



KING EDWARD VI ACADEMY TRUST BIRMINGHAM

| Complaints Policy | |
|------------------------------------|--|
| Responsible Board/Committee | Academy Trust |
| Policy Type | Central Policy (Group A) |
| Policy Owner | Head of Governance |
| Statutory | Yes |
| Publish Online | Yes |
| Last Review Date | February 2026 |
| Review Cycle | 2 Years This policy will not expire but will be reviewed as per its designated cycle. This policy remains effective whilst the review is taking place and will only become non-applicable once the updated version has been approved. |
| Next Review Date | February 2028 |
| Version | 3.1 |

Contents

| | |
|--|----|
| Introduction..... | 3 |
| Topics of Complaint..... | 3 |
| Procedure..... | 4 |
| PART 1: COMPLAINTS PROCEDURE FOR PARENTS/ CARERS..... | 4 |
| Raising a Concern | 4 |
| Safeguarding..... | 5 |
| Social Media | 5 |
| Complaints that result in staff capability or disciplinary action..... | 5 |
| Stages of Complaint..... | 5 |
| What if the complaint is about the Head or they have already considered the complaint under Stage 1? | 7 |
| What if the complaint is about a member of the Academy Governing Body? | 7 |
| What if the complaint is about the Academy Trust CEO?..... | 7 |
| What if the complaint is about a Trustee?..... | 7 |
| Contact details for the Head of Governance | 7 |
| Procedure for Panel Hearing | 9 |
| Complaint Panel's Decision | 10 |
| Notification of the Complaint Panel's Decision..... | 10 |
| Factors for the panel to consider | 10 |
| Guidance for Complaint Panel Members | 11 |
| PART 2: COMPLAINTS OR CONCERNS FROM PERSONS OTHER THAN PARENTS/ CARERS OF CURRENT REGISTERED PUPILS | 11 |
| PART 3: UNREASONABLE COMPLAINTS AND OTHER INFORMATION..... | 12 |
| Unreasonable Complaints | 13 |
| Anonymous Complaints | 14 |
| Further Details..... | 14 |
| Record of Complaints | 14 |
| Monitoring Arrangements..... | 14 |
| Barring from Academy Trust Premises..... | 14 |
| Complaints from MPs..... | 15 |
| PART 4: COMPLAINT CAMPAIGNS..... | 15 |
| APPENDIX ONE | 16 |
| APPENDIX TWO | 18 |
| APPENDIX THREE..... | 20 |
| APPENDIX FOUR | 23 |

1. Introduction

- 1.1 King Edward VI Academy Trust Birmingham (the "Academy Trust"), through its Academies, endeavours to provide the best possible education for all its pupils in an open and transparent environment. Our Academies welcome any feedback that they receive from parents, pupils, and third parties; where concerns are raised, the Academy Trust intends for these to be dealt with:
- Fairly
 - Openly
 - Promptly
 - Without prejudice
- 1.2 To do so, the Academy Trust Board has approved the following procedure, which explains what persons should do if they have any concerns about an Academy. All staff will be familiar with the procedure and able to assist.
- 1.3 The procedure aims to address concerns or complaints about an Academy, the Academy Trust, or any individual connected with it.
- 1.4 Part 1 of this policy outlines how parents/carers of registered pupils currently attending academies within the Academy Trust can raise concerns or complaints. Concerns or complaints from other persons will be dealt with in accordance with Part 2 of this policy.
- 1.5 We expect our members of staff to be addressed respectfully and for communication to remain calm at all times.

2. Topics of Complaint

- 2.1 The following list details specific complaint topics and the relevant policy to refer to. These policies can be accessed on the relevant Academy website or from the main Academy reception.
- Staff grievance, capability, or disciplinary issues; these are covered by the Academy's grievance/disciplinary/capability procedures.
 - Safeguarding and child protection matters; these are covered by the Academy Trust Safeguarding policy.
 - Where the complaint concerns a third party used by an Academy, please complain directly to that third party.
 - Anonymous complaints – please refer to the Whistleblowing policy
 - Subject Access Requests and Freedom of Information Requests – please see the Data Protection and Freedom of Information policy.
- 2.2 We will not consider matters relating to exclusions or admissions as they have their own statutory processes; please see the Academy's Behaviour policy, Exclusion policy, Admissions Policy, and the DfE guidance on exclusions, which can be found at <https://www.gov.uk/school-behaviour-exclusions/exclusions>

