



SECKFORD
EDUCATION TRUST

“Providing a foundation for life”

**POLICY
DOCUMENT**

Complaints Policy

Document Owner:	Trust Board
Responsible Trust Committee:	Trust Board
Date Approved:	Trinity Term 2019 – updated Lent 2020 to v2
Review Date:	Trinity Term 2021

APPROVED Signature (Trust Board):	DATE ()
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1. Other relevant policies and documents

- Admissions Policy (SET Beccles School)
- Admissions Policy (SET Ixworth School)
- Admissions Policy (SET Saxmundham School)
- Admissions Policy (SET Causton Junior School)
- Admissions Policy (SET Maidstone Infants School)
- Complaints Procedure
- Safeguarding Policy
- Whistleblowing Policy
- <https://www.gov.uk/government/publications/setting-up-an-academies-complaints-procedure/putting-in-place-a-complaints-procedure>

2. Explanation of terms used in the policy

'LAB' means Local Advisory Body;

'School days' excludes weekends, school holidays and bank holidays;

'Parent' means parent, carer or anyone with legal responsibility for a child;

'Trust' means Seckford Education Trust

3. Purpose of the policy

This document outlines the policy for handling complaints. This policy covers the Trust and all its Schools and as such there is no need for each School to have its own policy.

The detailed procedures to be followed are set out in the separate Complaints Procedure document.

4. Policy statement

The Seckford Education Trust endeavours to provide the best possible education for all its students in an open and transparent environment. We welcome any feedback that we receive from parents, pupils and third parties, and we accept that not all of this will be positive. Where concerns are raised the Trust intends for these to be dealt with:

- Fairly
- Openly
- Promptly
- Without prejudice

In order to do so, the Trustees of the Seckford Education Trust have approved the following policy and separate procedure which explains what you should do if you wish to make a complaint about one of the Schools in the Trust, or the Trust itself.

5. Scope

5.1 This Complaints Policy is based on the principle that concerns expressed by a pupil, parent or any other individual or organisation should be resolved as quickly as possible, without the need to escalate to the formal stages of the procedure. However, where resolution has not been achieved and the person raising the concern is dissatisfied and wishes to take the matter further, the formal procedure for dealing with complaints will be followed.

5.2 All staff will be made aware of this Complaints Policy and are expected to review this policy and procedures regularly in order that they are familiar with the process of dealing with complaints and can be of assistance when an issue is brought to their attention.

5.4 Complaints that fall outside of this procedure are listed at Appendix A.

5.5 This Complaints Policy is intended to be compliant with Schedule 1, Part 7 of the Education (Independent School Standards) Regulations 2014 ("the Regulations"). In the event of any variance between this Complaints Policy and the Regulations, the Regulations will apply.

6. Policy

6.1 Concerns or complaints should be raised within three months of the incident or event to which the complaint relates (or, where the complaint relates to a series of incidents or events, within three months of the latest incident or event). We will consider complaints made outside of this time frame if exceptional circumstances apply, however we reserve the right to refuse to investigate the concern or complaint if it appears reasonable and fair to do so, having regard to the circumstances surrounding the complaint.

6.2 There are four stages to our complaints procedure. The aim is to try to deal with the complaint to the satisfaction of the Complainant, at the earliest possible stage.

- Stage 1 – Informal investigation of a concern by the Tutor or Class teacher
- Stage 2 – Formal complaint investigated by a relevant staff member (i.e. the line manager of the Tutor or Class teacher) or a member of the Senior Leadership Team
- Stage 3 – Formal complaint investigated by the Headteacher or Chief Executive Officer of the Seckford Foundation

- Stage 4 – Complaint heard by the Complaints Appeal Panel

6.3 Only if the complaint cannot be resolved at the informal stage would it be escalated to the formal stages. Only if the complaint cannot be subsequently resolved at the formal stages would it be escalated to the Complaints Appeal Panel.

6.4 Concerns or complaints regarding the Headteacher/Head of School or the Trust as a whole should be referred direct to the Chief Executive Officer's Personal Assistant at Seckford Education Trust, Marryott House, Burkitt Road, Woodbridge IP12 4JJ who will arrange for the stages above to be considered by an appropriate person.

6.5 Complaints that are in the public interest and relate to suspected malpractice may be appropriate to raise under the Trust's Whistleblowing Policy.

