



# Reach Schools

# Complaints Policy

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<p>Academies to note: This is a Reach Schools policy and should not be modified.</p> <p>Reach Schools seeks to resolve problems informally wherever possible. Reach Schools aims to be fair, open and honest when dealing with any complaint. We give careful consideration to all complaints and deal with them as swiftly as possible. We aim to resolve any complaint through dialogue and mutual understanding, and, in all cases, we put the interests of the child first.</p> <p>This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to Reach Schools about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.</p>	



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## Part 1

### 1. Aims

Reach Schools aims to meet its statutory obligations when responding to complaints from parents of pupils at the school, and others.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement evaluation processes

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

We will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will ensure we publicise the existence of this policy and make it available on the school websites.



## 2. Who can make a complaint?

This complaints procedure is not limited to parents or carers of children who are registered at one of the academies within the Trust. Any person, including members of the public, may make a complaint to an individual school within the Trust, or the Trust itself, about any provision of facilities or services that we provide. Part 1 of this policy outlines how parents/carers of registered pupils currently attending academies within the Trust can raise a concern or complaint. Concerns or complaints from other persons will be dealt with in accordance with Part 2 of this policy. Complaints from registered pupils should be raised by their parents/carers.

This procedure does not apply to concerns and complaints relating to the matters listed in section 8.

All staff will be made aware of this complaints procedure 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.

## 3. The difference between a concern and a complaint

A concern may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'.

A complaint may be defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

"Meeting" and "hearing" means an in person or virtual meeting or hearing (i.e. telephone or video conference where all parties can participate verbally), virtual meetings/hearings will only be held if all parties have access to appropriate equipment to attend and are happy to do so.



"Parent" means a biological parent, carer, or anyone who has parental responsibility or care for a child.

"School days" excludes weekends and school holidays and periods of partial or total school closure. INSET/staff training do not count as "school days".

"Trust" means the academy trust. It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. We take concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Co-headteacher will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, they will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, the Co-headteacher will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

## Key Principles

The Trust acknowledges that raising concerns or complaints can be a difficult, emotional, and stressful time, particularly for parents and carers. We expect our staff to always be respectful and courteous when dealing with you. We also expect you to treat our staff with the same respect and courtesy. We will not accept abusive and threatening behaviour towards our staff from anybody at any time. In circumstances where this happens the Trust will take the action outlined in Part 3 of this policy.



The Trust expects all complainants to make reasonable attempts to seek an informal resolution. This will usually be the most effective way to swiftly resolve any concerns.

The Trust encourages parents and others to approach the school with any concerns and refrain from airing concerns about the school and its staff on social media sites. Posting negative comments on social media can cause damage and upset and is often counterproductive to pupil education and resolution of the concern.

To investigate your complaint properly and fairly, we have implemented a staged approach. We anticipate that almost all complaints that arise will be resolved at Stage 1 or Stage 2, as outlined below.

We expect our members of staff to be addressed in a respectful manner, and for communication to remain calm at all times. The procedure under Part 3 will only be used on very rare occasions to deal with repetitious and/or vexatious complaints, or complaints pursued in an otherwise unreasonable manner.

## **4. How to raise a concern or make a complaint**

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so (as noted in Part 1.2, parents/carers will be responsible for raising a complaint on behalf of the pupil).

Complaints against school staff (except the Co-headteacher) should be made, in the first instance, to the Co-headteacher via the school office. Please mark them as Private and Confidential.



Complaints that involve or are about the Co-headteacher should be addressed to the Chair of the Local Governing Body, via the school's front office. Please mark them as Private and Confidential.

Complaints about the Chair of Trustees or Chair of Governors, Governor or the whole governing body should be addressed to the Governance Professional via the school office. Please mark them as Private and Confidential.

Complaints about the Chief Executive Officer (CEO) or a trustee of the Trust, should be addressed to Judith Tacon, Chair of Trustees, via the trust office<sup>1</sup>. Please mark them as Private and Confidential.

