

Complaints Policy

Approved by the Board of Trustees on 19th November 2019

Signature of Chair:

Review date: Autumn 2022

Introduction

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.

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

The 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 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 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.
- 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).
- 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 (note Appendix 3).
- Provide complainants with written responses where appropriate and if requested.

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 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
- 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 s/he can contact the Education Funding Agency (ESFA):

<https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy>

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 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.

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 you have a concern, please write to the Company Secretary and ask to discuss your concern with an appropriate person. It may be that the Company Secretary advises you to follow another procedural route.

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

If you do not believe that your concern has been resolved, then the next step would be to make a complaint in writing to the Chief Executive Officer. It is advised that in your letter/email you clarify:

- the nature of the complaint and what remains unresolved;
- what has happened so far and who has been involved;
- and what you believe would put things right.

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

If you are not satisfied by the response of the CEO (of if the complaint is about the CEO), then please write to the Chair of Trustees to request that the complaint is considered further.

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. Three appeal panel members, who have not previously been involved in the process will hear the complaint.

The decision of the 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.

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.

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.

Exceptions	Who to contact
<ul style="list-style-type: none"> • Admissions to schools • Statutory assessments of Special Educational Needs • School re-organisation proposals 	<p>Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Portsmouth City Council.</p> <p>https://www.portsmouth.gov.uk/ext/schools-learning-and-childcare/schools-learning-and-childcare</p>
<ul style="list-style-type: none"> • Matters likely to require a Child Protection Investigation 	<p>Complaints about child protection matters are handled under the child protection/safeguarding policy and in accordance with relevant statutory guidance.</p> <p>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).</p> <p>https://www.portsmouth.gov.uk/ext/health-and-care/children-and-families/keeping-children-safe</p>
<ul style="list-style-type: none"> • Exclusion of children from school* 	<p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.</p> <p><i>*complaints about the application of the behaviour policy can be made through the relevant school's complaints procedure.</i></p>
<ul style="list-style-type: none"> • Whistleblowing 	<p>The Trust has an internal whistleblowing procedure.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for</p>

	<p>whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus.</p> <p>Volunteer staff who have concerns about a school in the Trust should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p>
<ul style="list-style-type: none"> • Staff grievances 	<p>Complaints from staff will be dealt with under the Trust's internal grievance procedures.</p>
<ul style="list-style-type: none"> • Staff conduct 	<p>Complaints about staff will be dealt with under the Trust's internal disciplinary procedures, if appropriate.</p> <p>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.</p>
<ul style="list-style-type: none"> • Complaints about services provided by other providers who may use school premises or facilities 	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.</p>
<ul style="list-style-type: none"> • National Curriculum - content 	<p>Please contact the Department for Education at: www.education.gov.uk/contactus</p>

Appendix 3 – 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 4 – 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

The De Curci Trust, a charitable company limited by guarantee registered in England and Wales with company number 10646541. Registered office address: Springfield School Central Road, Drayton, Portsmouth, Hampshire, United Kingdom, PO6 1QY.