



# Complaints Policy

**"I am the vine; you are the branches.  
If you remain in me and I in you, you will bear much fruit"  
(John 15:5)**

This is a mandatory policy for all Vine schools that has been noted and implemented with no amendments by this school.

Policy Reference:	A007 V6
Approved by Vine Schools Trust on:	Autumn 2 2023
Adopted by this school on:	Spring 2024
Next review:	Autumn 2 2024

## Vision & Values

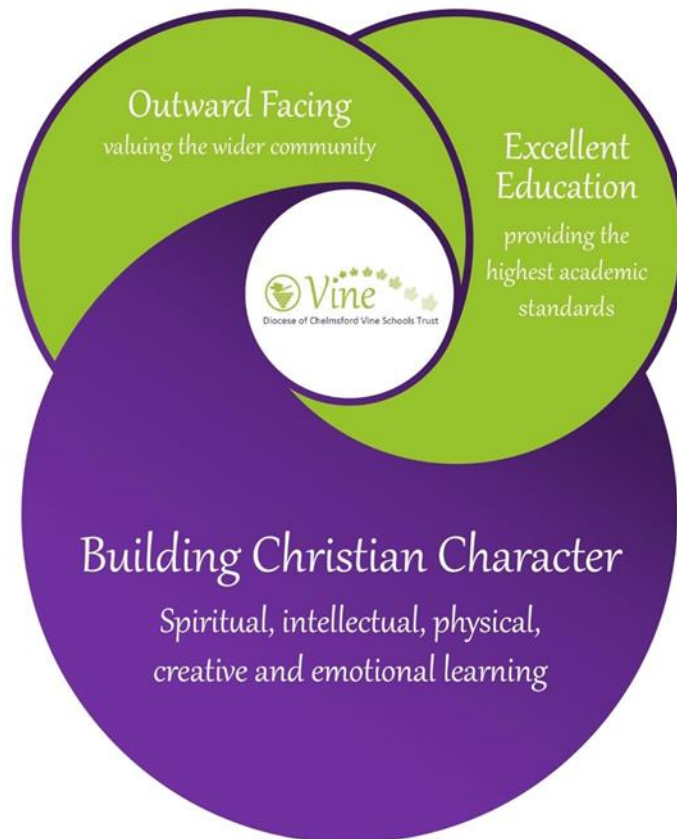
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**Valuing every person**

**Inspiring great teaching**

**Nurturing academic excellence and Christian Character**

**Excelling, unlocking great potential**



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Source: <https://www.gov.uk/government/publications/setting-up-an-academies-complaints-procedure>

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## Updates since last edition

All	Branding	Changes to fonts and colours
All	Gender neutrality	Changes to ensure gender neutral language
	Additional Appendixes and updated Index Clarification over third party providers Complaint campaigns guidance Clarify role of supporter Add commentary on taking of minutes. Reflect us of external, independent clerking service from schools Choice.	To support clarity and aid compliance of process
	GDPR compliance.	Addition of NDA in content and template as an appendix
	Change LSB to SGB Clearer link between behaviour policy and complaints policy Clearer link to barring	Additional sentence added Link to DFE document added

## 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
- co-operate 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 head teacher 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 head teacher or CEO / designated complaints governor or trustee or other staff member providing administrative support.

**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 Trust or the Clerk 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.

### **Clerk to the Local Schools Board / Complaints Committee**

The Clerk to the Local Schools Board is the contact point for the complainant and can be

contacted by sending a letter via the School Office marked 'FAO the Clerk to the LSB'. Any escalation to Stage 2 or Stage 3 will be made to the clerk.

Once a Stage 3 complaint has been received an independent clerk from Schools Choice will:

- 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 Clerk) 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 Clerk (and complaints co-ordinator, if the school has one).

### Committee 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 is not found 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.

## Who can make a complaint?

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 the school 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.

Any third party provider, who uses the school (e.g, a Before and After School Provider) is required to implement their own complaints procedure. Any complaints about a third-party provider should therefore be made directly with the provider in accordance with their procedures.

### **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'*.

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. Schools within The Vine Schools Trust 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 head 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 school will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

### **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 on a complainant, if they have appropriate consent to do so.

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

Complaints that involve or are about the head teacher should be addressed to the chair of the School Governance Board, via the school office. Please mark them as Private and

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Source: <https://www.gov.uk/government/publications/setting-up-an-academies-complaints-procedure>

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Confidential.

