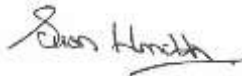


Complaints Policy

Approved by the Board of Trustees on: 4th December 2023

Signature of Chair:



Review date: December 2024

Introduction

The De Curci Trust is committed to providing an excellent service to its stakeholders and would want any concerns to be addressed promptly and effectively. There is a difference between a concern and a formal complaint; in the vast majority of circumstances it is in everyone's best interest that the concern is addressed informally. Concerns and complaints should be managed in a manner which:

- is non-adversarial
- facilitates a full and fair investigation
- respects confidentiality (as appropriate)
- provides a constructive and proportionate response

The De Curci Trust will endeavour to treat complainants and those raising concerns fairly and proportionately; the Trust will respond to formal complaints in writing.

Standards/Regulations

All academies (schools) must have a complaints procedure; this must meet the standards set out in the Education (Independent School Standards (England) Regulations 2014 Schedule 1, Part 7.

<https://www.gov.uk/government/publications/setting-up-an-academies-complaints-procedure/best-practice-guidance-for-academies-complaints-procedures>

Attention is drawn to the ESFA's Guidance – Best practice guidance for academies complaints procedures (updated 12 March 2021):

<https://www.gov.uk/government/publications/setting-up-an-academies-complaints-procedure/best-practice-guidance-for-academies-complaints-procedures>

Who can make a complaint?

As the 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 at schools in the trust, regarding their child.

However, as public bodies, the Secretary of State for Education expects academies to handle complaints from people who are not parents of children at the school respectfully and expediently. They are not obliged to follow the complaints policy, however.

Some types of complaint are covered by other procedures. Examples include exclusions, staff grievances and disciplinary procedures.

The Trust and its schools will not normally investigate anonymous complaints.

The Role of the Local Governing Body

It is the responsibility of the local governing bodies within The De Curci Trust to create, monitor and review a robust complaints procedure for their designated school(s) that meets the standards and regulations, and reflects Trust practice.

The Trust provides a model policy to support this function; attention is also drawn to the EFSA's model complaints procedure for an academy in a multi academy trust (Appendix 6).

Stages of the Complaints Procedure

A school's complaints procedure must consist of *at least* three stages:

- informal (usually a discussion or meeting with the complainant)
- formal (the complaint is put in writing)
- a final panel hearing

If the complaint progresses to a final panel hearing stage, the school must:

- allow the parent(s) to attend and be accompanied if they wish
- ensure at least one member of the panel is independent of the management of the school and/or the issue subject to the complaint

The panel cannot be made up solely of local governing body members because they may not be independent of the management of the school and/or the issue subject to the complaint. It is important that the independent member has no conflict of interest or prior knowledge of the specific complaint. It is a matter for the school to invite suitable individuals who can fulfil the role of being the independent member; the trust considers suitable individuals for the independent role to be trustees, senior leaders or local governors from alternative schools in the Trust.

Each school within The De Curci Trust should:

- Publish its complaints procedure online (via the school's website)
- Make clear how the school will deal with complaints from people who are not parents of attending pupils (as well as for those who are parents of attending pupils)
- Require formal complaints to be put in writing and ask complainants to state at the earliest stage what they think might resolve the issue
- Set out realistic and reasonable time scales for the management of a complaint
- If the complaint does proceed to a panel stage, ensure parents/complainants are given reasonable notice of the hearing date
- Be clear what behaviour will be considered as unacceptable from complainants, e.g. vexatious and serial complainants, and the action the school will take if a complainant behaves unacceptably
- Provide complainants with written responses to formal complaints which advise of any escalation options at each stage, as appropriate
- Ensure their procedure meets the requirements of the Data Protection Act 2018 and GDPR; and that written records of all complaints are kept.

The Role of the Trust/Trustees

If a complainant does not believe that the school has handled a complaint in accordance with the guidance above, s/he should write to the Chair of Trustees at The De Curci Trust (c/o the Trust's Company Secretary) specifying evidence for this.