3. Procedure

- 3.1 Timescales for each stage are set out in the relevant paragraphs below. When we refer to school working days, we mean Monday to Friday, when the Academies are open during term time. The dates of terms are published on each Academy's website.
- 3.2 The Academy Trust will endeavour to abide by the timeframes stated under each stage, but acknowledges that in some circumstances, this is not always possible, for example, due to the complexity of information needed to review a complaint, or difficulties regarding an individual's availability to deal with the complaint, or difficulties in convening a panel. If it becomes apparent that it is not possible to complete any stage of the complaints procedure within a given timeframe, the individual responsible for handling the complaint will contact the complainant as soon as possible and agree on a timeframe that works for all parties involved.
- 3.3 The Academy Trust reserves the right not to investigate complaints that have been made six months after the subject of the complaint took place, except in exceptional circumstances. What is meant by exceptional circumstances is where new evidence has come to light, where the complaint is of an especially serious matter, or where there is a reasonable justification for why the complainant has been unable to raise the complaint before this time. The Head will review the situation and decide whether or not to enact the complaints procedure, informing the chair of governors of the decision.
- 3.4 The Academy Trust reserves the right not to investigate a complaint if alternative statutory processes are available that may resolve the issue.

PART 1: COMPLAINTS PROCEDURE FOR PARENTS/ CARERS

4. Raising a Concern

- 4.1 The majority of concerns can be dealt with without resorting to the procedure. Where there are concerns about any aspect of the Academy, a child's education, or a child's well-being, these can be raised with the relevant member of staff by phone or in person. Ideally, the member of staff will be able to address any concerns on the spot or arrange a meeting to discuss the issue.
- 4.2 All concerns will be dealt with confidentially, although the staff member may need to take notes if they feel the matter needs to be taken further or may arise again in the future. Any such notes will be kept in accordance with the principles of the General Data Protection Regulation. However, such notes could be used as evidence if further investigation is required or if the concern becomes a formal complaint.
- 4.3 Arrangements for handling complaints from parents of children with SEN are within the scope of this policy. Such complaints should first be made to the SENCO and, if unresolved, can then be referred to this complaints policy.
- 4.4 If parents have more serious complaints or feel that these have not been properly addressed, they may wish to make a formal complaint, and all complaints will be dealt with in accordance with the following procedure. This procedure aims to ensure that complaints are dealt with quickly and fairly.

5. Safeguarding

- 5.1 Wherever a complaint indicates that a child's well-being or safety is at risk, the Academy is under a duty to report this immediately to the local authority. Any action taken will be in accordance with the Academy Trust's safeguarding policy.

6. Social Media

- 6.1 To resolve complaints as quickly and fairly as possible, the Academy Trust requests that complainants not discuss them publicly on social media such as Meta (i.e., Facebook, Instagram, and other associated platforms/applications), Twitter/X, Basecamp, TikTok, or LinkedIn. Complaints will be dealt with confidentially for those involved, and we expect complainants to observe confidentiality also.

7. Complaints that result in staff capability or disciplinary action

- 7.1 If at any formal stage of the complaint it is determined that disciplinary or capability proceedings are necessary to resolve the issue, the details of this action will remain confidential to the Head and/or the individual's line manager. The complainant is not entitled to participate in the proceedings or receive any details about them.

8. Stages of Complaint

8.1 Stage One: Informal Concerns

- Where, as a result of raising a concern, the complainant still feels the issue has not been addressed, or where the outcome is that the complaint needs further investigation, they may progress by making an informal complaint. In doing so, the following steps will be followed:
- If parents have a complaint, they should contact their child's Form Tutor in the first instance, who may refer the matter to the Head of Year or the Senior Leadership Team.
- If a complaint refers to a member of the Senior Leadership Team, it should be made to the Head. If a complaint refers to the Head, it should be made to the Chair of the relevant Academy Governing Body ("GB").
- The complainant must explain in writing:
 - An overview of the complaint so far
 - Who has been involved
 - Why the complaint remains unresolved
 - The action they would like to see taken to put things right
- The recipient of the complaint will respond within 5 (school) working days of having received the written complaint. At which point, they will explain what action they intend to take.
- It is hoped that most complaints will be resolved quickly and informally through a meeting of the parents and the relevant member of staff at this stage.
- The staff member will provide written confirmation of the outcome of their investigation

within 15 (school) working days of having sent confirmation of the intended action. If the complainant is not satisfied with the outcome, they can proceed to Stage 2 of the complaints process and submit a formal written complaint.

