Complaints Policy

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Elliot Foundation Academies Trust Values

1. Put children first

a. We trust and value your professionalism
b. We share the responsibility for the learning and welfare of all of our children
c. Our purpose is to improve the lives of children

2. Be safe

a. Don't assume that someone else will do it
b. Look after yourself, your colleagues and all children
c. We are all responsible for each other's safety and well being
d. Discuss any concerns with an appropriate member of staff

3. Be kind & respect all

a. People are allowed to be different as are you
b. Kindness creates the positive environment we all need to flourish
c. This kindness should extend to ourselves as well as to others

4. Be open

a. If you can see a better way, suggest it
b. If someone else suggests a better way to you, consider it
c. We exist to nurture innovators and support those who take informed risks in the interests of children

5. Forgive

a. We all make mistakes
b. Admit them, learn from them and move on

6. Make a difference

a. Making the world a better place starts with you
b. Model the behaviour that you would like to see from others

Related Policies, Statutory Guidance & Documents

- Education (Independent School Standards) Regulations 2014
- DfE Best Practice Guidance for Academies
- Equality Act 2010
- Freedom of Information Act 2000
- Data Protection Act (DPA) 2018
- Guide: General Data Protection Regulations (GDPR)
- Parent guide to school complaints

Policy statement and objectives

1. This policy aims to support schools to resolve concerns and complaints; to put things right that may have gone wrong and to achieve reconciliation between the school/trust and the complainant.
2. This policy and the procedures for its implementation aim to clarify the way in which concerns and complaints are managed. The policy also seeks to promote a consistent and transparent approach to dealing with concerns and complaints across the Trust.
3. Academies are required to have a complaint procedure which meets certain requirements set by the Education (Independent School Standards) Regulations 2014 Schedule 1, Part 7 and to make the procedure available to parents of pupils and parents of prospective pupils. This policy is published on the Trust website, each school website and is available from each School Office on request.

Scope

4. Some complaints may be subject to statutory procedures that would lie outside of this policy. Examples of these are outlined in Annex 1. The Trust will in most cases determine which, if any, statutory procedures apply. If a statutory procedure needs to be invoked during the course of us investigating a complaint, the procedure may be suspended or discontinued as appropriate. Complainants will be kept informed as appropriate.

Where to direct a complaint

5. All complaints about school provision should be shared either by email to the relevant school office, or in writing or via the telephone directly to the school office.
6. Complaints involving the individuals or groups below should be marked for the attention of the Head of Legal and Governance via office@elliotfoundation.co.uk or via post to Elliot Foundation, 144 York Way, London, N1 0AX.
   - a member of the Trust central team (including the CEO)
   - the personal conduct of a headteacher,an individual councillor, or a trustee
   - the community council
   - the Trust Board

Principles

7. The Trust accepts that the actions of those individuals who work in the school will and should be open to comment, question and, on occasions, criticism. The Trust takes concerns and complaints seriously and strives to deal with them swiftly and thoroughly to ensure resolution.
8. A concern is defined as ‘an expression of worry or doubt over an issue considered to be important for which reassurances are sought’.
9. A complaint is defined as ‘an expression of dissatisfaction about actions taken or a lack of action’.

10. It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally and without the need to use the formal stages of the complaints procedures.
11. Concerns and complaints will be dealt with by the member of staff best suited to deal with the matter.
12. If the concern or complaint is about an individual member of staff they have a right to know the substance and source of any allegation made against them.
13. Neither the complainant nor the school can bring legal representation to meetings. Our complaints procedures are not a form of legal proceedings.
14. If a complainant fails to engage with an investigation without good cause, this may result in the complaint being marked as unreasonable and being closed.
15. Witnesses such as academy employees will also have the right to be accompanied, by a colleague or union or professional association representative, but not to be legally represented.
16. Investigations

    When investigating a complaint, we will try to clarify what has happened, who was involved, and what the complainant feels would put things right