Principles of Investigating a Concern or Complaint

6.6 The principles that will form the basis for all investigations of concerns and complaints will be that the person investigating the complaint:

- Has read the Complaints Policy and Procedure to familiarise him/herself with the procedure.
- Is aware of the time limits that apply to the relevant stages and ensures that he or she complies with them.
- Establishes the nature of the complaint and what issues remain unresolved.
- Establishes what the Complainant says has happened, who has been involved, and what the Complainant feels would put things right.
- If necessary, interviews those involved in the matter, for example the Complainant, pupils and members of staff, including those complained about.
- Allows pupils and those complained about to be accompanied during interviews, if they wish.
- Keeps a written record of the interview, and asks the interviewee to sign and date it.
- Establishes relevant facts, on balance of probabilities, based on evidence not speculation, and keeps a written record of these.
- Provides an effective response to the complaint, addressing all issues raised (including, where relevant, complaints about the way in which the complaint has been dealt with in the earlier stages).
- Ensures that the response to the complaint includes the appropriate redress, where necessary.
- Reports the complaint and the outcome of the complaint to the Senior Leadership Team so that services can be improved.
- Deals with investigation in an impartial, objective, fair and timely manner, keeping in mind the privacy of the parties involved.

Principles of Resolving a Concern or Complaint

6.7 It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage.

6.8 At each stage of the complaints procedure, the person investigating will consider how the complaint may be resolved. It may be appropriate in order to bring the complaint to a resolution for the investigator to offer:

- An explanation
- An admission that the situation could have been handled differently or better
- Reassurance that steps have been taken to prevent a recurrence of events which led to the complaint
- Reassurance that the School will undertake a review of its policies and procedures in light of the complaint
- None of the above will constitute an admission of negligence or an acceptance of liability on behalf of the School.

Principles of Notifying the Outcome of a Concern or Complaint

6.9 At all stages of a complaint, and once all of the facts have been established, the person investigating will write to the Complainant setting out all of the issues in dispute, the results of the investigation, the decision made, the reasons for the decision, and details of any action to be taken to resolve matters or prevent a reoccurrence. Alternatively, the person investigating may wish to meet with the Complainant to discuss the outcome of the investigation, the decision made, the reasons for the decision and any action to be taken directly, in which case a full written record will be made of the meeting, which the Complainant will be asked to sign and date.

6.10 The outcome of all concerns and complaints, whether dealt with formally or informally, will be recorded. Examples of outcomes include:

- There was insufficient evidence to reach a conclusion, so the complaint cannot be upheld.
- The evidence did not substantiate the concern, so the complaint cannot be upheld.
- The complaint was substantiated in part or full. A brief description should be given of the remedial action being taken by the School as a consequence of the complaint. Details of the investigation or any disciplinary sanctions to be taken against a member of staff cannot be disclosed.

- The matter has been fully investigated and, as a consequence, further confidential procedures are being pursued. Strictly confidential procedures such as staff disciplinary investigations and sanctions must not be referred to.

Recording Complaints and use of personal data

6.11 We process data in accordance with our Privacy Notice (<https://www.seckfordeducation.org.uk/wp-content/uploads/2018/04/Privacy-Notice-for-parents-SFFST.pdf>). When dealing with complaints we (including any panel member appointed under the Stage 4 process) may process a range of information, which is likely to include the following:

- Date when the issue was raised
- Name of parent
- Name of pupil
- Description of the issue
- Records of all the investigations (if appropriate)
- Witness statements (if appropriate)
- Name of member(s) of staff handling the issue at each stage
- Copies of all correspondence on the issue (including emails and records of phone conversations)
- Notes of the hearing
- The Panel's written decision

6.12 This may include 'special category personal data' (as further detailed in our Privacy Notice, but potentially including sensitive data such as information relating to physical or mental health) where this is necessary owing to the nature of the complaint. Correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection requests access to them.

6.13 We will keep records of formal complaints and Complaints Panel hearings, as required by regulation and in accordance with our Privacy Notice.

Time limits

6.14 This Complaints Policy sets out the time limits for each stage of the complaints procedure. Those dealing with complaints will endeavour to keep to these time limits. However, where a complaint is of a particularly complex nature, or further investigations are required to ascertain the facts, new time limits can be set. The Complainant will, within the time limit specified in this Complaints Policy, be sent details on any changes to the time limits with an explanation for the delay and confirmation of the revised date.