8.2 **Stage Two: Formal Complaints**

- If the complaint cannot be resolved informally, it should be put in writing to the Head without delay, and at the latest within 15 school days of the conclusion of Stage 1 above. The parents should state in the letter that they want the matter to be dealt with under the Stage 2 procedure. The letter should be accompanied by a completed copy of the Complaints Form (see Appendix 1).
- Should a formal written complaint be received by another member of the Academy's staff, it should be immediately passed to the Head.
- The Head will respond in writing within 10 (school) working days of receipt of the complaint, acknowledging receipt, explaining what action will be taken, and providing clear timeframes.
- The Head will gather information from everyone concerned to confirm the substance of the complaint. The Head will consider all relevant evidence; this may include, but is not limited to:
 - A statement from the complainant.
 - Where relevant, a statement from an individual who is the subject of the complaint.
 - Any previous correspondence regarding the complaint.
 - Any supporting documents in either case.
 - Interviews with anyone related to the complaint.
- It may be necessary for the Head to conduct further investigations, and this responsibility is likely to be shared among the Senior Leadership Team, the Chair of the Academy, and the Academy Trust.
- The Head will keep written records of all meetings and interviews held in relation to the complaint, and details of complaints made in this way are kept in the pupils' confidential files. These details will be provided to the Panel in the event of a Stage 3 Panel hearing.
- After considering the available evidence, the options available to the Head are:
 - Uphold the complaint and direct that certain action be taken to resolve it.
 - Reject the complaint and provide the complainant with details of the stage three appeals process.
 - Uphold the complaint in part: in other words, the Head may find one aspect of the complaint to be valid, but not another aspect. They may direct that a specific action be taken to resolve the aspect they find in the complainant's favour.
 - Advise the complainant that the matter will be dealt with via an alternative statutory process.
- The Head must inform the complainant of their decision in writing within 20 (school) working days of issuing a written acknowledgement of receipt of the complaint. They must explain clearly why they have come to the decision that they made. They must detail

any agreed actions as a result of the complaint. Finally, they must provide the complainant with details on how to progress the complaint to Stage 3 if they are not satisfied, including the contact details of the clerk to the governors.

- If the complainant is still not satisfied with the decision at this stage, they should proceed to Stage 3 of this Procedure.
- Depending on the subject of the complaint, the following processes should be followed:

What if the complaint is about the Head, or if they have already considered it under Stage 1?

In the event of a formal complaint about the Head, or if they have been closely involved at Stage 1, the complaint should be sent to the Clerk of the Governing Body, who will arrange for the Chair to carry out the Stage 2 procedures.

What if the complaint is about a member of the Academy Governing Body?

The complaint should be sent to the Clerk of the Governing Body at the Academy's address, who will arrange for a Governor of the Academy to investigate the concerns in accordance with Stage 2.

What if the complaint is about the Clerk or the Governing Body?

If the complaint concerns the Clerk of the Governing Body or the Governing Body as a whole, it should be sent to the Head of Governance, who will arrange for a Trustee to undertake all Stage 2 procedures.

What if the complaint is about the Academy Trust CEO?

If the complaint concerns the CEO of the Academy Trust, or if they have been closely involved at Stage 1, the complaint should be sent to the Head of Governance, who will arrange for a Trustee to carry out all the Stage 2 procedures.

What if the complaint is about a Trustee?

The complaint should be sent to the Head of Governance, who will arrange for another Trustee to investigate the concerns in accordance with Stage 2.

What if the complaint is about the Head of Governance?

If the Complaint concerns the Head of Governance, it should be sent to the Chair of the Academy Trust.

What if the complaint is about the Board of Trustees?

If your complaint concerns the Board of Trustees as a whole, it should be sent to the Head of Governance, who will arrange for the matter to be independently investigated.

Contact details for the Head of Governance

The Head of Governance can be contacted at: Foundation Office, Edgbaston Park Road, Birmingham B15 2UD or cosec@ske.uk.net

8.3 Stage Three: Panel Hearing

- If the complainant wishes to appeal a decision by the Head at stage 2 of the procedure, or is not satisfied with the Head's action in relation to the complaint, they can appeal the decision.
- They must write to the clerk (see the Further Information at the end of the procedure),

briefly outlining the complaint's content and requesting that a complaints appeal panel be convened.

- It is not possible to move to this stage without following through the Stage 2 procedure.
- The clerk or the Head of Governance acting as Clerk will fulfil the role of organising the time and date of the appeal hearing, inviting all the attendees, collating all the relevant documentation, distributing 5 days in advance of the meeting, recording the proceedings in the form of minutes, and circulating these and the outcome of the meeting.
- The complainant must request an appeal panel within 15 school days of receiving the Head's decision; otherwise, it will not be considered, except in exceptional circumstances. On receipt of this written notification, the following steps will be followed.
- The clerk will write to the complainant within 5 school days to confirm receipt of the appeal request and detail further action to be taken.
- The clerk will convene a panel of three Academy Trust local governors, including one independent member who is independent of the Academy's management and running. All three panel members will have no prior knowledge of the complaint's content.
- Complainants may request an independent panel if they believe there is likely to be bias in the proceedings. The Head of Governance will decide whether to approve this request, and only in exceptional circumstances. Where an entirely independent panel is required, timescales may be affected while the Academy Trust sources appropriate individuals for the review.
- The appeal hearing will take place within 20 school days of the clerk's confirmation letter to the complainant confirming the appeal. If this is not possible, please refer to paragraph 3.2 above.
- In addition to the panel, the following parties will be invited, where applicable:
 - The complainant.
 - The Head who dealt with the complaint at Stage 2.
 - Where the complaint regards a member of staff, the staff member who is the subject of the complaint.
- The complainant may also bring a companion to the hearing if they wish. Where the subject of the complaint is a member of staff, that staff member may also bring a companion. The companion will be a friend or a colleague. Neither party is permitted to bring legal representation with them. If, after the hearing, any party feels that legal action is necessary, please refer to the contact details at the end of the procedure.
- In normal circumstances, pupils are not required to attend a complaints hearing. Where attendance of any pupil is required at the hearing, parental permission will be sought if the pupil is under 18. Extra care will be taken to consider the vulnerability of children where they are present at a complaints hearing.
- Notification of the date, time, and place of the hearing, along with details of the panel members and attendees, will be sent at least 5 school days before the hearing.