    If a complainant wants to withdraw their complaint, they will be asked to confirm this in writing, including by email. If they do not respond to this request within 10 school days the matter will be judged to be closed.
17. Meetings
    - If a complaint centres on a pupil, we may talk to the pupil concerned and, where appropriate, others who were present at the time of any incident in question. We will usually talk to pupils with a parent or carer present, unless this would delay the investigation of a serious or urgent complaint, or where a pupil has specifically said that they would prefer the parent or carer not to be involved. In such circumstances, we will ensure that another member of staff, with whom the pupil feels comfortable, is present.
18. Timescales
    - The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.
    - We will consider exceptions to this timeframe in exceptional circumstances and if we judge that the complaint can still be investigated in a fair manner for all involved.
    - The complainant should articulate what they judge the exceptional circumstances to be when making their complaint.
    - When complaints are made out of term time, we will consider them to have been received on the first school day after the holiday period. If at any point we cannot meet the timescales we have set out in this policy, we will set new time limits with the complainant and explain the delay.
19. Audio or video recordings
    - We do not normally accept electronic audio or video recordings as evidence when we are asked to consider a complaint. If we do accept a recording, we may ask for written consent from all recorded parties before it is viewed.
    - We do not accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

- Electronic recordings of meetings or conversations are not normally permitted unless required as part of reasonable adjustments. Prior knowledge and consent of all parties attending will be sought before meetings or conversations take place.
- Consent will be recorded in any minutes taken.
- If it becomes apparent a complainant is recording a discussion without consent, the staff member can explain that they do not consent to the recording and ask them to stop. If the recording continues then the member of staff can bring the discussion to a close. This position on recordings is taken to protect privacy and confidentiality, and ensure sensitive information is not shared more widely without consent.

20. Artificial Intelligence

- We accept complaints drafted with the assistance of AI. However, we ask that complainants remain responsible for the accuracy of all information provided. Overly legalistic or automated correspondence can sometimes obscure the core issues of a dispute. To ensure the best possible chance of a resolution, we prioritise direct human interactions and may request a follow-up conversation via phone or in person to ensure a human-centered understanding of your concerns.
- Where a complaint contains a significant volume of supporting information, the Academy or Trust may request that the complainant provide a summary of no more than 750 words (or 2 sides of A4) identifying: the matters being complained about; the reasons for dissatisfaction; and the outcome being sought. Any such request will be made solely to support a fair and efficient investigation, will take into account any reasonable adjustments required under the Equality Act 2010, and will not prevent a complaint from being considered.

Process for raising a concern or complaint

Stage 1	Concern heard by a member of staff (informal)	It is to be hoped that most concerns can be expressed and resolved on an informal basis and at the earliest opportunity. This will most likely be through discussion (s) with the most appropriate member of staff; class teacher or member of the senior leadership team. A concern can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of an individual, as long as they have appropriate consent to do so. The person responding to the concern will acknowledge it within 3 school days, and provide an informal response within a further 5 school days. A written response will, if appropriate and proportionate in relation to the concern raised, be provided.
Stage 2	Formal investigation	If the complainant feels that their concern has not been resolved informally at Stage 1, they should escalate their concern. Complaints should be submitted in writing (unless there is sufficient reason to request a reasonable adjustment) within 10 school days of the final informal discussion. The complainant should:

		- summarise their complaint - say who has been involved - tell us anything that has already been done to resolve the matter and why this is not satisfactory - any evidence they have to support their complaint - what they are seeking to resolve the complaint (e.g. an explanation / apology / further action) During this stage someone will acknowledge receipt of the complaint in writing, and will investigate. They will offer to meet with the complainant, either in person or virtually. Whenever reasonably possible, the investigation will be completed within 10 school days of any meeting with the complainant. If no meeting is arranged, it should be within 15 school days of the complaint having been received. The response will confirm the outcome of the investigation and the school's position on the issue/s raised.
Stage 3	Review by member of the Trust leadership team	If the complainant has requested to escalate their concerns, we will identify someone to review how the complaint was handled at stage 2. This review will not necessarily include a meeting with the complainant; the reviewer will make a judgement about whether a meeting would be useful, taking into account the circumstances of the case. The reviewer may attempt resolution directly with the complainant, or in other ways which may include the offer of mediation, the input of trustees, or other members of the senior leadership team. Whenever reasonably possible, the review will be completed within 10 school days of any meeting with the complainant. If no meeting is arranged, it should be within 15 school days of the complaint having been escalated. The reviewer will not conduct a reinvestigation of the issue (s) but will focus on whether or not the academy completed a full investigation and arrived at a reasonable conclusion. They can either: - direct that further action be taken by the academy. - refer the complaint directly onto the panel stage.
Stage 4	Panel	If the complainant remains dissatisfied they should email the Trust Head of Legal and Governance at office@elliotfoundation.co.uk explaining why they remain dissatisfied with previous attempts to resolve the complaint and what they are seeking by way of resolution. The request must be received within 10 school days of the date the Stage 3 letter was received. A Complaints Panel will then be convened within 15 school days.