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

Unreasonably persistent Complainants / unreasonable Complainant behaviour; Repeated or Vexatious Complaints

6.16 There are rare circumstances where we will deviate from the Complaints Procedure. These include, but are not necessarily limited to:

- where the Complainant's behaviour or language towards staff, members of the LAB or Trustees is abusive, offensive, discriminatory or threatening;
- where the Complainant's behaviour is hindering our consideration of complaints and/or the proper running of the School/Trust because of the frequency or nature of the Complainant's contact;
- 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;
- the Complainant refuses to co-operate with the complaints investigation process or refuses to accept that certain issues are not within the scope of the complaints procedure;
- the Complainant insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice;
- the Complainant introduces trivial or irrelevant information which they expect to be taken into account and commented on;
- the Complainant raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- the Complainant makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- the Complainant changes the basis of the complaint as the investigation proceeds - seeks an unrealistic outcome, such as the inappropriate dismissal of staff;
- the Complainant 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;
- the Complainant knowingly provides falsified information and/or publishes unacceptable information on social media or other public forums
- where the Complainant's complaint is clearly frivolous, vexatious and/or has patently insufficient grounds.

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

- complaints which are obsessive, persistent, harassing, prolific, repetitious;
 - insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason;
 - insistence upon pursuing meritorious complaints in an unreasonable manner;
 - complaints which are designed to cause disruption or annoyance - demands for redress that lack any serious purpose or value.
- where the complainant's complaint is the same, similar to or based on the same facts of a complaint which has already been considered in full.

In these circumstances, we may:

- inform the complainant that their behaviour is unacceptable or unreasonably persistent and ask them to change it;
- 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 banning the complainant from the academy's premises. This will be reviewed after six months;
- conduct any Complaints Panel on the papers only i.e. not hold a hearing;
- refuse to consider the complaint and refer the Complainant directly to Stage 4.

In all cases we will write to tell the complainant why we believe his or her behaviour is unacceptable or unreasonably persistent, what action we are taking and the duration of that action. Model letters at Appendix B refer.

We may take the decision not to respond to any further correspondence where:

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

The case for ceasing further correspondence is stronger where:

- letters, emails, or telephone calls are often or always abusive or aggressive or make insulting personal comments about or threats towards staff;
- we have reason to believe the complainant is contacting us with the intention of causing disruption or inconvenience;
- Where the behaviour is so extreme that it threatens the immediate safety and welfare of staff, members of the LAB or Trustees.

In the above circumstances, 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.

6.17 Where the School decides that a complaint is vexatious and/or repeated and will not be investigated, the School will write to the Complainant within 7 days of the complaint being raised to notify them of the decision.

Anonymous Complaints

2.18 We will not normally investigate anonymous complaints under the procedure in this Complaints Policy. Anonymous complaints will be referred to the Headteacher if the complaint concerns a School, or the Chief Executive Officer of the Seckford Foundation if the complaint concerns the Trust, who will decide what, if any, action should be taken.

Complaint Campaigns

2.19 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 a School or the Trust) which are all based on the same subject. Depending on the subject in question, we may deviate from the procedure and this policy, and instead:

- send a template response to all complainants and/or
- publish a single response on the School / Trust's website (as applicable).

7. Next Steps

7.1 If the Complainant believes the School / Trust did not handle their complaint in accordance with the published complaints policy and procedure, or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 4 of this process.

7.2 The Department for Education will not normally reinvestigate the substance of complaints or overturn any decision made by the School /Trust. They will consider whether the School / Trust has adhered to education legislation and any statutory policies connected with the complaint.

7.3 The Complainant can refer their complaint to the Department for Education online at : www.education.gov.uk/contact, by telephone on: 0370 002288 or by writing to:

Department for Education
Piccadilly Gate

Store Street
Manchester
M1 2WD

8. Compliance and performance monitoring

The Trust Board will review this policy on a two yearly basis and ensure that practice across all schools is in line with this policy, the Complaints Procedures and with current legislation. It will be published on the School's website as well as being made available to pupils, parents and other individuals or organisation on request.

The Trust has identified a range of Assurance Methodologies as tools by which compliance with polices can be tested. Those most relevant to this policy include:

- External Audit
- Internal Audit
- Trustee visit/report
- Random testing by line managers

9. Appendix A – Complaints that fall outside the Complaints Policy

- Pupil admissions; please see the School’s Admissions Policy or contact the Admissions Team at Suffolk County Council, Endeavour House, 8 Russell Road, Ipswich, IP1 2BX; Tel: 0345 600 0981; www.suffolk.gov.uk/admissions or through the Local Authority brochure “Admissions to Schools in Suffolk” for the relevant academic year.
- Child protection matters; please see the 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 responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).
- Pupil exclusions; please see the Behaviour Policy.
- Staff grievance, capability or disciplinary; these are covered by the School’s Grievance, Capability and Disciplinary Policies.
- Staff conduct; these are covered by the School’s disciplinary/capability procedure. 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 direct with the local authority.
- National Curriculum content; please contact the Department for Education at www.education.gov.uk/contactus
- Complaints about services provided by other providers who may use School premises or facilities; Providers should have their own complaints procedure – please contact them direct.
- Subject Access Requests and Freedom of Information Requests – please see the Trust’s Data Protection and Freedom of Information policies.