- The Academy representative and the parents are to submit any evidence in support of their case to the clerk at least 3 school days before the hearing to be circulated to all parties.
- Where the complaint concerns a governor/trustee, the complainant may request that an entirely independent panel hear the appeal. It is at the discretion of the Head of Governance of the Academy Trust, who will notify the clerk of their decision. Where an entirely independent panel is required, timescales may be affected while the Academy Trust source appropriate individuals for the review.
- The panel can make the following decisions:
 - 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 Academy's systems or procedures to ensure that problems of a similar nature do not recur.

8.4 This is the final stage at which the Academy will consider the complaint. If the complainant remains dissatisfied and wishes to take the complaint further, please see the Further Details section 16 at the end of the document. The Academy will not consider the complaint beyond this.

9. Procedure for Panel Hearing

9.1 The order of business will be as follows:

9.2 The Clerk or Head of Governance acting as Clerk to the Complaint Panel will greet the Complainant, the Complainant's supporter, and the Academy's Representative and welcome them into the room where the Complaint Panel has convened (any witnesses will remain outside of the room until they are called in to give their account)

9.3 After introductions, the complainant is invited to explain their complaint, followed by their witnesses* (if any).

9.4 The Head may question both the complainant and the witnesses after each has spoken. The panel may ask questions at any point.

9.5 The Head is then invited to explain the Academy's actions, followed by the Academy's witnesses.

9.6 The complainant may question both the Head and the witnesses after each has spoken. The panel may ask questions at any point.

9.7 The complainant is then invited to sum up their complaint.

9.8 The Head will be invited by the panel to summarise their response to the complaint and the Academy's stance.

9.9 Both parties leave together while the panel decides on the issues. The Chair of the panel

explains that both parties will hear from the panel within a set timescale.

*Witnesses are only required to attend for the part of the hearing in which they give their evidence.

10. Complaint Panel's Decision

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

10.2 Findings of Fact

- The Complaint Panel will decide which facts are established to be true, on a balance of probabilities (i.e., more likely than not). If a fact is not deemed relevant, the Complaint Panel will not consider it further. The Complaint Panel will make a written record of the facts that have been established, those that have not been established, and those that are not relevant, with their reasons for making these findings.

10.3 Recommendations

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

11. Notification of the Complaint Panel's Decision

11.1 The Clerk to the Local Governors will write within 10 (school) working days of the Complaint Panel Hearing to the:

- Complainant
- The Head and the Chair of the Academy
- Any person complained about

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

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

12. Factors for the panel to consider

12.1 It is important that the Complaint Panel Hearing is independent and impartial, and that it is seen to be so. No person may sit on the Complaint Panel if they have had prior involvement in the matters which gave rise to the complaint, in dealing with the complaint in the previous stages, or have prior detailed knowledge of the complaint.

- 12.2 The aim of the Complaint Panel Hearing, which must be held in private, will always be to resolve the complaint and achieve reconciliation between the Academy and the complainant. However, it has to be recognised that the complainant may not be satisfied with the outcome if the Complaint Panel does not wholly find in their favour. It may only be possible to establish the facts and make recommendations that will satisfy the complainant that their complaint has been taken seriously.
- 12.3 An effective Complaint Panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The Chair of the Complaint Panel will ensure that the Complaint Panel Hearing is as welcoming as possible while ensuring that it is procedurally fair to all parties. The room's layout will set the tone, and care is needed to ensure the setting is informal and not overly adversarial.
- 12.4 Extra care needs to be taken when the complainant is a child or when child witnesses are present. Care should be taken to ensure that the child does not feel intimidated. The Complaint Panel should be aware of the child's views and give them equal consideration with those of the adults present. Where the child's parent is the complainant, it would be helpful to allow the parent to suggest which parts of the hearing, if any, the child should attend, with the Chair retaining discretion.