The Trust will only consider complaints about schools that fall into any of the following areas:

- where there is undue delay and/or the school did not comply with its own complaints procedure when considering a complaint

- where the school did not follow a complaints procedure consisting of three stages, including a final panel hearing (including at least one independent panel member)
- where the school is in breach of its funding agreement with the Secretary of State/Trust

The Trust will not overturn a school’s decision about a complaint. However, if the Trust finds that a school did not deal with a complaint properly, it will request the complaint is looked at again by the school and that procedures meet the requirements set out in the Trust’s policy and in Regulations.

If a complainant remains unsatisfied with the handling of a complaint, subsequent to it being considered by the Trust, then they can write to the Education and Skills Funding Agency (ESFA) - Complaints Team, ESFA, Cheylesmore House, Quinton Road, Coventry, CV1 2WT. The complainant is advised to check in advance that the ESFA can genuinely assist them.

<https://www.gov.uk/government/organisations/education-and-skills-funding-agency/about/complaints-procedure>

Concerns Regarding the Trust or Trustees

Concerns regarding the Trust or Trustees (as oppose to schools within the Trust) are most likely to be raised via the Trust’s whistle-blowing policy. However, specific complaints from direct stakeholders relating directly to the Trust will be managed in accordance with the procedure in Appendix 1.

- Issues not within the scope of Trust/school complaints procedures are summarised in Appendix 2.
- The remit of a complaints appeal panel is described in Appendix 3.
- The trust’s approach to managing complaint campaigns, serial and unreasonable complaints is described in Appendix 4.
- The trust’s approach to managing concerns raised against schools/the Trust on social networking sites is outlined in Appendix 5.
- EFSA’s model complaints procedure for an academy in a multi academy trust – Appendix 6

Confidentiality

Note that 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.

Appendix 1 - Complaints Pertaining Directly to the Trust / Trustees – Procedure

There is a difference between a concern and a formal complaint; in the vast majority of circumstances it is in everyone's best interest that the concern is addressed informally. It may be that a concern can be addressed via an informal discussion or through another procedural route.

Complainants should follow the stages outlined below.

Stages of the Complaints Procedure

Stage 1 (informal): concern heard by an appropriate staff member and / or Trustee

If a complainant has a concern, they should write to the Company Secretary and ask to discuss it with an appropriate person. It may be that the Company Secretary advises the complainant to follow another procedural route.

Stage 2 (formal): complaint heard by the Chief Executive Officer (CEO)

If a complainant does not believe that the concern has been resolved, then the next step would be to make a complaint in writing to the Chief Executive Officer c/o the Company Secretary. The Company Secretary will send an acknowledgement on behalf of the CEO confirming the complaint will now be investigated under Stage 2 of this Complaints Procedure.

*It is advised that the complainant's letter/email should clarify:

- the nature of the complaint and what remains unresolved;
- what has happened so far and who has been involved;
- and what the complainant believes would put things right i.e. what it is believed might resolve the issue.

Stage 3 (formal): complaint heard by the Chair of Trustees

If the complainant is not satisfied by the response of the CEO (of if the complaint is about the CEO), then s/he can *write to the Chair of Trustees c/o the Company Secretary to request that the complaint is considered further. Either the Chair or a designated Trustee will investigate the matter.

If a formal complaint is received about the Chair, the complaint will be referred to the Vice-Chair for investigation. The Company Secretary will send an acknowledgement on behalf of the Chair of Trustees confirming the complaint will now be investigated under Stage 3 of this Complaints Procedure.

Stage 4 (formal): complaint heard by the Trust's Complaints Appeal Panel

This is the last stage of the complaints process. If the complainant remains dissatisfied by the Chair's response (Stage 3), then s/he can *write to the Company Secretary giving details of the complaint and request that it is heard by an appeal panel. Any such request should be received by the Company Secretary within 7 working days of the complainant's receipt of the Stage 3 decision. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

Three appeal panel members, including an independent panel member, who have not previously been involved in the process will hear the complaint. The decision of the Trust's appeal panel is final. If the complainant contacts the Trust again regarding the same issue, then the Chair of Trustees is able to inform them that the procedure has been exhausted and the matter is now closed. Further correspondence regarding the same issue may be recognised as vexatious or serial and there will be no further obligation on the part of the Trust to respond.