10. Appendix B - Model Letters relating to unreasonably persistent Complainants / unreasonable Complainant behaviour; Repeated or Vexatious Complaints

INITIAL LETTER INFORMING A COMPLAINANT THAT HIS/HER BEHAVIOUR IS CONSIDERED TO FALL BELOW A REASONABLE/ ACCEPTABLE STANDARD

RECORDED DELIVERY

Dear

This letter is to inform you that the Trust / School considers your actions in [*describe actions, dates, behaviour*] on..... when you... to be unreasonable/unacceptable.

We would ask you to bear in mind the fact that such behaviour on a school site can be disruptive and distressing to students, staff and parents/carers [*delete if behaviour complained of did not occur on School site e.g. persistent use of e-mail, verbally abusive telephone calls*].

We are aware that you have raised some concerns, and would advise you that these are usually dealt with most effectively through the Trust's Complaints Policy and Procedure. At the moment we are dealing with these issues by [*describe actions being taken to resolve concern*].

Please note that the Trust Policy Procedure for Dealing with unreasonably persistent Complainants / unreasonable Complainant behavior; Repeated or Vexatious complaints sets out standards of behaviour expected of all people in their dealings with the Trust and its Schools. These include:

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

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

- making special arrangements for meetings and communication with the Trust / School
- Ceasing further correspondence relating to the complaint
- considering a ban from Trust / School premises
- considering legal action.

I would ask that you allow the Trust / School time to resolve the issues according to the correct procedures, and would assure you that we shall take every possible step to move this process forward as quickly as possible.

Yours sincerely
Headteacher

INFORMING A COMPLAINANT THAT HIS / HER BEHAVIOUR IS NOW CONSIDERED TO FALL UNDER THE TERMS OF THE POLICY FOR DEALING WITH UNREASONABLY PERSISTENT COMPLAINANTS / UNREASONABLE COMPLAINANT BEHAVIOUR; REPEATED OR VEXATIOUS COMPLAINTS

RECORDED DELIVERY

Dear

You will recall that I wrote to you on [*insert date*] telling you that I felt your behaviour was unreasonable. I am now writing to inform you that in view of your behaviour on [date], when you [*describe actions/behaviour*] it has been decided that the Trust's Policy and Procedure for Dealing with unreasonably persistent Complainants / unreasonable Complainant behavior; Repeated or Vexatious Complaints t ants Persistent or Vexatious Complaints / Harassment Policy will apply.

In the circumstances I have made the following arrangements for your future contact with the Trust / School:

* For the foreseeable future, ceasing further correspondence relating to the complaint.

*For the foreseeable future, should you wish to meet with a member of staff, I would ask you to note:

- a. an appointment will be arranged and confirmed in writing as soon as possible;
- b. a third party from the Trust / School will be present;
- c. in the interests of all parties, formal notes of this meeting may be made.

* For the foreseeable future, all routine communication with the Trust / School should be by letter only. Please address letters to at the Trust / School. We shall respond as quickly as possible. E-mail correspondence will not be responded to.

[*Delete as applicable]

Exceptionally, these arrangements do not apply to any emergency involving [*insert name of student*] – in which case you should contact the Trust / School in the usual way – or to parents' evenings, which will continue as in the past, but with a third party from the Trust / School present.

These arrangements take effect straightaway. If you wish to make a representation about the contents of this letter, which may include any expressions of regret on your part and any assurances you are prepared to give about your future good conduct, you can do so by writing to me at the Trust / School by [*state ten days from the date of the letter*]. If on receipt of your comments I consider that the arrangements outlined above should continue, you will be supplied with details of how to review a circumstance of your case.