13. Guidance for Complaint Panel Members

- 13.1 The Complaint Panel should ensure that they are familiar with the complaint procedure in advance of the Complaint Panel Hearing.
- 13.2 The Chair of the Complaint Panel will play a key part at the Complaint Panel Hearing, ensuring that:
- The remit of the Complaint Panel is explained to the parties, and each party has the opportunity of making representations without undue interruption.
 - All issues raised in the complaint have been addressed.
 - Key findings of fact are made on a balance of probabilities.
 - Each party treats the other with respect and courtesy.
 - The Complaint Panel is open-minded and acts independently of the Academy.
 - No member of the Complaint Panel has a vested interest in the outcome of the proceedings.
 - Each side is allowed to state its case and ask questions.
 - All parties see all written material. If a new issue arises during the course of the Complaint Panel Hearing, it would be useful to give all parties the opportunity to consider and comment on it.
- 13.3 Further details on roles and responsibilities can be found in Appendix Three.

PART 2: COMPLAINTS OR CONCERNS FROM PERSONS OTHER THAN PARENTS/ CARERS OF CURRENT REGISTERED PUPILS

Part 1 of this complaints policy applies solely to complaints made by parents or carers of current registered pupils of academies within the Academy Trust. The Academy Trust wishes to work closely with other members of the local community and will deal with concerns and complaints according to the procedure outlined under points 3.1-3.4 above

and as follows:

Complainants should first attempt to resolve their complaint informally with the relevant Academy. Only if this fails to resolve the situation should the complaint be submitted in writing to the Head of the relevant Academy. The Head will acknowledge receipt and, thereafter, provide a final written response within 15 school working days of the complaint.

Where the complaint is about the Head of an Academy within the Trust or a local governor / local governing body, or a trustee / Board of Trustees, please submit the complaint in writing to the Head of Governance at Foundation Office, Edgbaston Park Road, Birmingham, B15 2UD or cosec@ske.uk.net who will ensure a suitable person deals with the complaint. The receipt of the complaint will be acknowledged, and a final written response will be provided within 15 school working days.

PART 3: Repetitious and Vexatious complaints and complaints pursued in an otherwise unreasonable manner

There are rare circumstances in which we may deviate from the Complaints Procedure set out in Parts 1 and 2. These include, but are not necessarily limited to:

14.1 Repetitious, including serial and/or persistent, complaints

Where the complainant's complaint is the same, similar to, or based on the same facts as a complaint which has already been considered in full, and we have:

- Taken every reasonable step to address the complainant's concerns; and
- Given the complainant a clear statement of our position and their options.

We will write to the complainant to advise that the complaints procedure has been exhausted and that we will not respond to any further correspondence in relation to these matters. The complainant will be referred to Stage 4 – see 16.4.

14.2 Vexatious complaints

The Office of the Independent Adjudicator defines the characteristics of a 'frivolous' or 'vexatious' complaint as:

- Complaints that are obsessive, persistent, harassing, prolific, or repetitious.
- Insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason.
- Insistence upon pursuing meritorious complaints in an unreasonable manner.
- Complaints that are designed to cause disruption or annoyance.
- Demands for redress that lack any serious purpose or value.
- Examples include but are not limited to:
 - Refusal to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance.
 - Refusal to cooperate with the complaint's investigation process.

- Refusal to accept that certain issues are not within the scope of the complaints procedure.
- Insistence on the complaint being dealt with in ways which are incompatible with the complaint's procedure or with good practice.
- Introducing trivial or irrelevant information that they expect to be taken into account and commented on.
- Raising large numbers of detailed but unimportant questions, and insisting they are fully answered, often immediately and to their own timescales.
- Making unjustified complaints about staff who are trying to deal with the issues and seeking to have them replaced.
- Changing the basis of the complaint as the investigation proceeds.
- Seeking an unrealistic outcome, such as the inappropriate dismissal of staff.
- Making 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.
- Knowingly providing falsified information.
- Publishing unacceptable information on social media or other public forums.

14.3 Complaints pursued in an otherwise unreasonable manner

Where the complainant's behaviour or language towards staff, governors, trustees, or members is aggressive, abusive, offensive, discriminatory, or threatening, or insulting personal comments are made about, or threats are made towards, staff.

In the circumstances outlined in (2) and (3) above, we may:

- Inform the complainant that we consider their complaint to be vexatious, or the manner in which they are pursuing it to be unreasonable, and why, and ask them to desist.
- Conduct the complaints committee on the papers only, i.e., not hold a hearing.
- Refuse to consider the complaint any further and refer the complainant directly to Stage 4.

We may also restrict the complainant's access to the academy, e.g., requesting contact in a particular form (for example, letters only), requiring contact to take place with a named person only, restricting telephone calls to specified days and times or number of contacts, or banning the complainant from the academy's premises in line with our Parent Code of Conduct.

