GREENWOOD ACADEMIES TRUST

Complaints Policy and Procedure

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1 Who can make a complaint?

As this complaints policy is based upon Part 7 of the Education (Independent School Standards) Regulations 2014, it only applies to complaints from parents/carers of pupils currently attending one of our academies, regarding their child's experience.

We will seek to respond to other complaints (e.g from other parties or about matters not related to your child's experience) if we are able to, but we will not necessarily follow this procedure in such cases.

2 Anonymous complaints

We will not normally consider or respond to anonymous complaints.

3 Time scales

You 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 only consider complaints made outside of this time frame if exceptional circumstances apply.

Throughout this document, the term 'working days' refers to a day when the academy is fully open to all pupils. In respect of a complaint which does not relate to a specific academy, the term 'working day' refers to any day when all of our academies are open to pupils.

4 Complaints received outside of term time

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

5 Scope of this complaints procedure

This procedure covers all complaints about any provision of facilities or services by our academies, other than complaints that are dealt with under other statutory procedures, which are listed below. For the avoidance of doubt, these matters will **not** be dealt with under this policy.

Exceptions	Who to contact
• Admissions to the academy	Concerns about admissions should be handled through a separate process – please see the Academy's *Admissions policy* for details of the appeals process.
• Statutory assessment of special educational need	Concerns about this should be raised with the relevant local authority
• Matters related to safeguarding, including allegations	Complaints about child protection matters are handled under our safeguarding or managing allegations policy and in accordance with relevant statutory guidance. If you have serious concerns, you should follow local procedures for child protection referrals.
• Suspension and exclusion of children from academy	Concerns and complaints about the application of statutory exclusions procedures should be made as part of those procedures.
• Examination results or procedures	Concerns about the results of examinations will be dealt with using the appropriate appeals processes and/or JCQ processes

Exceptions	Who to contact
• Data protection	Any complaints relating to how personal data has been handled should be referred to our Data Protection Officer in line with paragraph 18 of our Data Protection policy.
• Staff grievances	Complaints from staff and former staff will be dealt with under our internal grievance procedures.
• Staff conduct	Complaints about staff conduct will be dealt with under our 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. This procedure cannot, therefore, be used to seek any form of redress from or in relation to an individual member of staff.
• Matters requiring investigation under other policies	If a matter requires investigation under another policy (e.g. health and safety or medical support), it will be handled under that policy rather than as a complaint.
• Matters requiring a legal judgment	If a complainant is seeking adjudication on a matter of law, they should use appropriate legal channels rather than this complaints process – this is also the reason why we do not allow legal representation during the complaints process
• Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. Please refer to our *Whistleblowing policy*. The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus.
• Provision of third party services	Complaints about services which are delivered by third parties (e.g. catering) should be addressed to the appropriate organisation and dealt with under their complaints procedures. Please contact the academy office if you need details of who to get in touch with.

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, or if a complainant commences legal action in relation to their complaint, we will consider whether to suspend the complaints procedure until those proceedings have concluded.

6 Purpose of the complaints procedure and resolving complaints

The complaints procedure is focused on assurance and resolution. It is overseen by the Board of Trustees who have a responsibility to ensure that we are meeting the requirements placed on us by our funding bodies and regulators and that we are meeting our charitable objects.

For this reason, at all stages, the focus will be on determining whether or not there is more that could have been done or that could be done now to resolve a situation and establish a more productive working relationship between us and the complaining parties.

At all stages of the complaints procedure, it is not in scope for us to deliver any kind of judgment or to determine any form of redress. Rather, those looking into complaints at stage 1 or involved in panels at stage 2 will seek to establish on the balance of probabilities whether more could have been done in a situation and then to determine a way forward.

The process taken as a whole nevertheless allows for the full and fair consideration of all concerns.

At each stage in the procedure, we will seek to resolve the complaint.

If appropriate, 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 academy policies in light of the complaint
- an apology.

7 Withdrawal of a complaint

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

8 Record keeping, availability for inspection and data protection

We maintain a record of all complaints, regardless of whether or at which stage the complaint was resolved. This record includes details of the complaint and the complainant, copies of all correspondence and notes and details of the recommendations made and actions taken.

