



# COMPLAINTS POLICY



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\*subject to any relevant changes in legislation or other appropriate guidelines

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## STATEMENT OF INTENT

Vantage Academy Trust aims to resolve all complaints at the earliest possible stage and is dedicated to continuing to provide the highest quality of education possible throughout the procedure.

This policy has been created to deal with any complaint against a member of staff or the organisation as a whole, relating to any aspects of the organisation or the provision of facilities or services.

Any person, including a member of the public, is able to make a complaint about the provision of facilities or services that the organisation provides. This policy outlines the procedure that the complainant and organisation must follow.

Once a complaint has been made, it can be resolved or withdrawn at any stage.

The Principal will be the first point of contact when following the complaints procedure.

Signed

Principal: J. Murphy Date: 18.11.2019

Chair of LAB: M.Woodhouse Date: 18.11.2019

## 1. LEGAL FRAMEWORK

- 1.1. This policy has due regard to statutory legislation, including, but not limited to, the following:
  - The Education Act 2002
  - The Freedom of Information Act 2000
  - The Immigration Act 2016
  - The Equality Act 2010
  - The General Data Protection Regulation (GDPR)
  - The Data Protection Act 2018
  - The Education (Independent Organisation Standards) Regulations 2014
- 1.2. This policy also has due regard to guidance including, but not limited to, the following:
  - DfE (2019) 'Best practice guidance for organisation complaints procedures 2019'
  - ESFA (2015) 'Creating an academy complaints procedure'
  - HM Government (2016) 'Code of Practice on the English language requirement for public sector workers'
- 1.3. This policy will be implemented in accordance with the following organisation policies:
  - Records Management Policy
  - Child Protection and Safeguarding Policy
  - Grievance Policy

## 2. DEFINITION

- 2.1. For the purpose of this policy, a "**complaint**" can be defined as 'an expression of dissatisfaction' which can be regarding actions taken or a perceived lack of action.
- 2.2. Complaints can be resolved formally, through this procedure, or informally dependent on the complainant's choice.
- 2.3. A concern can be defined as 'an expression of worry or doubt' for which reassurance is sought.
- 2.4. Any complaint or concern will be taken seriously, whether formally or informally, and the appropriate procedures shall be taken.
- 2.5. A 'grievance' is an issue raised by a member of staff where they feel the organisation has not implemented a policy or process fairly or properly. Grievances will be dealt with in line with the organisation's Grievance Policy.
- 2.6. For the purpose of this policy, "concerns" will be classed and addressed as complaints. Any further references to "complaints" will include "concerns".

## 3. ROLES AND RESPONSIBILITIES

### 3.1. The complainant will:

- Cooperate with the organisation in seeking a solution to the complaint.
- Express the complaint and their concerns in full at the earliest possible opportunity.
- Promptly respond to any requests for information or meetings.
- Ask for assistance as needed.
- Treat any person(s) involved in the complaint with respect.

### 3.2. The C.E.O. will:

- Ensure that all parties involved in the complaint are fully updated throughout each stage of the procedure.
- Guarantee that all parties involved in the procedure are aware of any relevant legislation, including the Equality Act 2010, GDPR, Data Protection Act 2018 and Freedom of Information Act 2000.
- Keep up-to-date records throughout the procedure – these records will be kept securely on the organisation's ICT system and retained in line with the organisation's Records Management Policy.
- Liaise with all parties involved to ensure the complaints procedure runs smoothly, including the Principal, clerk and chair of governors.
- Be aware of issues with regard to sharing third party information.
- Understand the complainant's need for additional support, including interpretation support, and will be aware of any issues concerning this.

### 3.3. The investigator is involved in stages one and two of the procedure. Their role includes:

- Providing a sensitive and thorough interviewing process of the complainant to establish what has happened and who is involved.
- Considering all records, evidence and relevant information provided.
- Interviewing all parties that are involved in the complaint, including staff and pupils.
- Analysing all information in a comprehensive and fair manner.

- Liaising with the complainant and C.E.O. to clarify an appropriate resolution to the problem.
- Identifying and recommending solutions and courses of actions to take.
- Being mindful of timescales and ensuring all parties involved are aware of these timescales.
- Responding to the complainant in a clear and understandable manner.