Where the complainant's behaviour is so extreme that it threatens the immediate safety and welfare of staff, governors, trustees, or members, we will consider other options, for example, reporting the matter to the police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

14.4 Anonymous Complaints

The Academy will not investigate anonymous complaints under the procedure in this Complaints policy. Anonymous complaints will be referred to the Head, who will decide what, if any, action should be taken.

14. Further Details

- 14.1 If you wish to write to a Clerk of an Academy of the Academy Trust, please write to the Clerk of [Name of Academy], c/o Head of Governance, Foundation Office, Edgbaston Park Road, Birmingham B15 2UD or cosec@ske.uk.net
- 14.2 If you have any queries regarding any aspect of the complaints procedure, please direct these to the Head of Governance of the Academy Trust, Foundation Office, Edgbaston Park Road, Birmingham B15 2UD or cosec@ske.uk.net
- 14.3 If the complainant remains dissatisfied with the outcome of the complaints procedure, they may write to the Head of Governance of the Academy Trust, Foundation Office, Edgbaston Park Road, Birmingham B15 2UD cosec@ske.uk.net
- 14.4 If the complainant feels that the Academy Trust acted 'unreasonably' in the handling of the complaint, they can complain to the ESFA (Education & Skills Funding Agency) (via the school's complaints form) after the complaints procedure has been exhausted (Stage 4). Please note that unreasonable is used in a legal sense and means acting in a way that no reasonable school or authority would act in the same circumstances.
- 14.5 Ofsted will also consider complaints about schools.

15. Record of Complaints

- 15.1 A written record will be kept of all formal complaints, and of whether they were resolved at Stage 2 or proceeded to a Complaints Panel Hearing, including the action taken by the Academy Trust as a result of the complaints (regardless of whether they are upheld).
- 15.2 Records of complaints will be kept as follows:
- For major complaints: current year + 6 years.
 - If negligence is involved: current year + 15 years.
 - If child protection or safeguarding issues are involved: current year + 40 years.
 - Correspondence, statements, and records relating to individual complaints are to 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 or in other circumstances where the Academy Trust is required by law to disclose such information.

16. Monitoring Arrangements

- 16.1 The Academy Trust will monitor the effectiveness of the complaints procedure in ensuring that the complaints are handled properly.

17. Barring from Academy Trust Premises

- 17.1 Although fulfilling a public function, the Academies are private places. The public has no

automatic right of entry. The Academy Trust will therefore act to ensure that it remains a safe place for students, staff, and other members of its community.

- 17.2 If the behaviour of a parent, guardian, or carer is a cause for concern, the Academy staff will ask them to leave the premises. In serious cases, the Head can notify them in writing that any implied license to be on the Academy premises has been temporarily revoked, subject to any representations that the parent, guardian, or carer may wish to make.
- 17.3 The Academy will always allow the parent, guardian, or carer to formally express their views on the decision to bar in writing. The decision to bar should then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed, the parent, guardian, or carer should be notified in writing, explaining how long the bar will remain in place.
- 17.4 Anyone wishing to complain about being barred can do so, by letter or email, to the Chair of the Governing Body.
- 17.5 Complaints about barring cannot be escalated to the Department for Education.
- 17.6 Once the Academy's own complaints procedure has been completed, the parent may write to the Head of Governance of the Academy Trust. Then, the remaining avenue of appeal is through the courts; independent legal advice must therefore be sought.

18. Complaints from MPs

- 18.1 The Head of the relevant Academy will address written complaints from MPs.
- 18.2 The Head will acknowledge receipt of the complaint within 3 school days.
- 18.3 Following the investigation, the Head will respond in writing within 10 school days.

PART 4: COMPLAINT CAMPAIGNS

For the purposes of this policy, a complaint campaign is defined as a complaint from three or more separate individuals (whether or not connected with an academy or the trust) that all relate to the same subject. Depending on the subject in question, we may deviate from the procedure set out in this policy and instead:

- Send a template response to all complainants and/or
- Publish a single response on the Academy or Academy Trust's website (as applicable)