These records will be kept securely and confidentially within our academies, although academy leaders will make them available if the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them on academy premises.

Such records may include information held on a recording device, if its use was deemed appropriate at any stage of the process to aid communication or the recall of information.

Complainants have a right to request access to any of these records at any time in accordance with our Data Protection policy, which is available on our website.

Complaints procedure

9 Informal complaints and concerns

It is to be hoped that most concerns can be expressed and resolved on an informal basis.

You should try to resolve your complaint with the person to whom it relates or with another member of staff, such as their line manager.

You should not approach the Principal to raise informal concerns or complaints about other members of staff, as they may need to consider a formal complaint at a later stage.

You should also not approach anyone involved in our governance (for example, a member of the Trust Board or an Academy Parent Ambassador) as they may need to consider a formal complaint at a later stage.

The person to whom your complaint relates will seek to provide a resolution within fifteen working days.

If your concern or complaint can be resolved informally, then the member of staff who dealt with the matter will keep a record of it on file and will ensure that you are aware of this.

If the issue remains unresolved, the next step is to make a formal complaint.

10 How to make a formal complaint

A formal complaint must be made in writing. For ease of use, a template complaint form is included at the end of this procedure.

Formal complaints relating to any aspect of the academy's work should be made in the first instance, to the Principal, who can be contacted via the academy office**.** Please mark them as Private and Confidential.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. This may include, for instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

There is a different arrangement for the following complaints:

- those where the Trust determines that it would be inappropriate for the Principal themselves to lead the process
- those which relate to aspects of the work of the trust itself, rather than any specific academy.

You should still, nevertheless, send your complaint to the academy office in such circumstances.

Please see paragraph 12 for details of how such complaints will be handled.

11 Stage 1 – Formal complaint about an academy

When submitting a complaint, complainants should ensure they include

- the nature of the complaint
- details of how the matter has been dealt with so far
- the names of potential witnesses, dates and times of events and copies of all relevant documents
- a clear statement of the actions that they would like us to take to resolve the complaint.

The Principal will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within five working days.

The Principal will then arrange for the matter to be looked into. They may delegate this task to an appropriate member (or members) of staff within our trust but will retain responsibility for determining the final outcome. This stage should not be seen as a formal 'investigation', rather as an opportunity for all parties (including those who are the subject of any concerns) to set out their view on the concerns that have been raised.

Depending upon the nature of the concerns, the person/s looking into the complaint may need to

- clarify the nature of the complaint and what remains unresolved
- establish what has happened so far, and who has been involved
- ascertain what the complainant feels would put things right
- consider all relevant matters which may include but are not limited to
    - steps taken to resolve the matter informally
    - the original statement of complaint
    - relevant correspondence and supporting documents
    - meeting with the complainant and interviewing anyone involved in the subject of the complaint

They must maintain an open mind and keep written notes of the steps they have taken – this may also include a summary of any meetings held but there is no expectation that formal minutes will be taken.

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 are recorded.

Once this work is complete, the Principal will provide a formal written response to the complainant. They will seek to do this within thirty working days of the date of receipt of the original complaint. If this is not possible, they will keep the complainant informed of progress and any revised timescales.

The response will indicate how the complaint has been looked into and give an indication of whether or not the Principal believes there is substance to all or part of the complaint. Where appropriate, it will include details of actions that have been or will be taken to address the matters raised.

The Principal will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

12 Stage 1 – Formal complaint where the Trust determines that it would be inappropriate for the Principal to lead the process

If a complaint is received that the Principal does not believe they can resolve, they will refer the matter to the Corporate Affairs team.

All complaints received centrally will be referred back to the academy Principal in the first instance. In the vast majority of cases, it will still be appropriate for paragraph 11 to apply, and we will notify complainants if this is the case.

If, however, we determine that the Principal should not lead the process, the same approach will apply as detailed in paragraph 11, but the matter will be looked into by a person of sufficient seniority and experience who may or may not be a member of the trust's staff.

Complaints specifically about the CEO will be handled by the Chair of Trustees. Complaints about Trustees or Members will be handled by the CEO. In both cases the Corporate Affairs Director will support the process.

13 Stage 2 – Panel hearing

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2.