Retention and disclosure of records

21. The school/trust will record the progress of all complaints, including information about any actions taken, the stage at which the complaint was resolved, and the final outcome.
22. This material will be treated as confidential and stored securely. It will be viewed only by those involved in investigating the complaint, the review panel, the secretary of state (or someone acting on their behalf), to inspectors during a school inspection or as part of a valid freedom of information or subject access request.
23. Records will be kept only for as long as necessary and in line with data protection law, our privacy notices and record retention schedule.
24. The details of the complaint, including the names of individuals involved, will not be shared with the whole community council of the school (or the entire trust board) in case a review panel needs to be organised at a later point.
25. Stage 4 of the process provides for a panel to make findings and recommendations and stipulates that a copy of those findings and recommendations is—
    (i) provided to the complainant and, where relevant, the person complained about; and
    (ii) available for inspection on the school premises by the trust and the head teacher.

Handling complaints fairly

26. Persons who have a conflict of interest should not take part in the complaints process. If there is any reasonable doubt as to a person's ability to act impartially they should withdraw from considering the complaint.
27. Complainants are entitled to be treated fairly and to be offered a chance to state their case either in person or in writing at stages two and four of the process.
28. The implementation and adherence to this policy should reduce the number of complaints that become protracted or vexatious. If a complainant tries to reopen the same issue the Trust will write to the complainant explaining that the complaint has been through all stages of the procedure, is now exhausted and the matter is now closed. Any further attempt to reopen the issue will be dealt with under Annex 4 of this policy.

Complaints about our fulfilment of early years requirements

29. We will investigate all written complaints relating to the trust's fulfilment of the Early Years Foundation Stage (EYFS) requirements, and notify the complainant of the outcome within 28 days of receiving the complaint. Schools will keep a record of the complaint (see section 10) and make this available to Ofsted on request.
30. Parents and carers can notify Ofsted if they believe that a school is not meeting Early Year Foundation Stage requirements, by:
    - Calling 0300 123 4666
    - Emailing enquiries@ofsted.gov.uk
    - Using the online contact form available at https://www.gov.uk/government/publications/early-years-complaints-and-notifications-data-commentary/early-years-complaints-and-notifications-commentary.
31. Schools will notify parents and carers if they become aware that they are to be inspected by Ofsted. Schools will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis.

Escalation following completion of this policy

32. If the complainant is unsatisfied with the outcome of the school or trust complaints procedure, they can refer their complaint to the DfE. The DfE will not overturn the school or trust's decision about a complaint but will intervene if a school or trust has:
    - Breached a clause in its funding agreement
    - Failed to act in line with its duties under education law
    - Acted (or is proposing to act) unreasonably when exercising its functions.
33. If the complaints procedure is found not to meet regulations, the trust will be asked to correct its procedure accordingly.
34. Complainants can contact the DfE via the following address: School Complaints Compliance Unit, Department for Education, Piccadilly Gate, Store Street, Manchester, M1 2WD or via https://www.gov.uk/complain-to-dfe.
35. Ofsted advises that "you should complete all steps in the school's complaints procedure before you contact Ofsted". Their advice can be accessed directly here: https://complain.ofsted.gov.uk Ofsted cannot resolve disagreements between a complainant and a school, or affect the results of a school's complaints process.

Annex 1 - Complaints potentially out of the scope of this policy

36. Some areas of complaint are subject to statutory procedures and there is clear guidance on how such issues should be dealt with, which lie outside this procedure. We cannot normally consider complaints in the circumstances below.