#### 3.4. The panel chair will:

- Ensure that minutes of the hearings are taken on every occasion.
- Explain the remit of the panel to the complainant.
- Ensure that all issues are addressed and that outcomes are reached based on facts and evidence.
- Help to put at ease and console individuals involved who are not used to speaking at such hearings, particularly any pupils involved.
- Conduct the hearing in an informal manner, ensuring that everyone is treated with respect and courtesy.
- Ensure that the room's layout and setting is informal and non-adversarial, yet still sets the appropriate tone.
- Confirm that no member of the panel has previously been involved in the earlier stages of the procedure or has an external interest in the outcome of the proceedings.
- Give both the complainant and the organisation the opportunity to state their case and seek clarity without undue interruption.
- Provide copies of any written material or evidence to everyone in attendance of the meeting, ensuring that everyone has seen the necessary material.
- Organise a short adjournment of the hearing if required.
- Continuously liaise with the clerk and C.E.O. to ensure the procedure runs smoothly.
- Help to provide the support necessary where the complainant is a child.

#### 3.5. All panel members will be aware that:

- The review panel hearing is independent and impartial.
- No individual with prior involvement in the complaint, or the circumstances surrounding it, is permitted to sit on the panel.
- The aim of the panel is to achieve a reasonable resolution and, ultimately, attain reconciliation between the parties involved.
- Reconciliation between the organisation and complainant is not always achievable, and that it may only be possible to establish facts and make recommendations to reassure the complainant that their case has been taken seriously.

The panel can:

- Dismiss or uphold the complaint, in whole or in part.
- Decide on appropriate action to be taken.
- Recommend changes that the organisation can make to prevent reoccurrence of the problem.
- Complainants may feel nervous or inhibited in a formal setting and, therefore, the proceedings should be as welcoming as possible.
- When a child is present at the hearing, extra care needs to be taken to ensure that the child does not feel intimidated, as well as ensuring the child's view is represented equally.

3.6. The panel clerk will:

- Continuously liaise with the C.E.O..
- Record the proceedings.
- Set the date, time and venue of all hearings, ensuring that this is appropriate, convenient and accessible to all parties involved.
- Collate all written material or evidence involved and send it to the parties involved in timely advance of the hearing.
- Greet all parties as they arrive at the hearing.
- Ensure that the minutes of the panel hearing are circulated.
- Notify the relevant parties of the panel's decision and any other actions to be taken.

## 4. MAKING A COMPLAINT

- 4.1. Complaints are not restricted to parents of attending pupils. The organisation will consider all complaints.
- 4.2. The organisation will ensure that all aspects of the complaints procedure are:
  - Easily accessible and publicised on the organisation's website.
  - Simple to understand and put into practice.
  - Impartial and fair to all parties involved.
  - Respectful of confidentiality duties.
  - Continuously under improvement, using information gathered during the procedure to inform the organisation's SLT.
  - Fairly investigated, by an independent person when necessary.
  - Used to address all issues to provide appropriate and effective responses where necessary.
- 4.3. Complaints are expected to be made as soon as possible after an incident arises to amend the issue in an appropriate timescale.
- 4.4. The organisation upholds a three-month time limit in which a complaint can be lodged regarding an incident.
- 4.5. Complaints made outside this time limit will not be automatically refused and exceptions will be considered.
- 4.6. In the case of any timescales changing, all parties involved will be informed of the changes in a timely manner.
- 4.7. Complaints should be made using the appropriate channels of communication, including the use of the [Complaints Procedure Form](#).
- 4.8. All complaints shall be considered, whether they are made in person, by telephone, in writing, electronically via email, or via a third party (such as the Citizen's Advice Bureau).
- 4.9. A complaint can progress to the next stage of the procedure even if it is not viewed as "justified". All complainants are given the opportunity to fully complete the complaints procedure.
- 4.10. Any complaint made against a member of staff will be initially dealt with by the Principal, and then by a committee of the LAB.
- 4.11. Any complaint made against the Principal shall be initially dealt with by a suitably skilled member of the LAB and then by a committee of the LAB
- 4.12. Any complaint made against the chair of LAB or any other member of the governing board should be made in writing to the clerk to the governing board.
- 4.13. Any complaint made against the entire LAB, or complaints involving the chair and the vice chair, should be made in writing to the clerk. The clerk will then determine the most appropriate course of action, depending on the nature of the complaint. This action may involve sourcing an independent investigator



to initially deal with the complaint and then getting the complaint to be heard by co-opted governors from another organisation.

