



Youth Engagement Schools Trust

Complaints Policy and Procedures

Significant Amendments
A "vexatious or frivolous" complaints section has been added as recommended by the Local Authority.

Approved by: Board of Trustees
Reviewed By: Education Standards Committee
Last reviewed: Summer 2022
Date for Policy review: Summer 2023

Policy Statement

The following policy applied to the Trust and all Academies / settings within. The Youth Engagement School Trust (YES Trust), its Executive Leadership Team and its Headteachers are committed to providing the best educational experience they can for all learners attending YES Trust provisions.

They recognise the value to all concerned of dealing fairly, speedily and effectively with any complaint against their decisions, actions or omissions, which a student or parent/carer or other aggrieved person may have. To this end, they have adopted the underlying principles and procedures set out in this document.

During any complaints procedure, data protection will always be regarded as paramount in ensuring a fair process and outcome. Please refer to the Trust's Data Protection Policy, Whistleblowing Policy and Privacy Notices for further detail.

Framework of Principles

Our complaints procedure:

- encourages resolution of problems by **informal** means wherever possible;
- is easily **accessible** and **publicised**;
- is **simple** to understand and use;
- is **impartial**;
- is **non-adversarial**;
- allows **swift** handling with established **time-limits** for action and keeping people informed of the progress;
- ensures a full and **fair** investigation by an independent person where necessary;
- respects people's desire for **confidentiality**;
- addresses all the issues and provides an **effective** response and **appropriate** redress, where necessary;
- Provides **information** to the Trust's board so that services can be improved.

Definition of complaint

An academy complaint is any communication received by a person or persons with a legitimate interest in the academy, but not employed at the school, which expresses dissatisfaction about the standard of teaching of members of the teaching staff, or about the conduct, actions or omissions of members of the teaching or non-teaching staff employed by the trust.

Definition of a complainant

A complainant is someone:

- who allegedly has been wronged
- whose child(ren) has been wronged (i.e. parent or carers or other person with parental responsibility) or
- Someone representing a person in one of the above groups, for example a Councillor.

Where a complainant is a student under the age of 18 years, the complaint may be pursued only by, or on behalf of, the child's parent or carer. Where someone other than a pupil or a parent/carers is pursuing a complaint on his or her behalf, this can be done only with the express consent of the pupil or parent concerned.

Types of complaints

Statutory/established procedures

It is the Trust's intention to resolve all complaints informally and as such we will endeavour to do so. There are however, established or statutory procedures for dealing with a number of complaints as listed in the associated policies listed below:

- admissions and referrals to academies
- exclusions
- special education needs and disabilities provision (SEND)
- school re-organisation
- matters concerning the curriculum under Section 19 and 23 of the Education Reform Act 1988
- complaints by academy staff or prospective staff
- child protection and safeguarding
- public examinations
- academy records on individual students

The following stages of complaints procedure will be applied in relation to supporting complaints relating to the above policies or any complaint that arises outside of the policies listed.

Complaints not covered by established or statutory procedures

Stage 1 - Informal Stage

All complaints, however received, should be reported to the Academy Office. The Academy Office may refer the complaint to an appropriate member of staff to resolve the matter. That member of staff will have a duty to inform the Headteacher if any issue is not resolved after discussion with the complainant. Parents/carers should be encouraged to settle the matter with the class teacher or designated staff member. The majority of complaints and problems are likely to be resolved at this point.

Stage 2 – Formal Complaint to the Headteacher

The second stage is where the complainant is not satisfied with the informal response, in which case they should be advised to take up the matter in writing with the Headteacher, using the standard Complaints Form (Appendix 1). The

Headteacher can delegate the investigation to an appropriate senior member of staff. The appointed investigating officer will gather appropriate evidence and draw conclusions within 14 days. The Headteacher and investigating officer will then meet and discuss findings with the complainant either face to face, or on the phone to ensure clarity around the findings of the investigation. The Headteacher will then put the findings in writing to the complainant. If the Headteacher undertakes the investigation at this stage, they will be exempt from sitting on any complaints committee convened to hear a complaint escalated to stage 3. The outcome at this stage may be:

- No further action, with reasons given
- Action within the Headteachers own powers
- Referral to the relevant academy's LSB (Local Support Board) for consideration.

All complaints at this stage will be responded to in writing within 14 working days of the original complaint.