Topic	Other possible routes
If the complaint is received more than three months after the incident occurred.	See section 18.
If the complaint has been made previously about the same issue and has been fully investigated and/or resolved.	See section 50.
Where the complaint is anonymous.	Anonymous complaints or complaints sent as part of a complaints campaign will not usually be investigated. However, the Trust will determine whether the complaint warrants an investigation.
Where complaints are frivolous, vexatious, abusive or malicious.	See Annex 4.
Matters that are the subject of legal action.	If a complainant commences legal action against the school/Trust in relation to their complaint, we will consider whether to suspend the complaints procedure, until those legal proceedings have concluded.

Admissions	Concerns about admissions should be handled by accessing the school Admissions Policy. Your concerns may be heard via the appeals process or via the local authority.
Child protection	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the Local Authority Designated Officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH). The school office can provide contact details.
Data protection	Under the Data (Use And Access) Act, all schools must "maintain and operate a complaints process" specifically for data protection issues. You can find this in our Data Protection Policy.
Exclusions	Further information about raising concerns about exclusion can be found at: https://www.gov.uk/government/publications/school-exclusion.
Health and safety	We may be required to escalate such complaints directly to the Health and Safety Executive (HSE) or the local authority instead of handling them through our internal complaints procedure. If the complaint relates to a serious health and safety failure that endangers people, it may fall under whistleblowing protections rather than a standard complaints policy, meaning it should be raised with external authorities such as the HSE, Ofsted, or the local authority
Religious education and collective worship Sex education	Religious Education and Collective Worship are governed by specific laws and regulations. Since these matters

	are legally mandated, complaints may need to be handled by local authorities, or specific appeal mechanisms rather than the school's general complaints procedure. If a complaint relates to this issue, it may need to be handled according to statutory guidance rather than our policy.
Statutory assessments of special educational needs	To appeal against the decision to issue an education , health or care plan (EHCP) you should approach. the local authority or Social Care Ombudsman.
The conduct of employees, trustees or councillors.	Complaints about staff will be dealt with under the Trust's internal disciplinary procedures, if appropriate. Complaints about the conduct of trustees or councillors will be addressed via the Trust Governance Code of Conduct.
Staff capability, discipline or grievances	Complaints from employees will be dealt with under the Trust's internal grievance procedures. Employees must raise their concerns with the regional director or HR business partner should the grievance relate to the Headteacher.
Whistleblowing	The Trust Whistleblowing policy is published on the website and can be accessed as required. 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 directly with their employer. Referrals can be made at: www.education.gov.uk/contactus.
Withdrawal from the curriculum	If a complaint challenges a legal requirement, the school may reject it automatically, and parents may need to escalate it to the Department for Education (DfE) rather than using the school's complaints policy.

Complaints about services provided by external suppliers who may use school premises or facilities	These should be directed to the provider's own complaints procedure.

Annex 2 - Complaints from individuals without a pupil on roll at a TEFAT school

37. The Trust will handle concerns and complaints from people who are not parents / carers of children at the school respectfully and expediently. The Trust is not obliged however to follow this policy in full in doing so.
38. Complainants should address their complaint to the relevant school or Trust (as appropriate). It will be acknowledged in writing within 5 school working days, with a written response issued within 20 school working days.
39. If a child is taken off the school roll during an active complaint process, the school/trust will complete the handling of the current stage. Once that stage concludes, the complainant cannot advance to further stages of the policy.

Annex 3 - Barring from the School Premises

40. Schools will follow DfE guidance '[Controlling Access to school premises]' (Nov 2018)
41. Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.
42. If an individual's behaviour is a cause for concern, a school can ask them to leave school premises. In serious cases, the Headteacher or the Trust can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the individual may wish to make. Schools can bar someone from the premises if they feel that their aggressive, abusive or insulting behaviour or language is a risk to staff or pupils. It's enough for a member of staff or a pupil to feel threatened.
43. This is a Headteacher decision but subject to review by the Regional Director. We will always give parent/s the opportunity to formally express their views on the decision to bar in writing, but they may not access the stages of this policy in addition to the review by a Regional Director.
44. The decision to bar will be reviewed within 15 school days, taking into account any representations made by the parent. The decision will then either be confirmed or overturned. If the decision is confirmed the parent will be notified in writing without delay, explaining how long the bar will be in place.

Annex 4 - Unreasonable and persistent complaints

45. Unreasonable complaints

    Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

    - 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 engage with an investigator via telephone or email or in writing
    - Refuses to cooperate 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 DfE
- Seeks an unrealistic outcome
- Makes excessive demands on school or Trust time by frequent, lengthy and complicated contact 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 on social media or other public forums

46. The Trust will ultimately use its own discretion to deem what is unreasonable.
47. Complainants should try to limit their communication with the school/trust 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.
48. The Trust will write to the complainant explaining that their behaviour is unreasonable, refer them to this policy and remind them to act in accordance with it. For complainants who excessively contact employees causing a significant level of disruption, we may:
    - Give the complainant a single point of contact via an email address
    - Limit the number of times the complainant can make contact
    - Ask the complainant to engage a third party to act on their behalf, such as Citizens Advice
    - Put any other strategy in place as necessary
49. 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 school premises and ensuring appropriate measures of support are provided to staff where they are the subject of aggression and/or violence.
50. Where we decide to stop responding, we will inform the individual that we intend to do so. We will also explain that we will consider any new complaints they make provided the concerns raised are materially different to those raised previously and/or are unconnected to the previous concern.
51. <u>Duplicate complaints</u>

    If the school/trust has resolved a complaint under this procedure and received a duplicate complaint on the same subject from a partner, family member or other individual, the Trust will assess whether there are aspects that hadn't previously been considered, or any new information that needs to be taken into account. If the Trust is satisfied that there are no new aspects, it will tell the complainant that the issue has already been investigated and responded to, that the local process is complete, and direct them to the DfE if they are dissatisfied with the original handling of the complaint

52. Complaint campaigns

Where the school/trust receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school/trust may respond to these complaints by:

- Publishing a single response on the school/trust website
- Sending a template response to all of the complainants

If complainants are not satisfied with the school's/trust's response, or wish to pursue the complaint further, the normal escalation procedures will apply.

Annex 5 - Procedure for a Stage 4 Complaints Panel

53. The Complaints Panel [Panel] will consist of at least three members who have had no prior connection with the complaint and one will be a panel member independent of the management and running of the school; this is to ensure that the panel has the benefit of an external source of scrutiny and challenge. The independent panel member may be a Community Council member from another Trust school as long as they have no conflict of interest or prior knowledge of the complaint.
54. The complainant will be informed of the time, date and venue for the hearing. The venue chosen will be accessible to all parties and allow for the hearing to be held in private.
55. Panel meetings will be held virtually as standard, unless an attendee demonstrates that an in-person meeting is required as a reasonable adjustment under equalities legislation.
56. The complainant can be accompanied by a relative or friend when attending the panel.
57. The panel administrator will provide a point of contact for all parties and ensure they are aware of their legal rights, duties and relevant legislation. They will collate any relevant material, prepare an agenda and disseminate to all parties no less than 5 school days ahead of the meeting.
58. The Panel will not review any new issues at this stage or allow evidence unrelated to the initial complaint to be included. New issues must be raised in line with this policy and dealt with under Stage 1 of the complaints process.
59. The Panel will aim to reach an outcome in respect of the complaint (i.e.) upheld, partially upheld, not upheld, unable to substantiate. The Panel will also decide and agree on any appropriate action to be taken as a result of the complaint or to resolve the complaint. Where appropriate, the panel will make recommendations to change processes/procedures to ensure problems of a similar nature do not recur in the future.
60. The Panel will provide the complainant with the decision, the reason for their decision and any recommendations in writing within 10 school days.
61. The Panel will not tolerate abusive language or behaviour at any time, and can conclude the process should it feel that the welfare of staff, pupils or panel members is at risk.
62. Any disciplinary outcome of any investigation into the conduct of a member of staff is a confidential matter and will not be disclosed to the complainant.
63. If following reasonable attempts to accommodate complainants with dates for panel hearings and they refuse or are unable to attend, then the meeting may be completed in their absence in the interest of drawing the complaint to a close