4.14. Under some circumstances, it may be necessary to deviate from the complaints procedure. Any deviation will be documented.

4.15. Information about a complaint will not be disclosed to a third party without written consent from the complainant.

## 5. COMPLAINTS PROCEDURE

### Stage one – Informal concern made to a member of staff

- 5.1. A complaint may be made in person, by telephone or in writing.
- 5.2. The member of staff the complaint has been made against can discuss the concern with the Principal or C.E.O. to seek support.
- 5.3. To prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls are kept and a copy of any written response is added to the record. These notes are kept securely on the organisation's ICT system and, where appropriate, encrypted.
- 5.4. If the concern is about the Principal, the C.E.O. should be informed and will need to handle the complaint. The complainant will then be referred to the chair of the LAB.
- 5.5. In case a complaint is made initially to a governor, the complainant should be referred to the appropriate person. The governor in question should not act alone on a complaint outside the procedure; if they do, they cannot be involved if the complaint is subject to a hearing at a later stage of the procedure.
- 5.6. Within 15 organisation days, the complainant and the relevant member of staff should discuss the issue in a respectful and informal manner to seek a mutual resolution.
- 5.7. At this stage, the complainant will be asked what they think might resolve the issue – any acknowledgement that the organisation could have handled the situation better is not an admission of unlawful or negligent action.
- 5.8. If an appropriate resolution cannot be sought at this informal level, or if the complainant is dissatisfied with the outcome following the initial discussions, the complainant may wish to proceed to the next level of the procedure

### Stage two – Formal complaint made to the Principal

- 5.9. Stage two of the process will be completed within 15 organisation days. Where the situation is recognised as complex, and it is deemed to be unable to be resolved within this timescale, the Principal will contact the complainant to inform them of the revised target date via a written notification.

- 5.10. An appointment with the Principal should be made, as soon as reasonably practical, to avoid any possible worsening of the situation.
- 5.11. If the complaint is against the Principal, the complainant will initially need to write, in confidence, to the chair of the LAB. The chair will seek to resolve the issue informally before moving directly to stage three of the procedure.
- 5.12. Where the Principal or chair of the LAB has made reasonable attempts to accommodate the complainant with dates for a complaint meeting and they refuse or are unable to attend, the meeting will be convened in their absence and a conclusion will be reached in the interests of drawing the complaint to a close.
- 5.13. Where there are communication difficulties, the complaint may be made in person or via telephone.
- 5.14. To prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls are kept, and a copy of any written response is added to the record. These notes are kept securely on the organisation's ICT system and, where appropriate, encrypted.
- 5.15. In terms of a complaint being made against a member of staff, the Principal will discuss the issue with the staff member in question. Where necessary, the Principal will conduct interviews with any relevant parties, including witnesses and pupils, and take statements from those involved.
- 5.16. All discussions shall be recorded by the Principal and findings and resolutions will be communicated to the complainant either verbally or in writing.
- 5.17. Once all facts are established, the Principal shall contact the complainant in writing with an explanation of the decision. The complainant will be advised of any escalation options (for example, escalation to stage three) and will be provided with details of this process.
- 5.18. The complainant will also be provided with copies of minutes, subject to any necessary redactions under the Data Protection Act 2018 and the GDPR.
- 5.19. Any further action the organisation plans to take to resolve the issue will be explained to the complainant in writing.
- 5.20. If the complainant is not satisfied with the outcome suggested, the procedure will progress to stage three.