APPENDIX ONE - Matters excluded from the scope of this policy

| Excluded Matters | Signposting |
|----------------------------------|---|
| Admissions | The process for challenging admissions decisions is set out in our admissions policy in accordance with relevant statutory guidance. |
| Child protection matters | Complaints about child protection matters are handled in accordance with our child protection and safeguarding policy and relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH). |
| Data protection matters | Complaints about data protection matters are handled in accordance with our data protection policy and relevant guidance from the Information Commissioner's Office (ICO). If you have serious concerns, you may wish to contact the ICO directly, but the ICO will usually expect you to have raised your concerns with our Data Protection Officer in the first instance. |
| Exclusions | The process for challenging exclusion decisions is set out in the DfE's statutory guidance, and information can be found at: School suspensions and permanent exclusions - GOV.UK (www.gov.uk) |
| Freedom of information matters | Complaints about our compliance with the Freedom of Information Act 2000 are handled in accordance with our Freedom of Information Policy and relevant ICO guidance. If you have serious concerns, you may wish to contact the ICO directly, but the ICO will usually expect you to have raised your concerns with us in the first instance. |
| [Governor][trustee] grievances | Complaints from [trustees][and][governors] will be dealt with by the [chair of trustees] under the Trust's internal governance procedures. This does not preclude [governors][or][trustees] from raising complaints in their capacity as a parent. |
| National Curriculum content | Please contact the Department for Education at www.education.gov.uk/contactus |
| School re-organisation proposals | Where the academy does not adequately address concerns, complaints can be raised directly with the Department for Education. |

| | |
|---|--|
| Complaints about services provided by other providers who may use school premises or facilities | Providers should have their own complaints procedure to address service-related complaints. Please contact them directly. |
| Staff grievances | Complaints from staff will be dealt with under the school's internal grievance procedures. |
| Staff conduct | Certain complaints about staff may need to be dealt with under the academy's internal disciplinary procedures, if appropriate. 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. |
| Statutory assessments of special educational needs (SEN) | Concerns about statutory assessments of special educational needs should be raised directly with the local authority. |
| Whistleblowing | <p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person 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> <p>Volunteer staff who have concerns should complain through the school's complaints procedure. You may also be able to complain directly to the Department for Education (see link above), depending on the substance of the complaint.</p> |

APPENDIX TWO - Complaint Form

Please complete and return to the Head, who will acknowledge receipt and explain the action to be taken.

| | |
|---|--|
| Your Name | |
| Name of Student | |
| Academy Name | |
| Your Relationship to the Student | |
| Contact Address | |
| Contact Postcode | |
| Contact Telephone – Day | |
| Contact Telephone – Evening | |
| Contact Email | |
| Details of the complaint | |
| | |
| What action, if any, have you already taken to try to resolve your complaint (who did you speak to, and what was the response)? | |
| | |
| What is the reason you remain dissatisfied with the outcome? | |

| | |
|---|--|
| | |
| What actions do you feel might resolve the complaint at this stage? | |
| | |
| Are you attaching any paperwork? If so, please give details. | |
| | |
| Signature | |
| Date | |

| | |
|---|--|
| OFFICIAL USE | |
| Date received | |
| Complaint Reference No. | |
| Date acknowledgement sent | |
| By whom | |
| Complaint referred to | |
| Date | |
| Date reported to the Head of Governance | |
| By whom | |

Roles and Responsibilities

The Complainant

The complainant will receive a more effective response to the complaint if he/she: o cooperates with the Academy in seeking a solution to the complaint; o expresses the complaint in full as early as possible; o responds promptly to requests for information or meetings or in agreeing on the details of the complaint;

- o Asks for assistance as needed.
- o Treats all those involved in the complaint with respect.

The Complaints Coordinator (or Head) The complaints coordinator will:

- o Ensure that the complainant is fully updated at each stage of the procedure.
- o Ensure that all people involved in the complaint procedure will be aware of the legislation around complaints, including the Equality Act 2010, UK GDPR and the Data Protection Act 2018, and Freedom of Information Act 2000.
- o Liaise with staff members, Head, Chair of Governors, Clerk, and Head of Governance to ensure the smooth running of the complaint procedure.
- o Keep records.
- o Be aware of issues regarding:
 - o Sharing third-party information;
 - o Additional support - this may be needed by complainants when making a complaint, including interpretation support.

The Investigator

The Investigator is the person involved in Stages 1 and 2 of the procedure. The Investigator's role can include:

- o Providing a comprehensive, open, transparent, and fair consideration of the complaint through:
 - o Sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved;
 - o Consideration of records and other relevant information;
 - o Interviewing staff, children/young people, and other people relevant to the complaint;
 - o Analysing information;
- o Effectively liaising with the complainant and the complaints coordinator as appropriate to clarify what the complainant feels would put things right;
- o Identifying solutions and recommending courses of action to resolve problems;
- o Being mindful of the timescales to respond; and
- o Responding to the complainant in plain and clear language. The person investigating the complaint should make sure that they:
 - o Conduct interviews with an open mind and be prepared to persist in the questioning;
 - o Keep notes of interviews or arrange for an independent note-taker

to record minutes of the meeting

The Panel Clerk (this could be Clerk to the Governors)

The Clerk is the contact point for the complainant for the panel meeting and is expected to:

- Set the date, time, and venue for the hearing, ensuring the dates are convenient for 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.
- Meet and welcome the parties as they arrive at the hearing.
- Record the proceedings.
- Circulate the minutes of the panel hearing.
- Notify all parties of the panel's decision.
- Liaise with the complaints coordinator.