Stage 2 is the final stage in our complaints procedure and its purpose is to consider

- whether the complaint has been appropriately looked into
- whether anything more can be done to resolve it
- whether any recommendations can be made to prevent the same or similar concerns arising in the future.

A request to escalate to Stage 2 must be made via email to clerk@greenwoodacademies.org, within five working days of receipt of the Stage 1 response. In order for the panel to understand the reasons for the escalation, the information in Appendix 4 must be included with the request and we will ask you to provide this information before proceeding.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The process will be coordinated by the Corporate Affairs team, who will arrange for receipt of the complaint to be acknowledged in writing (either by letter or email) within five working days.

The Corporate Affairs team will appoint a clerk who will convene a panel consisting of at least three people who were not directly involved in the matters detailed in the complaint.

A Stage 2 panel is technically a committee of the Trust Board and may consist of

- senior executive leaders
- trustees
- anyone serving in a governance role within the Trust
- external individuals.

In the case of a complaint about an academy, at least one member of the panel will be independent of the management of that academy.

Our first priority will be to seek ways in which we might address the desired outcomes swiftly and, in such cases, we may propose an alternative course of action to that described below. We may also propose an alternative course of action if the only matters raised to stage 2 are not covered by this policy.

The Clerk will ask one member of the panel to act as Chair.

The Clerk will seek to agree a time and place that is mutually convenient for the panel, the complainant and any relevant academy or trust representatives (as determined by the panel) to come together.

They will aim to convene a meeting within forty working days of receipt of the Stage 2 escalation 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 two proposed dates, the Chair of the panel may then decide that the meeting will proceed in the complainant's absence and on the basis of written submissions.

A stage 2 panel may meet virtually in order to facilitate the greatest degree of impartiality.

The Clerk will request any supporting documentation from both the complainant and the academy (or the Trust) which must be provided for circulation at least five working days before the hearing.

The panel will not accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The panel will not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included.

The meeting will be held in private. A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend, although representatives of the media and legal representatives are not permitted to attend.

The meeting is not an opportunity to revisit every detail of the original complaint. For this reason, the panel will begin by considering the stage 1 outcome and will only consider aspects of the original complaint if it feels that there may be flaws in the stage 1 process.

In the case of complex complaints, the panel may determine in advance a number of key questions which the panel will attempt to answer or address in its findings.

The panel will take place within a time-limited period (usually no more than 90 minutes). Both the complainant and the academy representative (if invited by the panel) will have a time-limited period in which to outline significant matters and then ask and/or respond to additional questions. Where information has been provided in advance, participants will not be permitted to re-present the contents.

In accordance with section 5 above, the panel will not engage in discussion about any aspects of a complaint which may fall under the coverage of other policies and will curtail any discussion which breaches the expectations of conduct in Appendix 1.

For the avoidance of doubt, this means that, while the conduct of individuals may be discussed as part of a complaint, it is not appropriate for the panel to enter into discussion about any particular disciplinary or other action in regard to individuals.

The panel will be conducted in a non-adversarial manner, and any adversarial conduct will be challenged. The Chair of the panel will retain the right to conduct all or part of the meeting on the basis of written submissions only.

Following deliberations (which will not involve the complainant or any academy/trust representative) the panel will determine whether or not assurance has been given in relation to all or part of the complaint.

Where the panel believes it will help to arrive at a resolution, it may

- make recommendations in regard to actions that may be taken to resolve the complaint
- where appropriate, recommend changes to systems or procedures to prevent similar issues in the future.

The panel has no power to instruct any action and may not recommend any action that would breach the documents and legislation by which we are governed.

The Chair of the panel will provide the complainant and the academy or trust representatives with a full explanation of their decision and the reason(s) for it, in writing, within ten working days.

The letter to the complainant will include details of how to contact the Department for Education (DfE) if they are dissatisfied with the way their complaint has been handled.

A written record will be kept of all complaints, of whether they are resolved at the preliminary stage or proceed to a panel hearing and of any action taken by the academy as a result of the complaints. This will be used for monitoring purposes at both academy and trust level.

14 External referral

If the complainant believes we did not handle their complaint in accordance with the published complaints procedure or acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the DfE after they have completed Stage 2.