### **Stage three – Investigation by the chair LAB**

- 5.21. The complainant should submit any complaint in respect of the Principal's investigation in writing (or via an alternative method if necessary) to the chair of LAB.
- 5.22. The chair of LAB will carry out an investigation and consider all available evidence.

- 5.23. If the concern is about the Chair of the LAB, the Chair of the Trustees should be informed and will need to handle the complaint. The complainant will then be referred to the Chair of the Trustees.
- 5.24. The complainant and the Principal will be informed of the outcome within 20 organisation days of the chair of LAB receiving the complaint. The complainant will be advised of any escalation options (for example, escalation to stage four) and will be provided with details of this process.
- 5.25. The complainant will also be provided with copies of minutes, subject to any necessary redactions under the Data Protection Act 2018 and the GDPR.
- 5.26. If the complainant is not satisfied with the manner in which the process has been followed, considers the decision to be perverse, or believes that the chair has acted unreasonably, they may request that the governing board reviews the complaint (stage four).

#### **Stage four – Complaints appeal panel (CAP)**

- 5.27. Following receipt of a stage three outcome, the complaint should be made in writing to the Chair of Trustees within 10 organisation days.
- 5.28. Where there are communication difficulties, the complaint may be made in person or via telephone.
- 5.29. To prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls are kept, and a copy of any written response is added to the record. These notes are kept securely on the organisation's ICT system and, where appropriate, encrypted.
- 5.30. Written acknowledgement of the complaint will be made within three organisation days. This will inform the complainant that a CAP will hear the complaint within 20 organisation days.
- 5.31. Neither the organisation nor the complainant should bring legal representation to the CAP proceedings; however, there are occasions where legal representation will be necessary, for example where an organisation employee is a witness in a complaint, they may be entitled to bring union or legal representation.
- 5.32. The Chair of Trustees, or another nominated governor, will convene a CAP comprising:

**\*Three people not involved in the complaint, one of whom is independent of the management and running of the organisation. Governors are not eligible to be independent panel members.**

- 5.33. Where an independent panel is arranged on an ad-hoc, informal basis, governors who are suitability skilled and who can demonstrate their independence will be sourced.
- 5.34. Governors from any category of governor or associate members of another governing board can be approached to take part in an independent panel.

- 5.35. Governors from academies may be asked to serve on an independent panel.
- 5.36. Where appropriate, the clerk will ask for support from the governor services team at the LA.
- 5.37. Five days' notice will be given to all parties attending the CAP, including the complainant.
- 5.38. Prior to the hearing, the Chair of Trustees will have written to the complainant informing them of how the review will be conducted. The Principal will also have a copy of this letter.
- 5.39. At the hearing, all participants will be given the opportunity to put their case across and discuss any issues.
- 5.40. The CAP will consider issues raised in the original complaint and any issues which have been highlighted during the complaints procedure.
- 5.41. The meeting should allow for:
- \*The complainant to be present and accompanied at the hearing if they wish.
  - \*The complainant to explain their complaint and the Principal to explain the reasons for their decision.
  - \*The complainant to question the Principal, and vice versa, about the complaint.
  - \*Any evidence, including witnesses who have been prior approved by the chair of the CAP, to be questioned.
  - \*Members of the CAP to question both the complainant and the Principal.
  - \*Final statements to be made by both parties involved.
- 5.42. The complainant will receive a written response explaining the panel's findings and recommendations within 15 organisation days. This letter will also explain whether there are any further rights of appeal and to whom they need to be addressed.
- 5.43. Where relevant, the person complained about will receive a summary of the panel's findings and recommendations. They will also receive a copy of the minutes, subject to any necessary redactions under the Data Protection Act 2018 and the GDPR.

### **Final stage – Appeal**

- 5.44. The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing board has acted unlawfully or unreasonably and where it is expedient or practical to do so. In this case, the word “unreasonably” is used in a strict sense and means acting in a way that no reasonable organisation or governing board could act in the circumstances.
- 5.45. If a complainant has exhausted the academy's complaints procedure, they will be advised that they can submit a complaint to the ESFA using the [online form](#) or in writing to:

Ministerial and Public Communications Division  
Department for Education  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

There are exceptional circumstances to the provisions outlined in 5.44. These are outlined in [section 9](#) of this policy.