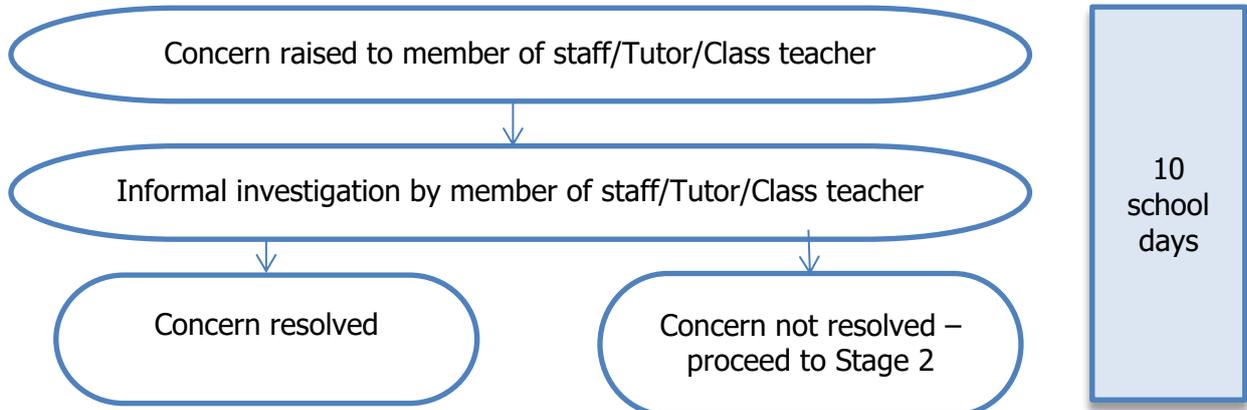
I do hope that the difficulties we are currently experiencing can soon be resolved.

Yours sincerely
Headteacher

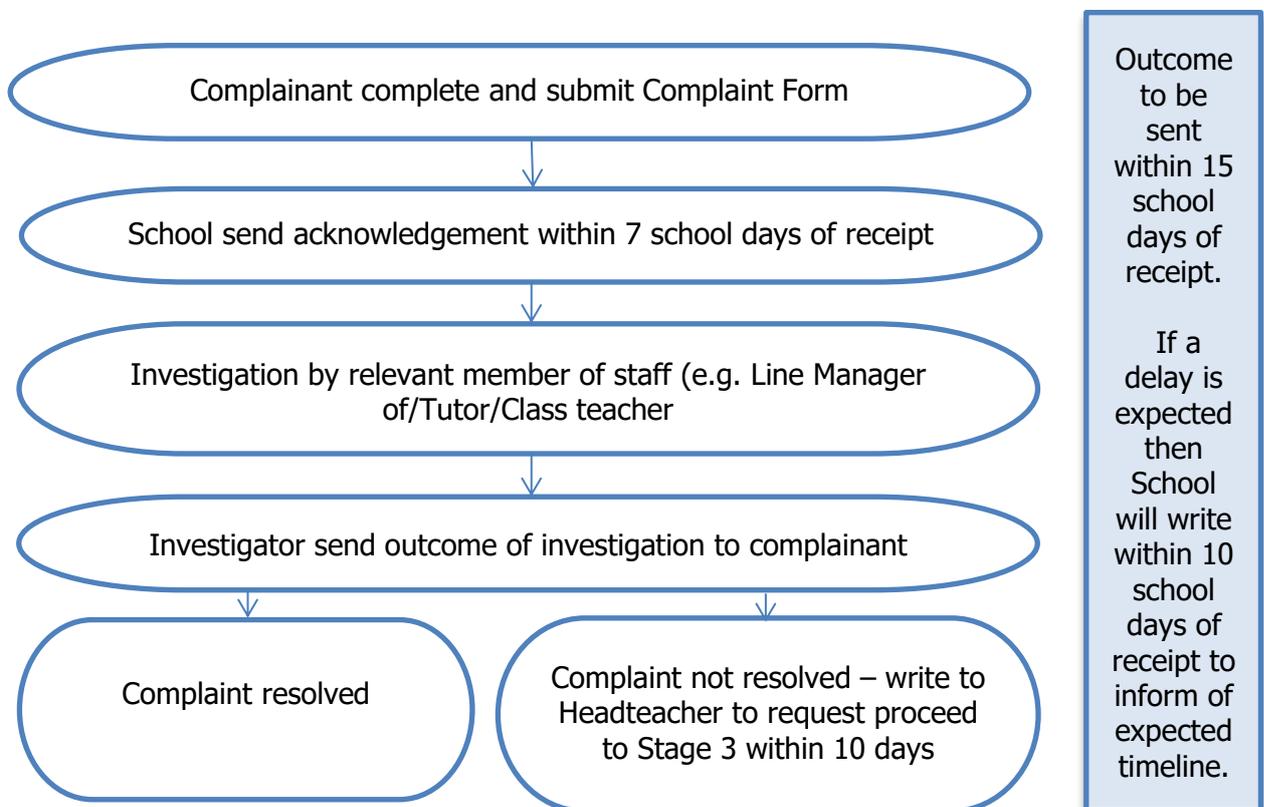
11. Appendix C – Summary of Complaints Procedure

Please see the Complaints Procedures Manual for the detailed procedure to follow.