The Panel Chair

The Panel Chair has a key role in ensuring that:

- The meeting is minuted.
- The panel's remit is explained to the complainant, and both the complainant and the school have the opportunity to put their case without undue interruption.
- The issues are addressed.
- Key findings of fact are made.
- Parents/carers and others who may not be used to speaking at such a hearing are put at ease – this is particularly important if the complainant is a child/young person.
- The hearing is conducted in an informal manner, with everyone treated with respect and courtesy.
- The layout of the room will set the tone – care is needed to ensure the setting is informal and not adversarial.
- 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.
- Both the complainant and the school are given the opportunity to present their cases and seek clarification.
- Everyone sees written material in attendance – if a new issue arises, it would be useful to allow everyone to consider and comment upon it; this may require a short adjournment of the hearing.
- Liaise with the Clerk and complaints coordinator.

Panel Member

Panellists will need to be aware that:

- It is important that the review panel hearing is independent and impartial, and that it is 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 hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant; however, it must 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 that will satisfy the complainant that their complaint has been taken seriously.

- Many complainants feel nervous and inhibited in a formal setting; parents/carers often feel emotional when discussing an issue affecting their child. The panel chair will ensure that the proceedings are as welcoming as possible.
- Extra care needs to be taken when the complainant is a child/young person and present during all or part of the hearing. Careful consideration of the atmosphere and proceedings will 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 allow the parent to say which parts of the hearing, if any, the child/young person needs to attend. The parent should be advised, however, 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 not to be in the child/young person's best interests.
- The welfare of the child/young person is paramount.

APPENDIX FOUR

Summary of Complaints Procedure (Part 1)

| | |
|--|---|
| Concern raised outside of this procedure. | Parent brings concern to the attention of a staff member. |
| | Issue is resolved outside of this procedure. |
| | Where there is no satisfactory solution, or there is a complaint of greater seriousness, the parent may wish to make a formal complaint. |
| | |
| Stage One: Informal Concerns | Parent brings complaint to the attention of a member of staff (ideally the child's form tutor in the first instance). |
| | The complainant must explain in writing: <ul style="list-style-type: none"> ○ An overview of the complaint so far; ○ Who has been involved; ○ Why the complaint remains unresolved; ○ And action they would like to be taken to put things right. |
| | Acknowledgement of complaint issued in 5 school days, explaining what action will be taken, giving clear timeframes. |
| | Issue to be resolved within 15 school days – where practical. |
| | If the complaint cannot be resolved informally, it should be put in writing to the Head without delay, and at the latest within 15 school days of the conclusion of Stage 1. |
| | |
| Stage Two: Formal Complaints | The parents should state in their letter that they want the matter to be dealt with under the Stage 2 procedure. The letter should be accompanied by a completed copy of the Complaints Form (see Appendix 1). |
| | Complaint to be acknowledged by the Head within 10 school days. |
| | Response to complainant sent within 20 school days, where practical, following an investigation. |
| | If the complainant wishes to appeal a decision by the Head at stage 2 of the procedure, or they are not satisfied with the action that the Head took in relation to the complaint, the complainant can appeal this decision. |
| | |
| | Parent to request hearing within 15 school days of receiving notice of the outcome of stage 2. |

| | |
|-----------------------------------|--|
| Stage Three: Panel Hearing | The complainant must write to the clerk (see the Further Information), briefly outlining the content of the complaint and requesting that a complaint appeal panel is convened. |
| | Request to be acknowledged by the clerk within 5 school days. |
| | Where possible, the hearing will take place within 20 school days of receipt of the request. |
| | Notification of the date, time, and place of the hearing, along with details of the panel members and attendees, will be sent at least 5 school days before the hearing. |
| | The Academy representative and the parents are to submit any evidence in support of their case to the clerk at least 3 school days before the hearing to be circulated to all parties. |
| | Panel decision to be sent within 10 school days after the hearing. |

APPENDIX FIVE

Glossary & Terms

| | |
|------------------------|--|
| SEN | Special Educational Needs |
| SENCO | Special Educational Needs Coordinator |
| Senior Leadership Team | Normally comprising the Head, the Deputy Head, and the Assistant Heads |
| Complainant | The person who raises a complaint under the procedure. This will normally be a parent, guardian, or carer |
| Head of Governance | The Head of Governance of the Academy Trust |
| Regulations | Education (Independent School Standards) Regulations 2014. (part 7) |
| Complaint coordinator | A member of the Academy staff with responsibility for coordinating complaints |
| School Days | Monday to Friday when School is open during term time. The dates of terms are published on the school's website. |