## 6. INTERVIEWING WITNESSES

- 6.1. When interviewing pupils to gather information regarding a complaint, the interview should be conducted in the presence of another member of staff or, in the case of serious complaints, e.g. where the possibility of criminal investigation exists, in the presence of their parents.
- 6.2. The organisation will ensure that the conduction of interviews does not prejudice an LA designated officer's (LADO), or police, investigation.
- 6.3. The organisation understands the importance of ensuring a friendly and relaxed area which is free from intimidation.
- 6.4. All pupils interviewed will be made fully aware of what the interview concerns and their right to have someone with them.
- 6.5. Staff are allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager.
- 6.6. The interviewer will not express opinions in words or attitude, so as to not influence the interviewee.
- 6.7. The interviewee will sign a copy of the transcription of the interview.

## 7. RECORDING A COMPLAINT

- 7.1. A written record shall be kept of any complaint made, whether made via phone, in person or in writing, detailing:
  - The main issues raised, the findings and any recommendations.
  - Whether the complaint was resolved following an informal route, formal route or panel hearing.
  - Actions taken by the organisation as a result of the complaint (regardless of whether the complaint was upheld).
- 7.2. All records are made available for inspection on the organisation premises by the proprietor and the Principal.
- 7.3. The organisation holds the right to use recording devices, where appropriate, to ensure all parties involved are able to review the discussions at a later date.

- 7.4. Where there are communication difficulties or disabilities, the organisation may provide recording devices to ensure the complainant is able to access and review the discussions at a later point.
- 7.5. Recording devices will not be used without the prior consent of all parties.
- 7.6. Where the organisation allows complainants to record meetings, the following will be considered:
- How any decision to allow recordings may affect any third parties called to act as witnesses
  - The impact and consequences on the individuals involved in the complaint in the event that recordings are lost or leaked
- 7.7. The organisation will not accept, as evidence, any recordings that were obtained covertly and without the informed consent of all parties being recorded.
- 7.8. Details of any complaint made shall not be shared with the entire governing board. The exception to this is when a complaint is made against the whole governing board and they need to be aware of the allegations made against them, to respond to any independent investigation.
- 7.9. Complainants have a right to access copies of these records under the GDPR and the Freedom of Information Act 2000.
- 7.10. The organisation will hold all records of complaints centrally. Correspondence, statements and records relating to individual complaints are kept confidential except where the Secretary of State or a body conducting an inspection requests to access them.

## 8. COMPLAINTS NOT COVERED BY THIS PROCEDURE

- 8.1. Complaints regarding the following topics should be directed to the LA:
1. Statutory assessments of SEND
  2. Organisation re-organisation proposals
  3. Admissions to organisations
- 8.2. Complaints about child protection matters will be handled in line with the organisation's Child Protection and Safeguarding Policy and in accordance with relevant statutory guidance. Any child protection complaints should be directed to the LA designated officer (LADO) or the multi-agency safeguarding hub (MASH).
- 8.3. Complaints concerning admissions will be directed to the appropriate admissions authority.
- 8.4. Complaints about pupils being excluded from the organisation should be dealt with by following the process explained at: <https://www.gov.uk/organisation-discipline-exclusions/exclusions>.

- 8.5. The organisation has an internal whistleblowing procedure for all employees, including contractors and temporary staff. Complaints of this nature should not be addressed using this complaints procedure. These concerns can be directed to Ofsted by telephone on: 0300 123 3155 or via email at: [whistleblowing@ofsted.gov.uk](mailto:whistleblowing@ofsted.gov.uk).
- 8.6. Volunteers who have concerns about the organisation or a member of staff should make their complaint in line with this policy. Volunteers may also be able to complain to the LA or DfE, depending on what the complaint is about.
- 8.7. Staff grievances and disciplinary procedures will be dealt with using the organisation's internal grievance procedure. In these cases, complainants will not be informed of the outcome of any investigations; however, they will be notified that the matter is being addressed.
- 8.8. This complaints procedure is not to be used when addressing any complaints made about services provided by a third party who may use the organisation premises or facilities. All complaints concerning this should be directed to the service provider.
- 8.9. Complaints about the content of national curriculum should be made to the DfE.
- 8.10. Complaints about how the organisation delivers the curriculum, including RE and RSE, will be dealt with using this complaints procedure.
- 8.11. Any complaints about the content of collective worship should be made to the LA, the local Standard Advisory Council on Religious Education or another relevant body.
- 8.12. Complaints from parents who are dissatisfied with the handling of a request to withdraw their child from RE or collective worship will be handled in line with this complaints procedure.

