personal comments about or threats towards staff.

Academies should not stop responding just because an individual is difficult to deal with or asks complex questions. In most circumstances the subject matter is what you can refuse to respond to, not the correspondent.

Academies must provide parents with the information they are entitled to under The Education (Pupil Information) (England) Regulations 2005.

However, where an individual's behaviour is causing a significant level of disruption academies may wish to implement a tailored communications strategy such as restricting them to a single point of contact via an email address or by limiting the number of times they make contact; e.g. a fixed number of contacts per term. This will be reviewed after six months.

Complainants who may have been restricted in their communications with the school can also be advised to ask a third party to act on their behalf, such as the local [Citizens Advice Bureau](#).

Complainants have a right to have any new complaint heard and failure to respond at all to a complainant could mean that the academy is failing to comply with its legal obligations. An academy needs to ensure that they are acting reasonably and that any genuine complaint can still be heard.

Different procedures apply to FOI and Data Protection (DP) correspondence. You should contact the **CLT Data Protection officer** about those or approach the ICO for further advice.

Once an academy has decided that it is appropriate to stop responding, they will need to let the complainant know; ideally, through a hard copy letter but an email will suffice.

Appendix 1 - Roles and Responsibilities

Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- cooperate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
- sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
- interviewing staff and children/young people and other people relevant to the complaint
- consideration of records and other relevant information
- analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the Headteacher or complaints panel that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The Headteacher or complaints panel will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

Clerk to the Governing Body

The Clerk is the main point of contact for the complainant at Stage 3 and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example; stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the panel's decision.

Panel Chair

The panel's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the panel is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR; if a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting
- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the panel is open-minded and acts independently
- no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk (and complaints coordinator, if the school has one).

Panel Member

Panel members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so; no governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant; we recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- many complainants will feel nervous and inhibited in a formal setting; parents/carers often feel emotional when discussing an issue that affects their child.

- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting:
- Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.
- The panel should respect the views of the child/young person and give them equal consideration to those of adults.
- If the child/young person is the complainant, the panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the panel should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.
- However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the panel considers is not in the child/young person's best interests.
- the welfare of the child/young person is paramount.