



CARLTON
ACADEMY TRUST

Carlton Academy Trust Complaints Policy

Approved on behalf of Trustees

Roger Butterfield

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Next Review Date:

August 2024

Glossary of Terms

CEO:	Trust Chief Executive Officer
COT:	Chair of Trustees
DFE:	Department for Education
DOP:	Trust Director of Primary
EHT:	Executive Headteacher (Secondary)
GOVP:	Trust Governance Professional
HOS:	Head of School
IO:	Investigating Officer
IRMS:	Information and Records Management Society
LGB:	Local Governing Body
Parents:	Umbrella terms which also includes carers
SEND:	Special Educational Needs and Disabilities
VCOT:	Vice-Chair of Trustees



Section One: Policy Overview

Scope

This policy deals with complaints from:

- Parents
- Community stakeholders using school/trust facilities.

It does not cover complaints relating to:

- Staff grievances*
- Staff conduct**
- Admissions
- Statutory SEND assessments
- Safeguarding
- Exclusions***
- Whistleblowing

How to Make a Complaint

- Complaints may be registered in person, telephone, email, or letter to the HOS. They must be made within 60 days of the incident/latest incident. This limit may be waived at the discretion of the school/trust where it is deemed unreasonable or inappropriate.
- Complaints made against the HOS or member of central trust team must be directed to the CEO. If the complaint concerns the CEO, it must be made to the COT.
- Complaints relating to a Trustee must be addressed to the COT, made through the Trust GOVP. Complaints concerning the COT should be made to the VCOT.
- Complaints made against the board of Trustees must be addressed to the GOVP and will be heard by an independent panel.

Response Timelines

The school/Trust will acknowledge all complaints within five school days with a formal response within a further ten school days of the date of the acknowledgement letter.

*Complaints from staff will be dealt with under the Trust's internal grievance procedures

**Complaints about staff will be dealt with under the Trust's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of the complaint.

***The process for challenging exclusions decisions is set out in the DfE's statutory guidance and information can be found at: <http://www.education.gov.uk/contactus>

Section Two: Managing Complaints

Informal Resolution

Wherever possible and appropriate, we strive to resolve complaints informally. This saves time and is less intensive and demanding for both parties.

Formal Resolution

If informal procedures are unsuccessful or inappropriate, a formal complaints process commences. Formal processes have four stages:

Stage One: Initial Investigation

Here the complainant will be asked to set out full details of their case (in writing wherever possible), outlining what they seek as a fair and reasonable resolution. An IO will be appointed according to the circumstances of the complaint, who will be either a:

- School or trust senior leader.
- Trustee.
- External person or organisation.

The IO will meet with the complainant to gain a detailed understanding of the complaint, and any witnesses or information relevant to the circumstances.

Findings will be reported back to the appropriate person dealing with the complaint, who will then share these with the complainant.

Stage Two: Trust Appeal

This is a first appeals stage, where the complainant outlines their case to a more senior member of staff.

Where stage one was heard by the HOS, a stage two appeal will be directed to the CEO. They may delegate this responsibility to another senior member of the trust team, as appropriate.

Where stage one was heard by the CEO, a stage two appeal will be heard by the COT. The COT may delegate this responsibility to other trustees at their discretion.

Where stage one was heard by the COT or VCOT, the process will automatically progress to stage four.

Stage Three: COT Appeal

This stage appeals decisions made by the CEO at stage two. Where a stage two appeal was heard by the COT, this stage is bypassed and progressed to stage four.

Stage Four: Independent Appeal

This stage is reached when:

- The complainant is not happy with a decision made by the COT at an earlier stage.
- When a complaint is made about the board of trustees.

Appeals must include a full written account of why they feel the trust has not adequately addressed their complaint, and what resolution they desire.

The trust will organise a panel hearing of three independent members who have experience of school senior leadership or governance.

They must not be a:

- CAT employee, trustee, or member.
- Anyone with a clear connection to the trust.
- Not have any prior knowledge or involvement of the complaint.

However, a governor from a LGB at another school within the Trust may be used providing they have no conflict of interest or prior knowledge of the complaint.

Aims and Structure

The hearing aims to achieve reconciliation and put things right that may have gone wrong.

Both sides will be offered the opportunity to present evidence and ask questions. When all evidence has been heard, the panel will deliberate and decide to either reject or uphold the appeal. Decisions will be formally communicated to the complainant within ten school days including:

- Findings, conclusions, and reasons for conclusions.
- Recommendations (where relevant).
- Further rights of appeal (where relevant).

When a complaint is upheld, the panel will decide the appropriate action/s to resolve the issue.

The report will be shared with the person/s who have been complained about where relevant and appropriate.

Meeting minutes will be made and distributed to all parties.

Appeal Timelines

Appeals in stages 2-4 must be made in writing (letter or email) within ten school days of receiving notice of the outcome of the previous stage. This deadline can be waived under exceptional circumstances at the discretion of the trust.

Complainants must be given at least five school days' notice of a hearing, and wherever possible be held within 20 school days of the appeal being made. All evidence to be presented must be exchanged with at least two school days' notice of the hearing.

If the complainant is unable to attend, a second date will be arranged. If they are again unable to attend, the trust has discretion to hear the appeal in absentia using the written appeal as a basis for evidence.