## 9. EXCEPTIONAL CIRCUMSTANCES

- 9.1. The DfE expects complainants to have completed the organisation's complaints procedure before directing a complaint to them. The exceptions to this include when:

- \*Pupils are at risk of harm.

- \*Pupils are missing education

- \*A complainant is being prevented from having their complaint progress through the organisation's complaints procedure.

- \*The DfE has evidence that the organisation is proposing to act or is acting unlawfully or unreasonably.

- 9.2. If a social services authority decides to investigate a situation, the Principal or governing board may postpone the complaints procedure.

- 9.3. Where a matter can be resolved through a legal appeal, it will not be considered as a formal complaint. The key areas are: admissions decisions, certain decisions relating to formal assessment of SEND, and decisions to permanently exclude a child.
- 9.4. If a complainant commences legal action against the organisation in relation to their complaint, the organisation will consider whether to suspend the complaints procedure, until those legal proceedings have concluded.

## 10. DUPLICATE COMPLAINTS

- 10.1. There may be some cases where at the end of the complaints procedure, the organisation receives a duplicate complaint from a complainant's spouse, partner, grandparent or child.
- 10.2. Where the complaint is about the same subject, the new complainant will be informed that the organisation has already considered that complaint and that the local process has been completed. The new complainant will be advised to contact the DfE if they are dissatisfied with the organisation's handling of the original complaint.
- 10.3. The organisation will take care not to overlook any new aspects to the complaint that may not have been previously considered. Any new elements of a complaint will be investigated and dealt with in line with the full complaints procedure.

## 11. SERIAL AND PERSISTENT COMPLAINTS

- 11.1. The organisation will act in a manner they believe to be appropriate when dealing with an individual who consistently makes the same complaints or who continuously asks the organisation to reconsider their position.
- 11.2. If a complainant attempts to re-open an issue which has previously fully completed the complaints procedure, the chair of the LAB will inform the complainant that the matter is now closed.
- 11.3. If the complainant contacts the organisation regarding the same issue again, the complaint may be classed as 'serial' or 'persistent' and the organisation does not have an obligation to respond.
- 11.4. The organisation must ensure that a complaint is not classed as 'serial' before they have fully completed the complaints procedure.
- 11.5. The organisation will not take the decision to stop responding to an individual lightly. The organisation will ensure that:
- \*They have previously taken every reasonable step to address the problem.
  - \*They have provided the complainant with a statement of their position.



\*The complainant is contacting the organisation repeatedly with the same complaint.

- 11.6. If the organisation believes that the complainant is continuously contacting the organisation to cause disruption or inconvenience, or if the complainant is being abusive or threatening, the organisation has the right to not respond to the complainant.
- 11.7. Once the organisation decides to no longer respond to a complainant, the individual will be informed of this decision in writing.
- 11.8. If the organisation finds it difficult to deal with a complainant due to their unreasonable behaviour, then their complaint can be directed to the LA.
- 11.9. The complainant has the right to a third-party representative, such as the Citizens' Advice Bureau, throughout the complaints procedure.
- 11.10. Any new complaint made by a 'serial' complainant will be responded to.
- 11.11. Complainants hold the right to refer their complaint to their local MP. This would not make the individual a 'serial' or 'persistent' complainant.

## 12. COMPLAINTS CAMPAIGNS

- 12.1. For the purposes of this policy, "complaints campaigns" are where the organisation receives large volumes of complaints that are all based on the same subject.
- 12.2. Where the organisation becomes the subject of a complaints campaign from complainants who are not connected with the organisation, a standard, single response will be published on the organisation's website.
- 12.3. If the organisation receives a large number of complaints about the same subject from complainants who are connected to the organisation, e.g. parents, each complainant will receive an individual response.
- 12.4. If complainants remain dissatisfied with the organisation's response, they will be directed to the DfE.