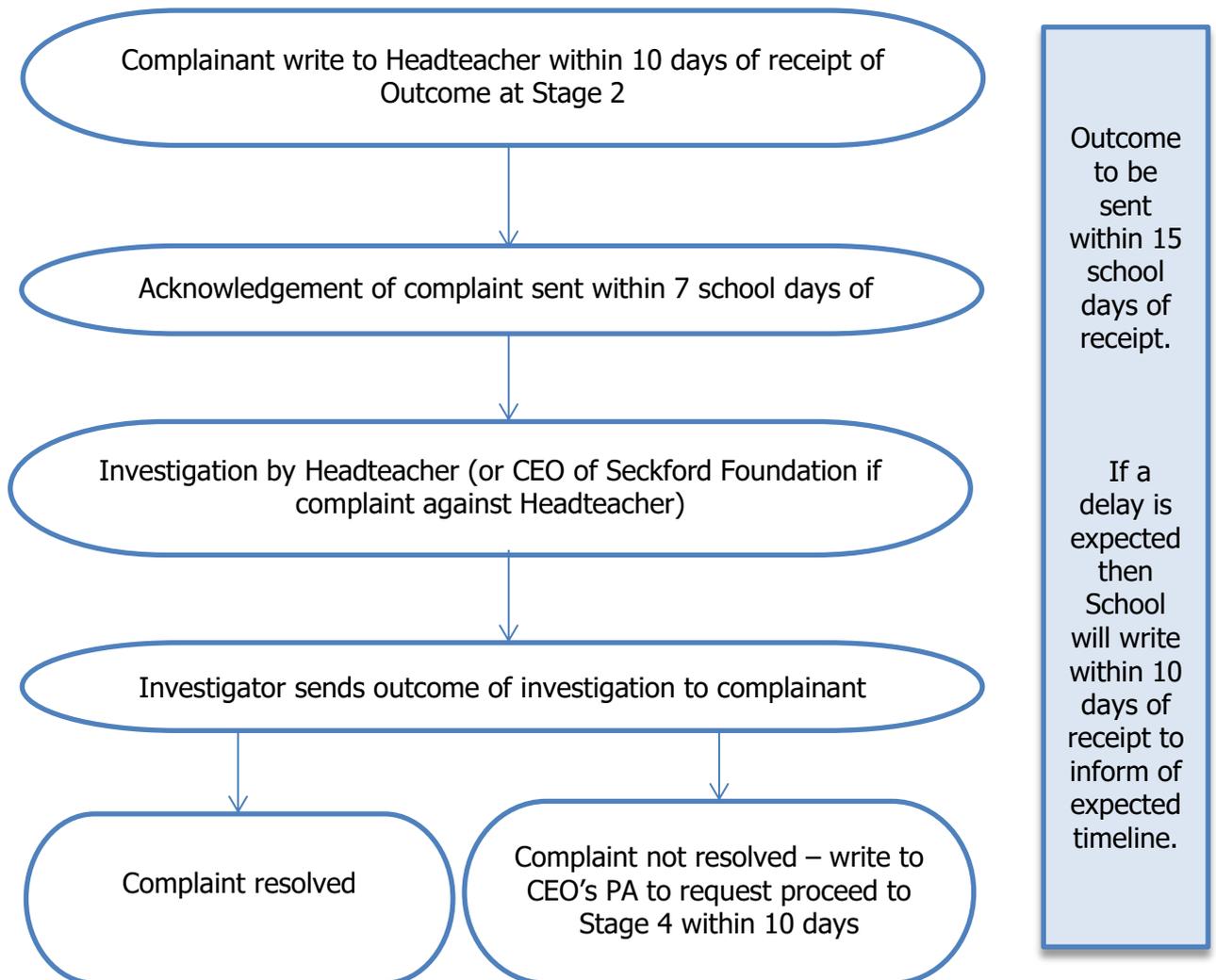
STAGE 1



STAGE 2



STAGE 3



STAGE 4