Complainants should not approach individual Governors or trustees to raise concerns or complaints. They have no power to act on an individual basis and it may prevent them from considering complaints at later stages. For ease of use, a template complaint form is included at the end of this policy. If you require help in completing the form, please contact the school office. You can also ask a third-party organisation for example like the Citizens Advice to help you.

Reasonable adjustments will be made to this procedure where required to ensure that all complainants can access and complete this complaints procedure. For example, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

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

## 5. Anonymous complaints

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<sup>1</sup> All correspondence to the trust office will be managed by Reach Academy Feltham, 53-55 High Street, Feltham, TW13 4AB



Anonymous concerns or complaints will not normally be investigated under this procedure. The Headteacher or chair of governors of a school, or the CEO (as appropriate), will determine whether there are exceptional circumstances to justify conducting an investigation into the issues raised.

## 6. Time scales

Concerns or complaints should be brought to our attention as soon as possible. Any matter raised more than three months after the incident being complained of (or, where a series of associated incidents have occurred, within three calendar months of the last of these incidents) will not be considered unless the Headteacher or Chair of Governors or Chair of Trustees accepts that there are exceptional circumstances to justify accepting the complaint outside of the typical timeframe.

If it becomes necessary to alter the time limits and deadlines set out within this procedure, you will be advised accordingly and given an explanation as to why this has been the case and provided with revised timescales. If other bodies are investigating aspects of the complaint, for example the police, local authority safeguarding teams, or tribunals/courts, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations. Where a complaint is raised but we do not have clarity from the complainant on the issues and/or desired outcomes, we will inform the complainant what information we need to progress the complaint and pause this procedure until reasonable clarity is achieved.

### 6.1 Complaints received outside of term time

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



## 6.2 Complaints from a number of individuals on the same issue

On rare occasions a school or the Trust may receive complaints from a number of individuals relating to the same issue. In order to deal with these complaints efficiently, the school or Trust will follow the procedure set out in Part 4.

## 7. Records of complaints

A record will be kept of all written formal complaints, including at what stage they were resolved, and action taken by the school or Trust as a result of those complaints regardless of whether they were upheld. Correspondence, statements, and records relating to individual complaints will be kept confidential except where:

- Access is requested by the Secretary of State.
- Disclosure is required in the course of a school inspection.
- An individual has a legal right to access their own personal data contained within such documentation; or
- Under other legal authority.

We will make the findings and recommendations of the complaints Committee available for inspection on the school premises by the Trust and the Headteacher.

## 8. Scope of this complaints procedure

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



Exceptions	Who to contact
Admissions to schools	<p>Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority.</p>
Matters likely to require a Child Protection Investigation	<p>Complaints about child protection matters are handled under our child protection and 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>
Exclusion and suspension of children from school*	<p>The process for challenging exclusions and suspensions decisions is set out in the DfE's statutory guidance, and information can be found at: <a href="https://www.gov.uk/government/publications/school-suspensions-and-permanent-exclusions">School suspensions and permanent exclusions - GOV.UK (www.gov.uk)</a></p> <p><i>Complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i></p>
Whistleblowing	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>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: <a href="https://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain directly to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p> <p>Any concerns can be passed to the Trustee for Whistleblowing via <a href="mailto:anna.machin@reachacademy.org.uk">anna.machin@reachacademy.org.uk</a>.</p>



Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.
Staff conduct	Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.  Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.
Data Protection matters	Complaints about data protection matters are handled under our data protection policy and in accordance with relevant guidance from the Information Commissioner's Office (ICO). If you have serious concerns, you may wish to contact the ICO directly, but the ICO will usually expect you to have raised your concerns with our Data Protection Officer in the first instance.
Freedom of Information matters	Complaints about our compliance with the Freedom of Information Act 2000 are handled under our freedom of information policy and in accordance with relevant guidance from the ICO. If you have serious concerns, you may wish to contact the ICO directly, but the ICO will usually expect you to have raised your concerns with us in the first instance.
Governor/Trustee grievances	Complaints from trustees and governors will be dealt with by the chair of trustees under the Trust's internal governance procedures. This does not preclude governor or trustees from raising complaints in their capacity as a parent.
Complaints about services provided by other providers who may use school premises or facilities	Providers should have their own complaints procedure to deal with complaints about service. Please contact them directly.