Stage 3 – Chief Executive Officer & Local Support Board

The third stage will be where the complainant is not satisfied with the outcome of the stage 2 investigation and response, or if the complaint is about a Headteacher. They should be advised to put their concerns in writing to the Trust CEO for consideration. The CEO will meet with the Chair of the LSB within 10 working days of the complaint being received. If the complaint is about the CEO, the complaint must be made in writing to the Chair of Trustees, and the CEO will be replaced on the panel by another member of the Board of Trustees.

A panel of three members (including one member of the Board of Trustees / LSB) with delegated powers will convene to hear the complainant a meeting attended by the complainant (accompanied should the individual request so), the Headteacher/CEO and witnesses. Written evidence is submitted in advance to all parties and verbal evidence given at the hearing. The complainant or the Trust/Academy can involve independent parties who can support either party at this meeting. Independent parties could be legal or supportive partners such as Parent Support Services or specialist advisers.

The panel's decision is final and will notify all parties as soon as possible after the meeting. The outcome will be one of the following:

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

The review board will be:

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Chair of LSB, or Vice Chair in their absence (Trustee Chair if complaint is about Executive Leader)	Member of LSB or Board of Trustees	An independent, external person with necessary expertise, such as the Trust's HR advisors, or Headteacher independent of the YES Trust.
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All members of the review board / panel must have had no prior involvement with the complaint.

The panel will meet following consultation with the Trust's HR and Legal advisors, Browne Jacobson, dependent on the nature of the complaint.

Timescales

The following limits should apply to all complaints handled under the Trust's complaints procedure:

- Stage 1: It is reasonable that parents/carers seeking to resolve matters of concern to them should receive a response within 15 working days of making initial contact, unless there is a good reason not to do so. The response should offer the complainant a full explanation or set out the steps that are proposed to resolve the complaint.
- Stage 2: Should be responded to within 15 working days from receipt of complaint escalation.
- Stage 3: Should be responded to within 20 working days from receipt of complaint escalation.

The longer time limit for Stage 3 reflects the fact that these complaints may be complex and therefore likely to take longer to resolve. Where it is not possible to respond to complaints within these timescales, the complainant should be informed in writing of the reason for the delay and given an anticipated response date.

All complaints and correspondence will be kept in a confidential file with detailed timings. These documents will be available to the governing body and or inspectors (under section 109) should they wish to review the process and outcomes.

The Board of Trustees may ask the Secretary of State through the ESFA (Education Skills Funding Agency) to undertake a formal investigation and provide a detailed report.

Appeal Stage

The complainant should send a written appeal to the Chair of Trustees, either by letter or email, or, where the complaint is against the Chair, to the Vice-Chair or other nominated Trustee. This should state the original complaint and the reasons for

ongoing dissatisfaction. The Chair of Trustees, or nominated Trustee, may decline to accept a complaint into the Appeal Stage where s/he, acting reasonably, believes that the complaint has been wholly upheld at the Formal Stage and in all the circumstances there is no merit in the matter proceeding further.

A Trustee's panel should be convened, consisting of two Trustees who have had no previous involvement in consideration of the complaint and one person who is independent of the management and running of the Academy/Trust. Where the complainant is a parent, Trustees may wish to consider the possible advantages of this panel including a parent Governor. The parent must be allowed to attend and be accompanied if they wish. A complaints appeal meeting will be held in accordance with the procedure attached as Appendix 2. The meeting of the Trustees' panel should take place as soon as possible, but in any case, a date should be set and communicated to the complainant within twenty working days of receipt of the appeal. The Trustees' decision should be communicated in writing to the complainant as soon as possible but, in any case, within five working days of the meeting. The complainant will have no further right to appeal this decision.

Further Stages

Following the panel's review of the complaint at stage three, it is open to the complainant to pursue their complaint with the Secretary of State for Education via the ESFA (Education and Skills Funding Agency):

ESFA Complaints
Chief Executive's Office
Cheylesmore House
Quinton Road
Coventry
CV1 2WT

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

The Local Support Boards and the YES Trust Board will give full consideration to any recommendations or directions the ESFA may make. The complainant will be advised of this course of action should they remain dissatisfied with a decision made by the Board of Trustees.

Record Keeping

The outcome of all formal complaints will be held by the Trust and/or Academy. Depending on the outcome and nature of the complaint, this may include disciplinary letters, records of meetings and hearings, management instructions and safeguarding records. Each Academy in the Trust will update the Executive team on a termly basis about any complaints received. This will be done through supervision meetings between Headteachers and members of the Trust ELT.