## 13. BARRING FROM THE PREMISES

- 13.1. Organisation premises are private property and therefore any individual can be barred from entering the premises.
- 13.2. If an individual's behaviour is cause for concern, the Principal can ask the individual to leave the premises.
- 13.3. The Principal will notify the parties involved in writing, explaining that their implied licence for access to the premises has been temporarily revoked and why, subject to any representations that the individual may wish to make.

- 13.4. The individual involved will be given the opportunity to formally express their views regarding the decision to bar them.
- 13.5. This decision to bar will be reviewed by the chair of LAB or a committee of governors, taking into account any discussions following the incident.
- 13.6. If the decision is made to continue the bar, the individual will be contacted in writing, informing them of how long the bar will be in place, they will also be informed of when the decision will be reviewed.
- 13.7. Anyone wishing to make a complaint regarding a barring order can do so in writing, including email, to the Principal or chair of governors.
- 13.8. Once the organisation's complaints procedure is completed, the only remaining avenue of appeal is through the Courts.

## 14. STANDARD OF FLUENCY COMPLAINTS

- 14.1. As members of a public authority, all staff are subject to the fluency duty imposed by the Immigration Act 2016, which requires staff members to have an appropriate level of fluency in English in order to teach pupils.
- 14.2. The organisation is free to determine the level of spoken communication necessary in order for staff members to develop effective performance, but it will be matched to the demands of the role in question.
- 14.3. The organisation will be satisfied that an individual has the necessary level of fluency appropriate for the role they will be undertaking, whether this is an existing or potential new member of staff.
- 14.4. If a member of the organisation community feels that a staff member has insufficient proficiency in spoken English for the performance of their role, they are required to follow the complaints procedure outlined in [section 5](#) of this policy.
- 14.5. For the purpose of this policy, a "legitimate complaint" is one which is about the standard of spoken English of a member of staff; complaints regarding an individual's accent, dialect, manner or tone of communication are not considered legitimate complaints.
- 14.6. All legitimate complaints regarding the fluency duty will be handled in line with the processes outlined in this policy.
- 14.7. In addition to the processes outlined in this policy, the organisation will assess the merits of a legitimate complaint against the necessary standard of spoken English fluency required for the role in question.
- 14.8. To assess the merits, the organisation will undertake an objective assessment against clear criteria set out in the role specification or, against the level of fluency descriptors relevant to the role in question.
- 14.9. If the complaint is upheld, the organisation will consider what action is necessary to meet the fluency duty; this may include:

1. Specific training
2. Specific re-training
3. Assessment
4. Re-deployment
5. Dismissal

14.10. Appropriate support will be provided to staff to ensure that they are protected from vexatious complaints and are not subjected to unnecessary fluency testing.

14.11. Records of complaints regarding fluency will be kept in accordance with the processes outlined in [section 7](#) of this policy.

## 15. ROLE OF THE ORGANISATION COMPLAINTS UNIT (SCU)

15.1. If a complainant remains dissatisfied once the complaint procedure has been completed, they have the right to refer their complaint to the Secretary of State.

15.2. If a complainant wishes to escalate a complaint of bias, the DfE will require evidence to be submitted with the complaint.

15.3. The Secretary of State will only intervene when they believe that the governing board has acted unlawfully or unreasonably.

15.4. The SCU will not overturn an organisation's decision about a complaint except in exceptional circumstances, such as the organisation acting unlawfully.

15.5. When making a final decision about a complaint, the organisation reserves the right to seek advice from the SCU on whether they are acting reasonably and lawfully; however, they will not be able to advise on how to resolve the complaint.

## 16. TRANSFERRING DATA

16.1. When a pupil changes organisation, the pupil's educational record will be transferred to the new organisation and no copies will be kept.

16.2. The organisation will hold records of complaints separate to pupil records while a complaint is ongoing, so that access to these records can be maintained.