Right to be Accompanied

Complainants may be accompanied by a friend or colleague in all stages. Their attendance must be agreed with the school/trust in advance, with the school/trust reserving the right to exclude persons it deems inappropriate.

Legal or trade union representation is not allowed, except for specific circumstances such as when a member of staff is witness to elements relating to the complaint.

Further Complaints on Completion of Trust Processes

If complainants are unsatisfied with the outcome of the school's complaints procedure they have the right to refer their complaint to the Education and Skills Funding Agency (ESFA) and the complainant will be informed of this right in the stage four outcome letter.

The ESFA will check whether the complaint has been dealt with properly by the school. The ESFA will not overturn a school's decision about a complaint, but will intervene if a school or trust has:

- Breached a clause in its funding agreement.
- Failed to act in line with its duties under education law.
- Acted (or is proposing to act) unreasonably when exercising its functions.

If the school's complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.

At the time of writing this procedure, details about the ESFA procedure and the ESFA academy complaints form are available at:

[How ESFA handles complaints about academies - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Or you can write to the ESFA at the following address:

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

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

Avoiding Bias

Complaints procedures must not display bias, with school or trust staff ensuring they do not act in a way that gives the impression of bias, as this may be sufficient to taint a decision even where no bias exists. Therefore, if there's any reasonable doubt as to a person's ability to act impartially, they should withdraw from the complaint.

Complainants are entitled to a fair process and can request an independent panel if they believe there is likely to be bias in the proceedings. They must provide the school/trust with evidence to support this allegation, which is accepted or rejected at the discretion of the school or trust.

Conduct During an Investigation

The school/trust will:

- Be impartial and courteous.
- Facilitate full and fair investigations.
- Respect confidentiality.
- Seek to learn lessons which inform school/trust improvement.

The complainant will:

- Follow the procedures outlined in this policy.
- Co-operate with the school/trust throughout and respond to deadlines or requests in a prompt and reasonable manner.
- Treat other parties with courtesy and respect
- Maintain confidentiality.

Recording Meetings and Recorded Evidence

Complainants are not allowed to record a meeting through any format. The exception is when their communication or cognitive difficulties make it reasonable to allow the meeting to be recorded so they can be reviewed at a later point. The school/trust decides whether this is appropriate, with consideration given to:

- How any decision to allow recordings may affect those called as witnesses.
- The impact and consequences should recordings be lost or leaked.

The school/trust will not accept recordings of conversations that were obtained covertly without the informed consent of all parties unless exceptional circumstances apply, as defined by the school/trust.

Section Three: Complaint Administration

When to Cease Responding

The decision to stop responding to complaints should be carefully considered and made when:

- The school or trust has taken all reasonable steps to address the complainant's concerns.
- The complainant has been given a clear statement of their position and options.
- No new evidence is being presented.

The school or trust may also stop responding when:

- Communications are abusive, aggressive, insulting or threatening to staff.
- There is reason to believe the complaint is unreasonable or vexatious.

The school/trust should not stop responding just because an individual is difficult to deal with or asks difficult questions.

Unreasonable or Vexatious Complaints

A complaint may be considered unreasonable or vexatious where the complainant:

- Has made the same complaint before and been resolved through the school/trust's complaints procedure.
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory, repetitive, clearly without merit, or provides knowingly false or inaccurate information.
- Has a valid complaint but conducts it in an unreasonable manner, such as refusing to articulate the complaint, co-operate with the complaints process, or deal with it in ways contrary to this policy.
- Changes the basis of the complaint as the investigation progresses.
- Intends to cause disruption, annoyance, or excessive demands on school/trust time.
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value.

If the Trust deems a complaint to be unreasonable or vexatious, it reserves the right to cease the complaints process. The decision will be communicated to the complainant with reasons.

Duplicate Complaints

Is where a complaint is received from the same person or other related party, duplicating one that has already been through or is currently progressing through the complaints process. The Trust has the discretion not to investigate provided no substantial additional information is presented. What constitutes substantial additional information is decided at the discretion of the school/trust.

Where the school/Trust decides it will take no further action, the complainant will be informed of this and their right of complaint to the DFE.

Complaint Campaigns

Where the school/trust receives a large volume of complaints about the same subject, they may respond by publishing a single response on the school or trust website and/or sending a standard template response to all complainants.

Communication Strategy for Persistent Correspondents

If a complainant is inappropriately causing a significant degree of disruption, the trust may implement a tailored communication strategy.

Measures may include:

- Restricting the complainant to a single point of contact via one email address.
- Limiting the number of occasions they can contact the school/trust.
- Suggesting the complainant contacts a third party to make the complaint on their behalf.

If a complainant persists to the point that it may constitute harassment, the trust may seek legal redress through injunctions or court orders. The complainant must be informed of this where action is taken.

Record Keeping

The school/trust keeps secure records of all complaints. This included details of:

- Whether dealt with informally or formally.
- Actions taken and outcomes.

Records must be encrypted, or password protected for added security and retained for a period in accordance with IRMS guidelines:

- Formal Complaint: Current year plus 6 further years.
- Formal Complaint with negligence involved: Current year plus 15 further years.
- Formal complaint involving child Protection or safeguarding: Current year plus 40 further years.

All records will be securely disposed at the end of these periods. Complainants may have a right to copies of these records under the Freedom of Information Act 2000, the Data Protection Act 2018 and General Data Protection Regulations.

Records are confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.