Conduct of meetings, panels and the handling of complaints

Panels will not normally accept, as evidence, recordings of conversations (or similar material) that were obtained covertly and without the informed consent of all parties being recorded.

Once assembled, panels will not review any new complaints or consider evidence unrelated to the initial complaint. Any such new complaints must be dealt with separately from Stage 1 of the procedure.

Panel meetings will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

Resolving Complaints

Further to a fair and thorough investigation (at any stage of the procedure), it may be appropriate to offer one or more of the following in order to achieve resolution:

- an acknowledgement that the complaint is valid in whole or in part;
- an apology;
- an explanation;
- an admission that the situation could have been handled differently;
- an explanation of the steps that have/may be taken to ensure that the issue will not happen again;
- an undertaking to review procedures.

The procedure will endeavour to identify areas of agreement between the parties. However, there may be circumstances where the evidence does not uphold the complaint. An acknowledgement that the Trust/school could have handled a situation better is not the same as an admission of unlawful or negligent action.

Time Limits

The Trust will endeavour to consider and resolve complaints as quickly and as efficiently as possible.

The Trust should:

- acknowledge receipt of complaints within five working days;
- and respond fully within 10 working days for a stage 2 complaint, 15 working days for a stage 3 complaint and 20 working days for stage 4 complaint.

(Note that working days are considered to be school term time only.)

In most circumstances the time limits cited above are realistic. However, where further and/or complex investigations are necessary, new time limits can be set.

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

If a complainant commences legal action in relation to their complaint, the Trust will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

This policy should be read in conjunction with the DCT Whistleblowing Policy and each of the Trust's school's complaints procedures.

Appendix 2 - Scope of this Complaints Procedure

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

Complaints not in scope	Who to contact
Admissions to schools	<p>School Admissions, Portsmouth City Council admissions@portsmouthcc.gov.uk tel:02392688008</p> <p>How to complain? https://www.portsmouth.gov.uk/services/council-and-democracy/your-say/complaints/</p>
Statutory assessments of special education needs	<p>https://www.portsmouth.gov.uk/services/schools-learning-and-childcare/schools/special-educational-needs-and-disabilities/</p> <p>https://portsmouthlocaloffer.org/information/information-for-parents-carers-2/</p> <p>How to complain? https://www.portsmouth.gov.uk/services/council-and-democracy/your-say/complaints/</p>
Matters likely to require a child protection investigation	<p>Advice can be sought from the local authority designated officer (LADO) or the multi-agency safeguarding hub (MASH) for further information on this.</p> <p>https://www.portsmouthscp.org.uk/2-worried-about-a-child/2-reporting-a-concern-member-of-the-public/</p> <p>MASH: During office hours call 0845 671 0271 or 023 9268 8793</p> <p>LADO: LADO@portsmouthcc.gov.uk</p>

<p>Exclusion of children from school</p>	<p>Complaints about the application of the behaviour policy can be made through the school's complaints procedure.</p> <p>In Portsmouth City Council it is the Attendance, Admissions, Exclusions & Reintegration Service that manage school exclusion. Their contact details are:</p> <p>Tel: 023 9284 1419 Email: Sarah.jetten@portsmouthcc.gov.uk</p> <p>General information:</p> <p>https://www.gov.uk/school-behaviour-exclusions/exclusions</p>
<p>Whistleblowing</p>	<p>The trust has an internal whistleblowing procedure for employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers who do not want to raise matters direct with their employer.</p> <p>Concerns can be raised with ESFA using their contact form</p> <p>https://www.gov.uk/guidance/how-esfa-handles-whistleblowing-disclosures</p>
<p>Staff conduct complaints</p>	<p>Complaints about staff are dealt with under the school's (or trust's) internal disciplinary procedures, if appropriate. However, a parent may raise a complaint about a staff member via the school's complaints procedure. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, complainants are notified that the matter is being addressed.</p>
<p>Complaints about services provided by other supplier who may use trust/school premises or facilities</p>	<p>Complainants should follow the external provider's own complaints procedure for those hiring the trust/school facilities</p>