School re-organisation proposals	Where concerns are not adequately addressed by the school, complaints can be raised directly with the Department for Education.
Statutory assessments of special educational needs (SEN)	Concerns about statutory assessments of special educational needs should be raised directly with the local authority.
Whistleblowing	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for whistleblowers in education who do not want to raise matters directly with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a></p> <p>Volunteer staff who have concerns should complain through the school's complaints procedure. You may also be able to complain directly to the Department for Education (see link above), depending on the substance of the complaint</p>

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our 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 this happens, we will inform you of a proposed new timescale.

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

## 9. Resolving complaints



At each stage in the procedure, we want to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology.

## **10. Withdrawal of a complaint**

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

### **Part 1**

#### **Stage 1 – Informal complaints**

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

In all instances the position of Reach Schools is likely to be that someone other than the Co-headteachers will be best placed to address concerns. If you are unsure who to address your concern to please ask for support from the front office and they will seek advice to enable them to guide you. As noted above, complainants should not approach individual



governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 3 of the procedure.

The Co-headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days and appoint someone to investigate the complaint.

The person investigating the complaint will most likely meet with the complainant to discuss and fully understand the complaint. Where possible, this meeting will take place within 5 school days of the sending of the acknowledgement.

Once both parties are clear on the scope of the complaint any necessary investigations will commence. The complainant will be informed that they will hear back from the school within 15 school days (most likely via email) once clarifications have been sought and received.

If the issue remains unresolved, the next step is to make a formal complaint. A request to escalate to Stage 2 must be made to the Co-headteacher, via the school office, within 5 school days of receipt of the Stage 1 response.

## **Stage 2 – Formal complaints**

Formal complaints must be made to the Co-headteacher (unless they are about the Co-headteacher) This may be done in person or in writing (preferably on the Complaint Form).

It is very important that you describe your complaint clearly and include a clear statement of the actions that you would like us to take to resolve your complaint. We strongly encourage you to use the complaint form provided at Annex 2 of this procedure. If you require help in completing the form, please contact the school office. You can also ask third



party organisations like the [Citizens Advice](#) to help you. In all cases your written complaint must include:

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

The Co-headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within **5** school days.

Within this response, the Co-headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Co-headteacher can consider whether a face-to-face meeting is the most appropriate way of doing this. If you accept that invitation, you may be accompanied by one other person, such as a friend, relative or interpreter, to assist you. Where possible, this meeting will take place within 5 school days of the sending of the acknowledgement.

Once both parties are clear on the scope of the complaint any necessary investigations will commence. The complainant will be informed that they will hear back from the school within **15** school days once clarifications have been sought and received.

*Note: The Co-headteacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken. The Trust may engage an independent, external person to carry out the investigation into the Stage 2 complaint, or to review the investigation and response at Stage 2. This may be appropriate where the complaint is particularly complex or involves legal issues.*

During the investigation, the Co-headteacher (or investigator) will:



- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the Co-headteacher will provide a formal written response within 15 school days of the date of receipt of the clarifications.

If the Co-headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the school will take to resolve the complaint.

The Co-headteacher will advise the complainant in writing of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

If the complaint is about the Co-headteacher, or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 2.

Complaints about the Co-headteacher or member of the governing body must be made to the Chair of the Local Governing Body, via the school office.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 2 will be escalated to the CEO of the Trust who will also notify the Chair of Trustees.



## Stage 3 – Panel Hearing

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3 – a panel hearing consisting of at least three people who were not directly involved in the matters detailed in the complaint (drawn from the Trust's 'Resolutions Committee' which is formed of the local governing body from its constituent schools and Trustees) with one panel member who is independent of the management and running of the school (this might be a governor from another school or an educational professional who has no link to the school). The governance professional shall appoint one of these members to chair the Committee. This is the final stage of the complaints procedure.