16.3. Information that the organisation retains relating to a complaint will be stored securely and in line with the organisation's Records Management Policy.

## 17. AVAILABILITY

17.1. A copy of this policy will be made available on request. It will also be published on the organisation website, as recommended by the ESFA.

## 18. REVIEWING THE PROCEDURE

- 18.1. The complaints procedure will be reviewed every two years, taking into account the latest guidance issued by the DfE.
- 18.2. Responsibility for reviewing the procedure belongs to a committee of the LAB, an individual governor or the Principal.
- 18.3. All projected review dates will be adhered to.
- 18.4. Information gathered through reviewing the complaints procedure will be used to continuously improve and develop the process.
- 18.5. The monitoring and reviewing of complaints will be used to help evaluate the organisation's performance.

## UNREASONABLE COMPLAINANTS POLICY

Vantage Academt Trust is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. We will not normally limit the contact complainants have with the organisation; however, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

The organisation defines unreasonable complainants as 'those who, because of the frequency or nature of their contacts with the organisation, hinder our consideration of their or other people's complaints'.

A complaint may be regarded as unreasonable when the person making the complaint:

1. Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance.
2. Refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
3. Refuses to accept that certain issues are not within the scope of a complaints procedure.
4. Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
5. Introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales.
6. Makes unjustified complaints about staff who are trying to deal with the issues and seeks to have them replaced.
7. Changes the basis of the complaint as the investigation proceeds.
8. Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed).
9. Refuses to accept the findings of the investigation into that complaint where the organisation's complaints procedure has been fully and properly implemented and completed including referral to the DfE.
10. Seeks an unrealistic outcome.
11. Makes excessive demands on organisation time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:

1. Maliciously
2. Aggressively

3. Using threats, intimidation or violence
4. Using abusive, offensive or discriminatory language
5. Knowing it to be false
6. Using falsified information
7. Publishing unacceptable information in a variety of media such as in social media websites and newspapers

Complainants should limit the numbers of communications with a organisation while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the Principal or chair of governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues, the Principal will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the organisation causing a significant level of disruption, the organisation may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after six months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the premises.

## COMPLAINTS PROCEDURE FORM

If you have tried unsuccessfully to resolve your complaint and wish to take the matter further, please complete this form and send it to the Principal. (If your complaint is against the Principal, you will need to send the form to the chair of the LAB.)

Name:	Address:
Daytime telephone number:	
Evening telephone number:	
Email:	
What is your complaint concerning, and what action would you like the Principal to take?	
When did you discuss your concern/complaint with the appropriate member of staff?	
What was the result of the discussion?	
Signed:	Date:

# EXAMPLE LETTER TO COMPLAINANT FOR A STAGE THREE COMPLAINT

(Address line one)

(Address line two)

(Town)

(County)

(Postcode)

(Date)

RE: Stage three complaint

Dear addressee's name,

Thank you for your letter dated date setting out the reasons why you are not satisfied with the Principal's response to your complaint about details of the complaint.

I am writing to let you know that I will be arranging for a complaints appeal panel (CAP) to consider your complaint, in accordance with our organisation's complaints procedure.

As explained in the procedure, the chair of the CAP will advise, in writing, how the CAP intends to consider your complaint.

Yours sincerely,

Chair of the LAB



## EXAMPLE LETTER FOR COMPLAINTS AGAINST THE PRINCIPAL

(Address line one)

(Address line two)

(Town)

(County)

(Postcode)

(Date)

RE: Complaint against the Principal

Dear addressee's name,

I have received your complaint against the Principal of name of organisation.

I write to let you know that I have forwarded a copy of your complaint to the Principal, with a request that they respond to the issues raised in the complaint within 10 organisation days.

A copy of the Principal's response will be sent to you as soon as possible.

If you are not satisfied with the Principal's response, I will arrange for a complaints appeal panel (CAP) to consider your complaint in accordance with stage two of the attached complaints procedure.

As explained in the procedure, the chair of the CAP will advise you, in writing, how the complaint will proceed.

Yours sincerely,

Chair of the LAB

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