Appendix 3 - The Remit of the Complaints Appeal Panel (Stage 4) Introduction

The aims of the panel are to:

- achieve reconciliation
- put things right that may have gone wrong

The panel can:

- 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;
- and/or recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

The panel will:

- consider the complaint in a manner befitting the nature and complexity of the matter under review
- hold one or more sessions with one, both or neither of the parties present to review appropriately and objectively the stated complaint
- observe the relevant guidance, regulation and policy guidelines pertinent to the matter in hand, including, but not exclusively, those relating to Human Resources and Health and Safety

The Role and Responsibilities of Panel Members

There are several points which any governor/independent member sitting on a complaints panel needs to remember:

- a. The governors/independent members sitting on the panel need to be aware of the school's complaints procedure and how it fits into The De Curci Trust's complaints policy. Good practice guidance should be reviewed, as appropriate. It is the responsibility of the panel to structure their hearing and review of evidence in such a way that a full and fair investigation can be conducted and confidentiality respected, as appropriate. The EFSA recognises that there may be occasions when it is necessary or reasonable to deviate from the published complaints procedure; this includes not doing something the procedure states the school will, should or may do. Any deviation from the published procedure (at any stage) should be documented.

- b. It is important that the appeal hearing panel is independent and impartial and that it is seen to be so. No governor/independent member may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, governors need to try and ensure, where possible, that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.
- c. The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to 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 which will satisfy the complainant that his/her complaint has been taken seriously.
- d. An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. The panel will decide whether to deal with a complaint by inviting a party or parties to meet with them, or through written representations. Parents often feel emotional when discussing an issue that affects their child. The panel Chair will ensure that all proceedings are as welcoming as possible. The layout of a meeting room, if required, will set the tone and care is needed to ensure the setting is informal and not adversarial.
- e. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
- f. Complaints about staff will not generally be managed under the school's complaints procedure. Should the panel call an employee to meet with them as a witness or to provide information, care must be taken to ensure that their employee rights, including those pertaining to dignity at work, are respected. An employee may wish to be supported by a union or legal representative. The panel should take advice from the school's HR Employee Relations team, if required.
- g. There may exist sensitive or confidential information that cannot be shared with all parties in any format. Care must be taken that confidentiality and data protection requirements are adhered to, including what is shared in minutes.
- h. The Clerk is responsible for maintaining the records of all complaints considered by the Governing Board and ensuring that the data is kept secure. Under the General Data Protection Regulations (EU)

2016/679 (GDPR), data must not be kept longer than is necessary. The written records kept will note whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision. All correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

The Role and Responsibilities of the Clerk

The Clerk is the contact point for the complainant and provides administrative and procedural support to the panel. He/she must remain objective and neutral at all times and be the 'constitutional conscience' of the panel. Any panel or group of governors considering a complaint will be administered by the Clerk.

- The Clerk is required to:
- convene a panel to review and respond to the complaint at stage 4
- set the date, time and venue for hearing proceedings, taking into account the availability of panel members
- make reasonable efforts to ensure that the dates are convenient to all invited parties and that the venue and proceedings are accessible
- collate any written material and send it to all parties in advance of the hearing (recommended at least five school days in advance)
- meet and welcome invited parties as they arrive at hearing proceedings
- record the proceedings via formal written minutes
- circulate the minutes to all parties, subject to appropriate redaction
- notify all parties of the panel's decision in writing as soon as possible, including an explanation of the outcome, findings and recommendations (recommended within 10 school days of the panel concluding its hearing proceedings)

Administration

If the Clerk has made reasonable attempts to accommodate complainants with dates/times for any required complaint meetings and they refuse or are unable to attend, then the panel will meet in their absence, referencing information from their written submissions, in order to reach a conclusion in the interests of drawing the complaint to a close. Usually, complainants will be offered no more than two alternative dates/times.

Recording meetings - the school does not allow meetings to be recorded by any party using recording devices. The school will refuse to accept, as evidence, recordings or images of conversations/incidents that were obtained covertly and/or without informed consent of all parties being recorded.