The panel will principally consider how the complaint was handled at the previous stages but has discretion to review other aspects of the complaint as it sees fit. The complaints Committee will not review any new complaints at this stage or consider evidence unrelated to the initial complaint. New complaints must be dealt with from Stage 1 of the procedure. A request to escalate to Stage 3 must be made to the Governance Professional, via the school office, within 5 school days of receipt of the Stage 2 response.

The Governance Professional will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

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

The Governance Professional will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 20 school days of receipt of the Stage 3 request. If this is not possible, the Governance Professional will provide an anticipated date and keep the complainant informed.



If the complainant rejects the offer of three proposed dates, without good reason, the Governance Professional will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 3 will be heard by the trustees and an independent panel member.

A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the Committee meeting. However, there may be rare occasions when legal representation is appropriate.

For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

*Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under (Human Resources) staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.*

Representatives from the media are not permitted to attend.

At least 10 school days before the meeting, the Governance Professional will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible



- request copies of any further written material to be submitted to the Committee at least 5 school days before the meeting.

Any written material will be circulated to all parties at least 2 school days before the date of the meeting. The Committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The Committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

The meeting 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.

The hearing will be conducted to ensure that each party has the opportunity to address the complaints Committee. The procedure to be followed during the hearing will be explained to the parties by letter in advance of the hearing. The Governance Professional will ensure that sufficient notes are taken to record an accurate reflection of the points considered and any decisions taken, or actions agreed.

Unless otherwise stated, the procedure for the Stage 3 hearing is as follows:

- The parent and school representative will enter the hearing together.
- The chair of the complaints Committee will introduce the Committee members and outline the process.
- The parent will explain the complaint.
- The school representative and Committee members will question the parent.
- The school representative will explain the school or Trust's actions.



- The parent and the Committee members will question the school representative.
- The parent will sum up their complaint.
- The school representative will sum up the school or Trust's actions.
- The chair of the complaints Committee will explain that both parties will hear from the Committee within five school days.
- Both parties will leave together while the complaints Committee decides.
- The Governance Professional, and any legal advisor assisting the complaints Committee (if applicable), will stay to assist the complaints Committee with its decision making.

The Governance Professional and/or complaints panel reserves the right to modify the above procedure at their sole discretion, for example requiring the parent and the school representative to present their complaint/actions separately to the complaints Committee in the absence of the other party.

If the complainant has not arrived by the start of the complaints panel, the Governance Professional will attempt to contact the complainant via telephone to ascertain if they are delayed, have chosen not to attend, or wish to withdraw their complaint. If the Governance Professional is unable to speak with the complainant, or if the complainant confirms that they have chosen not to attend, the hearing will proceed in the complainant's absence 30 minutes after the scheduled start time. Findings and recommendations will be based on the written submissions previously provided by both parties.

A complaints Committee may be adjourned if the complaints Committee requires further evidence, or in exceptional circumstances (for example, if clarification sought by the complaints Committee is essential to the proceedings). The adjourned date must be as soon as possible. The Committee will consider the complaint and all the evidence presented. The Committee can:



- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the Committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's or Trust's systems or procedures to prevent similar issues in the future.

The Chair of the Committee will provide the complainant and school with a full explanation of their decision and the reason(s) for it, in writing, within 15 school days.

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

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the school will take to resolve the complaint.

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the school premises by the proprietor and the head teacher.

A written record will be kept of all complaints, and of 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.



## 11. Complaints escalated to/about the Trust, CEO or Trustee

If a complaint is escalated to Reach Schools “the trust” or if a complainant wishes to complain directly about the trust, then the complaint should be sent to the CEO to be investigated.

The CEO will write to the complainant acknowledging the complaint, within 5 days of the date that the written request was received. The acknowledgement will confirm that the complaint will now be investigated under the relevant stage of this complaints policy. All complaints will commence at Stage 1 unless there are exceptional circumstances.

If the complaint concerns the CEO or a Trustee, the complaint should be investigated by the Chair of the Trust Board. If a formal complaint form is received about the Chair, the complaint will be referred to the Vice Chair or another suitable trustee for investigation

NB. Where the Chair of the Trust Board has investigated the complaint, they will write the letter of outcome to the Complainant and provide a copy to the CEO at each relevant stage.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire trust board or
- the majority of the trust board

Stage 3 will be heard by a completely independent Committee panel.

## 12. Next Steps

If the complainant believes the school/trust did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the



exercise of their duties under education law, they can contact the DfE after they have completed Stage 3.

The DfE will not normally reinvestigate the substance of complaints or overturn any decisions made by the school. They will consider whether the school has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed [Part 7 of the Education \(Independent School Standards\) Regulations 2014](#).

For more information on the DfE's remit in relation to complaints, visit:

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

## Part 2 - Local community

Part 1 of this complaints policy applies only to complaints made by parents or carers of current registered pupils of the Trust. However, the Trust wishes to work closely with other members of the local community, and will deal with their concerns and complaints as follows:

**Stage 1** - a concern regarding a school or its operations may be made to any member of staff. That member of staff will attempt to resolve the matter immediately or may, if appropriate, refer the matter to their line manager or member of the senior leadership team (SLT) who is best placed to deal with the concern. It is expected that most concerns will be responded to orally or in writing within 15 school days. If a longer period is required, you will be kept informed of the progress of the investigation.

**Stage 2** - where a concern is not resolved at Stage 1, you should put your complaint in writing and send this to the Co-headteacher of the relevant school to investigate within 5



days of receiving the stage 1 outcome.. The Co-headteacher may delegate the task of investigation and/or responding to the complaint to a member of SLT. A formal response to the complaint will usually be provided within 15 school days of receipt of the letter of complaint, although if a longer period is required to respond, you will be kept updated.

**Stage 3** - if you are not satisfied with the response at Stage 2, you may request a review by writing to the Governance Professional of the school. You should write to the Governance Professional of the local governing body within 5 school days of receipt of the letter at Stage 2. Requests received outside of this timeframe will only be considered if exceptional circumstances apply. The Clerk of the local governing body will usually arrange for a member of the Resolutions Committee to consider the complaint alone, or may refer the matter to the Clerk of the trustees to convene a complaints Committee on the same terms as set out in Part 1 of this complaints policy. The decision at this stage will usually be sent to you within 15 school days of receipt of the request for a review, or within five school days of the complaints Committee hearing (as applicable).

**Stage 4** - if you are dissatisfied with the decision at Stage 3, you are entitled to refer your complaint to the Department for Education as outlined in Part 1 of this complaints policy.

### **Part 3 - Repetitious and vexatious complaints and complaints pursued in an otherwise unreasonable manner**

There are rare circumstances where we will deviate from the Complaints Procedure set out in Parts 1 and 2. These include, but are not necessarily limited to:



## Repetitious, including serial and/or persistent, complaints

Where the complainant's complaint is the same, similar to, or based on the same facts of a complaint which has already been considered in full and we have:

- Taken every reasonable step to address the complainant's concerns; and
- Given the complainant a clear statement of our position and their options.

We will write to the complainant to advise that the complaints procedure has been exhausted, and that we will not be responding to any further correspondence in relation to these matters. The complainant will be referred to Stage 4.

## Vexatious complaints

The Office of the Independent Adjudicator defines the characteristics of a 'frivolous' or 'vexatious' complaint as:

- Complaints which are obsessive, persistent, harassing, prolific or repetitious.
- Insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason.
- Insistence upon pursuing meritorious complaints in an unreasonable manner.
- Complaints which are designed to cause disruption or annoyance.
- Demands for redress that lack any serious purpose or value.

Examples include but are not limited to:

- Refusal to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance.
- Refusal to co-operate with the complaint's investigation process.
- Refusal to accept that certain issues are not within the scope of the complaints procedure.
- Insistence on the complaint being dealt with in ways which are incompatible with the complaint's procedure or with good practice.
- Introducing trivial or irrelevant information which they expect to be taken into account and commented on.
- Raising large numbers of detailed but unimportant questions, and insist they are fully answered, often immediately and to their own timescales.



- Making unjustified complaints about staff who are trying to deal with the issues and seeks to have them replaced.
- Changing the basis of the complaint as the investigation proceeds.
- Seeking an unrealistic outcome, such as the inappropriate dismissal of staff.
- Making 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.
- Knowingly providing falsified information.
- Publishing unacceptable information on social media or other public forums.

### Complaints pursued in an otherwise unreasonable manner

Where the complainant's behaviour or language towards staff, governors, trustees or members is aggressive, abusive, offensive, discriminatory or threatening or insulting personal comments are made about, or threats are made towards, staff.

In the circumstances outlined above, we may:

- Inform the complainant that we consider their complaint to be vexatious or the manner in which they are pursuing their complaint to be unreasonable and why and ask them to desist.
- Conduct the complaints Committee on the papers only, i.e. not hold a hearing.
- Refuse to consider the complaint any further and refer the complainant directly to Stage 4.

We may also restrict the complainant's access to the school, e.g. requesting contact in a particular form (for example, letters only), requiring contact to take place with a named person only, restricting telephone calls to specified days and times or number of contacts, or banning the complainant from the school's premises in line with our Parent Code of Conduct.

Where the complainant's behaviour is so extreme that it threatens the immediate safety and welfare of staff, governors, trustees, or members, we will consider other options, for example, reporting the matter to the police, or taking legal action. In such cases, we may not give the complainant prior warning of that action.



## Part 4 - Complaint campaigns

For the purposes of this policy, a complaint campaign is defined as a complaint from three or more separate individuals (whether or not connected with the school), which are all based on the same subject.

Depending on the subject in question, we may deviate from the procedure set out in this policy and instead:

- Send a template response to all complainants; and/or
- Publish a single response on the school's website (as applicable).



## Appendix 1 - Complaint Form

Your name:
Pupil's name:
Your relationship to pupil:
Your address and postcode:
Your daytime telephone number:
Your evening telephone number:
Your email address:
<b>Your complaint is:</b> (if you have more than one complaint, please number these)
What action have you already taken to try and resolve your complaint(s) in accordance with Stage 1 of the school's complaints procedure?  (Who did you speak to and what was the response?)



What would you like as an outcome from your complaint(s)?	
Are you attaching any paperwork? If so, give details here:	
Signature:	Date:

All functions of the complaints procedure must adhere to the requirements of the Data Protection Act 2018 and the Freedom of Information Act 2000.

Please complete and return to the school office in a sealed envelope addressed to the Governance Professional.



## Appendix 2 - Roles and Responsibilities

### Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- cooperate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

### Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
  - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
  - interviewing staff and children/young people and other people relevant to the complaint
  - consideration of records and other relevant information
  - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.



The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the head teacher or complaints Committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.
- The Co-headteacher or complaints Committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

## Complaints Co-ordinator

This could be the Co-headteacher or CEO/designated complaints governor or trustee or other staff member providing administrative support e.g. governance professional)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, head teacher, CEO, Chair of Governors, Chair of Trustees or the Governance Professional and to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
  - sharing third party information
  - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.



## Governance Professional to the Governing Body/Trust Board

The Governance Professional is the contact point for the complainant and the Committee and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example: stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the Committee's decision.

## Committee Chair

The Committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Governance Professional) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person



- the remit of the Committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.

If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting

- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the Committee is open-minded and acts independently
- no member of the Committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Governance Professional.

## Committee (Panel) Member

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so

No governor/trustee may sit on the Committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.

- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant
- We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.



- many complainants will feel nervous and inhibited in a formal setting
- Parents/carers often feel emotional when discussing an issue that affects their child.
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting

Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.

The Committee should respect the views of the child/young person and give them equal consideration to those of adults.

If the child/young person is the complainant, the Committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the Committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.

However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the Committee considers is not in the child/young person's best interests.

- the welfare of the child/young person is paramount.