Frivolous or Vexatious Complaints

The Office of the Independent Adjudicator has defined frivolous or vexatious complaints as follows:

- Complaints which are obsessive, persistent, harassing, prolific, repetitious;

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- 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 which lack any serious purpose or value.

An 'unreasonable manner' may include situations where the complainant's frequency of contact with the school hinders the consideration of the complaint and/or impedes the ability of the Head Teacher and school to meet the needs of all pupils equitably.

Where the Head Teacher, and/or LSB Chair, judges a complaint to be frivolous or vexatious, having considered all the relevant circumstances, they should take appropriate action which may include rejecting the complaint and/or restricting contact between the complainant and the school.

The Head Teacher or LSB Chair as appropriate should write to the complainant and explain this decision and the reasons for it, and what action will follow.

Where a complainant seeks to reopen a matter the same as, or similar to, a matter previously considered under the procedure the LSB Chair has the right to inform them that the procedure has been exhausted and the matter is closed.

APPENDIX 2 - The YES Trust Complaint Form

Please complete and return to the Headteacher/CEO who will acknowledge receipt and explain what action will be taken.

Your name:

Student's name:

Your relationship to the student:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Please give details of your complaint:

What action, if any, have you already taken to try and resolve your complaint.
(Who did you speak to and what was the response)?

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

Are you attaching any paperwork? If so, please give details.

Signature:.....

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

APPENDIX 2: Conduct of Complaints Appeal Meetings

1. Although this procedure may appear formal, the hearing should be conducted in as informal a way as possible, and the Chair of the panel should make every effort to make all parties feel comfortable.
2. The date of the meeting must be agreed with all parties and witnesses and all relevant documentation must be circulated to all parties at least five working days in advance of the meeting.
3. The meeting should be minuted.
4. The meeting will be attended by:
 - the complainant, with a companion if desired;
 - the Headteacher/CEO and/or Chair of Trustees, as appropriate;
 - the members of the Trustees' Complaints Panel;
 - A person independent of the management and running of the academy;
 - a minute taker, appointed by the Trustees. Members of staff who have been involved in the issue, or other witnesses, may be called upon by either side to attend part of the meeting to provide information to the Trustees.
5. The Trustees will select a Chair from amongst their number.
6. The Chair of the panel will introduce all the parties present and explain the procedure to be followed, and that every effort will be made to keep the process as informal as possible.
7. The complainant (or his/her companion) will outline his/her complaint and explain why s/he is dissatisfied with the school's response to date. The complainant may call any witnesses in support of his/her complaint who will attend the meeting only for the time that they are providing information, and may be questioned by all parties.
8. The Headteacher/CEO and the Trustees will have the opportunity to ask questions of the complainant.
9. The Headteacher/CEO and/or the Chair of Trustees will explain their involvement in the complaint and the reasons for their decisions at the informal and first formal stage. The Headteacher/CEO and/or Chair of Trustees may call any witnesses in support of his/her statement who will attend the meeting only for the time that they are providing information, and may be questioned by all parties.
10. The complainant and the Trustees will have the opportunity to ask questions of the Headteacher/CEO and/or Chair of Trustees.

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11. In the event of unacceptable behaviour from complainants (e.g. foul and abusive language), the panel will request a change in behaviour and may adjourn the hearing.

12. The Trustees may decide to adjourn the hearing pending further investigation at any stage, if this seems necessary.

13. Both parties will leave the meeting and the Trustees will consider the information that has been put to them.

14. The Trustees' panel must reach a unanimous or majority decision as to whether or not to uphold the complaint wholly or in part, and what action (if any) the school needs to take to resolve the complaint. This may include referring the matter to another formal process, whether in relation to a complaint against a Trustee or a member of the school staff. Normally the Trustees will reach a decision at this point but they may feel the need to take further advice. Where this is the case they should endeavour to reach a decision as soon as possible.

15. The Trustees will communicate their response to both parties in writing as soon as possible but, in any case, within five working days of reaching their decision. The Trustees' response should detail whether the complaint is upheld wholly or in part and briefly summarise the basis on which Trustees arrived at this conclusion. The response should also include any lessons learnt and specify any action to be taken by the school as a result of the complaint and within what timescales.

16. Any findings or recommendations will be made available for inspection on the school premises.