Challenging the minutes - it is not unknown for complainants to make supplementary comments or raise additional complaints because they do not agree with the record of a meeting. Should any party wish to challenge

the content of the formal minutes, then their written comments should be filed with the minutes by the Clerk as part of the record.

Support/Representation - if a complainant is invited to attend a meeting, they may bring someone along to provide support. This can be a relative or friend. Neither the complainant nor the school should bring legal representation as the panel proceedings are not a form of legal proceedings. However, it is noted that employee witnesses may be entitled to bring union or legal representation in some circumstances. Representatives from the media are not permitted to attend.

The Role and Responsibilities of the Chair of the Governing Body or the Designated Governor

The Chair or designated governor is required to:

- Check that the correct procedure has been followed.
- If an appeal panel hearing is required, notify the Clerk to arrange the panel.

The Role and Responsibilities of the Chair of the Panel

The Chair of the Panel has a key role, ensuring that:

- the remit of the panel is explained to the parties
- each party has the opportunity of putting their case to the panel
- the issues are addressed
- key findings of fact are made
- parents and others who may not be used to speaking at such a hearing are put at ease
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy at all times
- it is explained to all that the panel can be suspended by the Chair at any time if circumstances dictate
- the panel is open minded and acting independently
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- each side is given the opportunity to state their case and raise questions to be considered by the panel
- where possible, written material is seen by all parties (if a new issue arises it would be useful to give all parties the opportunity to consider and comment on it)
- effective liaison with the Clerk takes place

Notification of the panel's decision

The Chair of the Panel needs to ensure that the complainant is notified of the panel's decision, in writing and via the Clerk at the earliest opportunity. The panel's response must summarise the reasons for the decision. The letter will explain that the panel's decision is final and that the end of the school's complaints procedure has been reached; it will explain that the further rights of appeal will be to the Chair of the De Curci Trust, the specific grounds that are required for that appeal and to whom such an appeal needs to be addressed.

Note that in the case of a trust (as opposed to a school) complaints panel, then the Company Secretary would act as Clerk to proceedings. Trustees and the Chair of the Trust would assume the roles outlined for governors and the Chair of Governors, as above and appropriate.

Appendix 4 – Procedure for Managing Serial and Unreasonable Complaints

The De Curci Trust is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. We will not normally limit the contact complainants have with the Trust/our schools. However, we do not expect our staff/volunteers to tolerate unacceptable behaviour and will take action to protect staff/volunteers from that behaviour, including that which is abusive, offensive or threatening.

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

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- refuses to co-operate with the complaints investigation process
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- changes the basis of the complaint as the investigation proceeds
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education
- seeks an unrealistic outcome

- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information/content on social media or other public forums.

Complainants should try to limit their communication with the school that relates to their complaint, while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.

Whenever possible, the Headteacher (or appropriate Governor/Trustee) will discuss any concerns with the complainant informally before applying an '*unreasonable*' marking.

If the behaviour continues, the Headteacher (or appropriate Governor/Trustee) will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact the Trust/a school causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from a specified school site(s).

Appendix 5 – Concerns Raised Against Schools on Social Networking Sites

Any complainant should raise their concern(s) as specified in the Trust's/School's complaints procedure.

Comments or concerns cited on social networking sites bypass the complaints procedures and the Trust/school will, therefore, not respond to them other than in exceptional circumstances.

The appearance of comments on social networking sites that make allegations about the Trust, schools or individual members of staff can be intimidating to the workforce; sometimes the content of posts can cause anxiety and demotivate staff. The Trust will act to support its employees and volunteers in this context.

The Trust reserves the right to:

- require parents and pupils not to post inappropriate comments pertaining to the school and its community as part of each school's home school agreement
- contact persons directly to ask that any offending posts or pages are removed from a social networking site
- report offending content or pages to the social networking site administrators
- take legal advice and issue formal warnings that malicious allegations or similar could result in legal action
- pursue legal action against persons where the circumstances warrant it
- involve other agencies e.g. the police, LADO should the safeguarding of pupils or others be compromised by posts on social networking sites

Appendix 6

Link to the ESFA Model complaints procedure for an academy in a multi academy trust:

<https://www.gov.uk/government/publications/setting-up-an-academies-complaints-procedure>