The DfE will not normally reinvestigate the substance of complaints or overturn any decisions made. They will consider whether we have adhered to education legislation and any statutory policies connected with the complaint and whether we have followed Part 7 of the Education (Independent Academy Standards) Regulations 2014.

Appendix 1 - Commitments of people involved in this policy

During the implementation of this policy, we will

- ensure that this policy is made widely available, including to the parents of our pupils and learners and by publishing it on all academy websites
- always take the complainant and the content of their complaint seriously
- offer support to complainants in expressing their views, if needed
- conduct discussions in a courteous and professional manner
- ensure that all those involved in a matter can share their views
- work objectively and make decisions which are based on facts
- keep notes of conversations and make these available in an open manner if requested
- ensure that information about the complaint is treated in accordance with the GDPR and our relevant data protection policies
- be mindful of our values and obligations, including, but not limited to, those related to safeguarding and our duties under the Equalities Act 2010
- keep the complainant informed of what is going on, especially if there is likely to be any delay in the process.

In return, we ask that complainants

- follow the procedures outlined in this policy
- ask for assistance if any is needed to ensure that information is expressed clearly
- ensure that the details of the complaint are expressed as fully as possible
- assist us by providing additional information promptly if it is requested
- conduct discussions in a courteous and professional manner
- refrain from excessive communication once the complaints process is underway
- refrain from making personal attacks on individuals
- refrain from talking to others about the complaint and from discussing the matter on any social media platform
- notify us as soon as possible if they decide to withdraw the complaint.

At all stages of this policy, a complainant may choose to be accompanied or supported by an independent person who is not a media or legal representative. This independent person may offer support to the complainant and help them to express their views. They should also abide by the commitments outlined above.

Appendix 2 - Unreasonable complaints

There are rare circumstances where we will deviate from the Complaints Procedure set out above.

These include, but are not necessarily limited to

- where the complainant's behaviour or language is abusive, offensive, discriminatory or threatening
- where the complainant's behaviour is hindering our consideration of complaints and/or the proper running of the Academy, 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 co-operate with the complaints process
    - refuses to accept that certain issues are not within the scope of the complaints procedure
    - makes unsubstantiated comments or allegations that call into question the personal or professional integrity of individuals
    - appears to focus on the actions of one individual where concerns are likely to be better viewed as related to broader practice
    - seeks to generalise without objective evidence about culture and environment on the basis of an individual's experience
    - articulates the complaint in ways that are unnecessarily adversarial, combative or litigious and maintains an approach that is not focused on resolution
    - 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 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 once it is being looked into
    - seeks an unrealistic, disproportionate or purely retributive outcome, such as the inappropriate dismissal of staff
    - refuses to accept objective evidence that no further remedy is possible
    - makes excessive demands on academy time by frequent, lengthy or complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
    - communicates at unreasonable hours and stipulates timeframes for responses which are not in line with this procedure
    - knowingly provides falsified information
    - 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.
  Any such arrangements will be reviewed after one term
- conduct any complaint panel in the absence of a complainant
- refuse to consider the complaint.

In all cases we will write to tell the complainant why we believe their behaviour is unacceptable or unreasonably persistent, what action we are taking and the duration of that action.

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
- 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 others, 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.

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) which are all based on 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/trust's website (as applicable).

Appendix 3 - Complaints form

Please complete this form and return it to the Principal, who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name: Relationship to pupil: Pupil's name: Preferred means of contact (please supply either a mobile number or an email address:
Please give concise details of your complaint.
What action, if any, have you already taken to try to resolve your complaint? (i.e. who have you spoken with or written to and what was the outcome?)
What actions do you feel might resolve the problem at this stage?
Signature: Date:

Appendix 4 – Escalation to Stage 2

Please complete this form and return it to clerk@greenwoodacademies.org when requesting escalation to Stage 2 of the complaints procedure.

Your name: Relationship to pupil: Pupil's name: Preferred means of contact (please supply either a mobile number or an email address:
Please outline why you are dissatisfied with the Stage 1 outcome.
Please detail what specific outcomes you would like to seek from the Stage 2 process that have not been considered already.
Signature: Date: