

INVICTUS

Education Trust

**INVICTUS EDUCATION TRUST
COMPLAINTS POLICY**

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1.0 Purpose

The purpose of this procedure is to provide a robust process for dealing with complaints relating to the Trust or one of its schools, including the provision of facilities or services.

This procedure also includes a provision for dealing with vexatious, malicious or repetitive unfounded complaints.

2.0 Scope

The procedure applies to general complaints made by parents, carers, the community, visitors, volunteers and students.

This procedure does not apply to concerns or complaints relating to the following, which is dealt with under separate policies:

- Exclusions
- Admissions
- Grievances or Disciplinary issues relating to a member of staff
- Issues relating to Child Protection
- Complaints relating to a statutory duty or power

3.0 Aims of Procedure

The aim of this procedure is to:

- Achieve informal resolution wherever possible
- To deal with the complaint against an individual, school or Trust by following the correct procedure and resolving complaints as efficiently and effectively as possible
- Provide a transparent process for dealing with complaints, both formally and informally
- Ensure that all stages of the procedure will be investigatory rather than adversarial
- Ensure that every complaint is heard and handled appropriately
- Deal with complaints in a sensitivity, impartiality and confidentiality
- To allow redress where necessary and provide information back to the Board of Trustees and the Senior Leadership Team to improve services

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

4.0 Legal Context

The Education Act requires Board of Trustees to establish procedures for dealing with all complaints relating to the Trust and its Schools or the provision of facilities or services, other than “complaints which fail to be dealt with in accordance with procedures required to be established by other statutory provision”, and to publicise these procedures.

5.0 Complaints Procedure

The majority of issues raised by parents, carers, the community, visitors, volunteers or students, are concerns rather than complaints.

Defining a Complaint

A complaint is an expression of dissatisfaction about the standards of service, actions or the lack of action by the school or its staff, affecting an individual student, person or group of students or people

You may want to complain if you think:

- We have not treated you fairly or politely or
- We have not done something we should have done or
- We have done something badly

This Trust is committed to taking concerns seriously, at the earliest stage, in the hope of keeping the number of formal complaints to a minimum.

How we deal with a complaint

When we receive a complaint, we will:

- Deal with people courteously and in a sensitive and helpful manner
- Put things right where it is clear we have not given the service that you have the right to expect
- Analyse complaints so that we can plan for the future by taking your views into account

If, in the course of consideration of a complaint, it is decided that disciplinary proceedings should be initiated against a member of staff, separate action will be taken as appropriate.

The complainant may make his/her representations at each stage of the procedures in person and accompanied by a representative/friend if so desired. Where appropriate, steps will be taken to ensure that information is available to complainants in languages other than English and arrangements made for an interpreter to be present during any oral representation.

5.1 General Principles

The appended “Complaints” Forms will assist the process by focusing the complainant on the importance of being specific about the nature of their complaint and the need to provide evidence or at least to be able to cite relevant incidents.

The person(s) investigating the complaint (at any stage) should make sure that they:

- Establish what has happened so far, and who has been involved
- Clarify the nature of the complaint and what remains unresolved
- Meet with the complainant or contact them (if unsure or further information is required)
- Clarify what the complainant feels would put things right
- Interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- Conduct the interview with an open mind and be prepared to persist in the questioning
- Keep notes of any discussions and meetings throughout the complaint
- Keep the complainant updated and well informed of the progress of the complaint
- Keep a record of outcomes and actions at all stages

Anonymous complaints will not normally be investigated under this procedure unless there are exceptional circumstances, for example if there were serious child protection concerns or bullying allegations where the

school would either involve appropriate external agencies or else conduct its own internal review to test whether there is any corroborative evidence which might trigger a formal investigation.

Complaints must be raised as soon as possible after an incident arises and within 6 weeks of the event being complained of, save in exceptional circumstances.

In advising complainants of the outcome of their complaint it is important to be cautious when providing specific details. To do otherwise may prejudice the ability of any employee complained about to continue in post. The release of certain information might be an obstacle to the fair application of disciplinary/capability procedures or otherwise contravene the employee's employment or data protection rights.

The procedure is designed to facilitate resolution of concerns with the minimum of conflict. Therefore, it is important that the procedure adopted carries the confidence of all interested parties so that its use secures "closure" of any complaint or concern.

It is usually unhelpful if a complaint is broadcast to the Trust community. Therefore, the Trust will make it clear to any person who raises a concern, that the Trust will treat the matter with a high degree of confidentiality and ask the complainant to do likewise.

Reasonable support and adjustments should be made to support complainants where English may not be their first language, this could include support from a translator.

Reasonable support and adjustments should be made to support complainants who have a disability; this could include accepting a complaint verbally instead of in writing or physical adjustments to accommodate an individual into school.

Record Keeping

The Trust will retain a written record of any meeting/hearings and actions/outcomes relating to complaints whether they are upheld or dismissed. Records are confidential and must be retained in accordance with GDPR and the Trust's Retention Policy. Records 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.

5.2 Selecting the most appropriate procedure

The Trust has clear procedures for receiving enquiries and complaints and an effective mechanism for "triage", so that they are directed to the appropriate person(s) for resolution.

Where a complaint highlights child protection/safeguarding concerns, a referral to the Trust's designated Safeguarding Officer at each school should take place immediately to enable any action to take place as appropriate.

Only once an outcome of a complaint has been reached and a full investigation has taken place should other procedures be implemented, for example the Disciplinary Policy.

5.3 Stage 1 - Informal Procedure – Appendix 1

It is in everyone's interest that complaints are resolved at the earliest possible stage. As a matter of daily routine, schools receive numerous contacts from parents and other interested parties. Many of these will be resolved simply by providing information or through the arrangement of an informal meeting in order to discuss the matter. Therefore, the initial approach will normally be made to the school office, or to the individual member of staff who is likely to be able to provide the necessary information. An example meeting request form is detailed in Appendix 1.

Where the first approach is made to the Headteacher of the School or member of the Senior Leadership Team, the first step would be to refer the complainant to the appropriate person and advise them of the procedure. This is to maintain leadership and the Trustees/Governors impartiality at the later stages.

The procedure is likely to stop at this stage if the concern has been explained satisfactorily, or a shared understanding has been reached regarding the issue being raised.

Complaints at this stage will generally be dealt with within 5 – 10 working days

5.4 Formal procedure

Where a matter is more serious, or else an informal approach has failed to resolve the issue, it may be raised formally as a complaint. This should be done in writing, see model forms in Appendices.

The stages of the formal procedure are detailed below:

Stage 2 – Complaint to be heard by Headteacher - Appendix 2

The complaint should be raised with the Headteacher. If the complaint is against the Headteacher then the complaint should be moved straight to stage 3 and raised directly with the Chair of Governors. If the complaint is against the Chair of Governors, then the complaint should be moved straight to stage 4 and raised directly with the Executive Headteacher/Board of Trustees.

Upon receipt of the complaint the Headteacher may arrange a meeting with the complainant to clarify details of their concerns and of the resolution that is being sought. Once the school has this information a decision will then be taken about the need for further investigation. This may involve additional meetings with the complainant to obtain further information.

The Headteacher will wherever possible respond to the complaint immediately, however, where this is not possible they will investigate the complaint. Once the investigation is completed then the Headteacher will either respond in writing within 10 working school days or invite the complainant to a meeting to explain the outcome. The complainant will be provided with as much additional information as is possible in the circumstances, while respecting any right to confidentiality of third parties.

If the complainant is not satisfied with the response from the Headteacher then the complainant has the opportunity to appeal against the decision and progress to an appeal hearing - stage 3.

Stage 3 - Complaint heard by Panel of Governors – Appendix 3

If after completion of stage 2 the complainant is still not satisfied with the response, then the complaint should be raised in writing to the Chair of Governors requesting that their complaint is considered further.

The complaint should be raised in writing within 10 school days of the outcome of stage 2, giving clear details of the complaint, attaching relevant papers.

The Chair of Governors will acknowledge the complaint within 10 school days and make arrangements to hold the appeal hearing at the earliest opportunity. The appeal hearing will be a panel of independent Members/Trustees/Governors who have not previously been involved with the case and who are not involved in the running of the school.

Once arrangements have been made for the appeal hearing all relevant papers and documentation to be relied upon at the hearing will be sent to all parties, at least 5 school days before the hearing.

The hearing panel will consist of Members/Trustees/Governors who are independent and impartial, staff/governors who have had any previous involvement in the complaint or circumstances surrounding it should not be involved. At the hearing the complainant will have the opportunity to present their case to the panel. The complainant has the right to representation at the hearing if they wish. The aim of the hearing is to resolve the complaint and achieve reconciliation between the school and the complainant. It does have to be acknowledged that the complainant may not be satisfied with the outcome and it may only be possible to establish the facts and make recommendations.

The Panel can:

- Dismiss the complaint in whole or part
- Uphold the complaint in whole or part
- Decide on the appropriate action to be taken to resolve the complaint
- Recommend changes to the Trust's/School's systems or procedures to ensure that problems of a similar nature do not occur

Once the Panel has reached a decision the complainant should be notified in writing within 5 school days. The letter will include the Panel's decision including the reasons for the decision. The complainant will be provided with as much additional information as is possible in the circumstances, while respecting any right to confidentiality of third parties.

Stage 4 - Complaint heard by Panel of Trustees - Appendix 4

If a complaint is against a Governor then the complaint should be heard by a panel of Members/Trustees.

The complaint should be raised in writing within 10 school days of the outcome of previous, giving clear details of the complaint, attaching relevant papers.

The Chair of Trustees will acknowledge the complaint within 10 school days, and make arrangements to hold the appeal hearing at the earliest opportunity. The appeal hearing will be a panel of independent Members/Trustees/Governors who have not previously been involved with the case and are not involved in the running of the school.

Once arrangements have been made for the appeal hearing all relevant papers and documentation to be relied upon at the hearing will be sent to all parties, at least 5 school days before the hearing.

The hearing is independent and impartial, Members/Trustees/Governors who have had any previous involvement in the complaint or circumstances surrounding it should not be involved. The panel will consist of the Executive Headteacher/CEO and two independent Members/Trustees/Governors who are not involved in the running of the school and have had no previous input into this case. At the hearing the complainant will have the opportunity to present their case to the independent panel. The complainant has the right to representation at the hearing if they wish. The aim of the hearing is to resolve the complaint and achieve reconciliation between the school and the complainant. It does have to be acknowledged that the complainant may not be satisfied with the outcome and it may only be possible to establish the facts and make recommendations.

The Panel can:

- Dismiss the complaint in whole or part
- Uphold the complaint in whole or part
- Decide on the appropriate action to be taken to resolve the complaint
- Recommend changes to the Trust's/School's systems or procedures to ensure that problems of a similar nature do not occur

Once the Panel has reached a decision the complainant should be notified in writing within 5 school days. The letter will include the Panel's decision including the reasons for the decision. The complainant will be provided with as much additional information as is possible in the circumstances, while respecting any right to confidentiality of third parties.

Written Record of Meetings, Panel and Resolution of Complaint

The Trust will retain a written record of any meeting/hearings and actions/outcomes relating to complaints whether they are upheld or dismissed. Records are confidential and must be retained in accordance with GDPR and the Trust's Retention Policy. Records 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.

Stage 5 – Complaint heard by the Secretary of State

Where the complaint remains unresolved after going through all the appropriate stages within this procedure then the final stage of appeal is to the ESFA/Secretary of State for Education. This can be done via the ESFA Schools Complaint Form website address: <https://form.education.gov.uk>

The Secretary of State for Education will examine if the complaints policy and any other relevant policies were followed in accordance with the provisions set out and will ensure the policies comply with appropriate legislation. If legislative or policy breaches are found the Secretary of State for Education will report them to the Trust to take remedial action.

6.0 Vexatious, Malicious or Repetitive Unfounded Complaints - Appendix 5

The vast majority of complaints are resolved by informal contact. There are occasions, however, when the school is required to deal with vexatious, malicious or repetitive unfounded complaints, which cause unnecessary anxiety for the member of staff associated with the complaint and also wastes valuable school hours.

As an example, a persistent or vexatious complaint:

- Displays behaviours / actions which are disproportionate, harassing and repetitious
- Seeks unrealistic outcomes relative to the issue being raised and who state that their intention is to persist until that outcome is achieved
- Repeatedly makes the same complaint with minor differences but who do not accept the outcome of any investigation into their complaints.

The inclusion of this section within the procedure is to ensure that those complainants who we deem to be 'persistent or vexatious complainants' are still dealt with fairly, honestly and properly, whilst also ensuring that the service being provided or school staff are not adversely affected.

Before deciding whether it is appropriate for us to apply any restrictions in the way a 'persistent or vexatious complainant' can contact the Trust, we must inform the complainant in writing or at a face to face meeting why we feel their behaviours or actions are unacceptable. We must also give them the opportunity to change their behaviours within a reasonable timescale before taking any further action.

Therefore, where the complaint is deemed to be vexatious, malicious or repetitive without foundation, the Trust will reserve the right to inform the complainant that it cannot deal with their complaint and will outline the reasons why, which could include:

Specific actions are not identified;

- Conclusions are presented rather than actions which require enquiry
- The concerns relate to historical actions and any evidence which might have enabled an objective investigation of the complaint is no longer available
- The substance of the complaint has already been addressed under this procedure previously
- There are no identified potential sources of evidence which might allow the matter to be investigated
- The complaint is deemed to be malicious in its intent by the Board of Trustees/Governing Body

The complaint(s) meet the legal definition of harassment under one of the following acts:

- The Employment Rights Act 1996
- The Health & Safety at Work Act 1974
- The Equality Act 2010
- Human Rights Act 1998
- Protection from Harassment Act 1997
- Criminal Justice & Public Order Act 1994
- Malicious Communications Act 1998

7.0 Monitoring and Review

This Policy is reviewed every two years by Invictus Education Trust Board of Trustees. We will monitor the application and outcomes of this policy to ensure it is working effectively.

Invictus Education Trust
Complaints Procedure
Stage 1 Informal Meeting Request Form

School: _____

I wish to meet withto discuss the following matter:

Brief details of topic to be discussed:		
Dates/times when it would be most convenient for a meeting:		
Student Name:	Tutor Group:	Year Group:
Your Name:		
Your Address:		
Telephone Numbers		
Home:	Mobile:	
Email Address:		
Relationship with School (<i>example parent of student on the school roll</i>):		
Signed:	Date:	

School Use Only	
Form received by:	Date:
Response sent by:	Date:

Appendix 2

Invictus Education Trust
Complaints Procedure
Stage 2 Formal Complaint Form to Headteacher

School: _____

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

Student Name:	Tutor Group:	Year Group:
Your Name:		
Your Address:		
Telephone Numbers		
Home:	Mobile:	
Email Address:		
Relationship with school (<i>example; parent of student on the school roll</i>):		
<p>To allow the matter to be fully investigated, please provide concise details of your complaint including dates, names of witnesses etc. (<i>You may continue on a separate sheet or attach additional documents if you wish</i>)</p>		

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What action, if any, have you already taken to try to resolve your complaint? (<i>Example; who have you spoken with or written to and what was the outcome?</i>)
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What actions do you feel might resolve this complaint at this stage?
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Signed:	Date:
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School Use Only	
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Form received by:	Date:
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Acknowledgement sent by:	Date:
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Complaint referred to:	Date:
Response sent by:	Date:

Appendix 3

Invictus Education Trust
Complaints Procedure
Stage Three Formal Complaint Form to Chair of Local Governing Body

School: _____

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

Student Name:	Tutor Group:	Year Group:
Your Name:		
Your Address:		
Telephone Numbers		
Home:	Mobile:	
Email Address:		
Relationship with school (<i>example; parent of student on the school roll</i>):		
<p>I submitted a formal complaint to the Headteacher on and I am dissatisfied by the procedure that has been followed</p> <p>I received a response from the Headteacher on I have attached copies of my formal complaint and of the response from the school.</p> <p>I am dissatisfied with the way in which the procedure was carried out, because:</p>		

What actions do you feel might resolve the problem at this stage?

Signed:

Date:

School Use Only

Form received by:

Date:

Acknowledgement sent by:

Date:

Complaint referred to:

Date:

Response sent by:

Date:

Invictus Education Trust
Complaints Procedure
Stage 4 Formal Complaint Form to Independent Panel of Trustees/CEO

School: _____

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

Student Name:	Tutor Group:	Year Group:
Your Name:		
Your Address:		
Telephone Numbers		
Home:	Mobile:	
Email Address:		
Relationship with school (<i>example; parent of student on the school roll</i>):		
I submitted a formal complaint to the Headteacher of School: _____ on _____ and I am dissatisfied by the procedure that has been followed		
I received a response from the Headteacher on _____ I have attached copies of my formal complaint and of the response from the school.		
I then raised the complaint with the Governing Body and I received a response from the Chair of Governors on _____		
I have attached copies of my formal complaint and of the responses from the School/Chair of Governors.		

I am dissatisfied with the way in which the procedure was carried out, because:

What actions do you feel might resolve the problem at this stage?

Signed: _____ Date: _____

Trust Use Only

Form received by:	Date:
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Acknowledgement sent by:	Date:
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Complaint referred to:	Date:
Response sent by:	Date:

Appendix 5

Invictus Education Trust Complaints Procedure

Policy for handling unreasonably persistent, harassing or abusive complainants

The Board of Trustees are fully committed to the improvement of our schools. We welcome feedback from parents/carers and will always try to resolve any concerns as quickly as possible. There is a procedure for parents to use if they wish to make a formal complaint.

Sometimes, however, parents or carers pursuing complaints or other issues treat staff and others in a way that is unacceptable. Whilst we recognise that some complaints may relate to serious and distressing incidents, we will not accept threatening or harassing behaviour towards any members of the Trusts community.

The aim of this leaflet is to provide information about our Trust policy on unreasonably persistent complainants or harassment of staff.

What do we mean by 'an unreasonably persistent complainant'?

An unreasonably persistent complainant may be anyone who engages in unreasonable behaviour when making a complaint. This will include persons who pursue complaints in an unreasonable manner.

Unreasonable behaviour may include:

- Actions which are:
 - Out of proportion to the nature of the complaint
 - Persistent – even when the complaints procedure has been exhausted
 - Personally harassing
 - Unjustifiably repetitious
- An insistence on
 - Pursuing unjustified complaints and/or unrealistic outcomes to justified complaints
 - Pursuing justifiable complaints in an unreasonable manner (e.g. using abusive or threatening language)
 - Making complaints in public or via a social networking site such as Facebook
 - Refusing to attend appointments to discuss the complaint.

What is 'harassment'?

We regard harassment as the unreasonable pursuit of issues or complaints, particularly if the matter appears to be pursued in a way intended to cause personal distress rather than to seek a resolution.

Behaviour may fall within the scope of this policy if:

- It appears to be deliberately targeted at one or more members of school staff or others on site, without good cause
- The way in which a complaint or other issues is pursued (as opposed to the complaint itself) causes undue distress to school staff or others
- It has a significant and disproportionate adverse effect on the Trust community

What does the Trust expect of any person wishing to raise a concern?

The Trust expects anyone who wishes to raise concerns with the Trust to:

- Treat all members of the Trust community with courtesy and respect
- Respect the needs of students and staff within the Trust
- Avoid the use of violence, or threats of violence, towards people or property
- Recognise the time constraints under which members of staff in schools work and allow the Trust/School a reasonable time to respond to a complaint
- Follow the Trust's Complaints Procedure

Trust's responses to unreasonably persistent complaints or harassment

This Policy is intended to be used in conjunction with the Trust's Complaints Procedure. Taken together, these documents set out how we will always seek to work with parents, carers and others with a legitimate complaint to resolve a difficulty.

However, in cases of unreasonably persistent complaints or harassment, the Trust may take some or all of the following steps, as appropriate:

- Inform the complainant informally that his/her behaviour is now considered by the Trust to be unreasonable or unacceptable, and request a changed approach
- Inform the complainant in writing that the Trust considers his/her behaviour to fall under the terms of the Unreasonably Persistent Complaints/ Harassment Policy
- Require all future meetings with a member of staff to be conducted with a second person present. In the interests of all parties, notes of these meetings may be taken
- Inform the complainant that, except in emergencies, the Trust will respond only to written communication and that these may be required to be channelled through the Trust's Legal Service.

Physical or Verbal Aggression

The Board of Trustees will not tolerate **any** form of physical or verbal aggression against a member of the Trust community. If there is evidence of any such aggression the Trust may:

- Ban the individual from entering the Trust's sites, with immediate effect
- Request an Anti-Social Behaviour Order (ASBO)
- Prosecute under Anti-Harassment Legislation
- Call the police to remove the individual from the premises, under powers provided by the Education Act 1996

Legitimate new complaints will always be considered, even if the person making them is (or has been) subject to the Unreasonable Persistent Complaints/Harassment Policy. The Trust, nevertheless reserves the right, not to respond to communications from individuals, subject to the Policy.