Complaints about the Chair of the School Governance Board, any individual School Governance Board member or the whole School Governance Board should be addressed to the Clerk to the School Governance Board 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 Chair of Trustees, via the trust office. Please mark them as Private and Confidential.

For ease of use, a template complaint form is included at the end of this procedure. 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.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

### **Anonymous complaints**

We will not normally investigate anonymous complaints. However, the head teacher or Chair of the School Governance Board, if appropriate, will determine whether the complaint warrants an investigation.

### **Time scales**

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

### **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.

### **Scope of this Complaints Procedure**

This procedure covers all complaints about any provision of community facilities or services by The Vine Schools Trust other than complaints that are dealt with under other statutory procedures, a list of which can be found in Appendix A

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 the school in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

### **Resolving complaints**

At each stage in the procedure, The Vine Schools Trust wants 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.

### **Withdrawal of a complaint**

A complaint can be withdrawn by the complainant at any point within the procedure. If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

### **Complaint Campaigns**

Should the School become the focus of a complaints campaign and the Headteacher receive large volumes of complaints which are:

- all based on the same subject or
- from complainants unconnected with the school

then actions will be taken to provide a consistent, efficient and timely response to all complainants in the most appropriate manner. This could include:

- sending a template response to all complainants
- publishing a single response on the school's website
- providing a uniformed response through existing forms of communication e.g. newsletter

Any communications will also signpost complainants to their next steps if they remain dissatisfied.

### **Stage 1 – Concerns**

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

Concerns should be raised with an appropriate member of staff e.g. the class teacher or deputy head, who will:-

- Agree the most suitable time to meet and listen to your concern
- Make a record of your concern and either:
  - Resolve your concern within your discussion e.g by clarifying a misunderstanding, explaining a school rule/expectation
  - Agree with you any actions or adaptations that can be implemented to resolve your concern. These may be actioned or monitored over a period of time as appropriate and agreed.
  - Agree that your concern needs more investigation and that an informal written response will be provided to you within 10 days of the concern being raised.

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.

If your concern remains unresolved, the next step is to make a formal complaint.

## **Stage 2 – Formal complaint**

Formal complaints must be made to the head teacher (unless they are about the head teacher), via the school office. This may be done in person or in writing (preferably on the Complaint Form in Appendix C).

The head teacher 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 head teacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The head teacher can consider whether a face-to-face meeting is the most appropriate way of doing this.

*Note: The head teacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.*

During the investigation, the head teacher (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 head teacher will provide a formal written response within 10 school days of the date of receipt of the complaint.

If the head teacher 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 head teacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

If the complaint is about the head teacher, or a member of the School Governance Board (including the Chair or Vice-Chair), a suitably skilled School Governance Board member from the Trust will be appointed to complete all the actions at Stage 2.

Complaints about the head teacher or member of the School Governance Board must be made to the Clerk, via the school office.

**If the complaint is:**

- jointly about the Chair and Vice Chair or
- the entire School Governance Board or
- the majority of the School Governance Board

then Stage 2 will be escalated to the CEO of the Trust.

**Stage 3 – Complaints Committee 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 with one panel member who is independent of the management and running of the school. This is the final stage of the complaints procedure.

To ensure three independent and impartial panel members are appointed it may be necessary to engage external Governors or governance professionals to support with either Stage 2 or 3 of this process. Where such independence is required, these individuals will most likely be selected from the governing board of another school or Trust. Where this is the case, the school will ask the independent individuals to sign non-disclosure agreements to ensure confidentiality. See appendix I for NDA template.

A request to escalate to Stage 3 must be made to the Clerk, via the school office, within 5 school days of receipt of the Stage 2 response.

The Clerk 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 Clerk 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 2 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk 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 School Governance Board or
- the majority of the School Governance Board

Stage 3 will be organised by the Trust Governance Lead and Clerk to be heard by three independent and impartial panel members, who have no prior knowledge of the complaint or persons involved.

A complainant may bring someone along to the panel meeting to provide support. The role of 'supporter' can be a relative or friend and their role is to purely provide support to the complainant, not to speak on behalf of the complainant. In exceptional circumstances a supporter may speak on behalf of the complainant. Any such request should be made via the clerk to the panel ahead of the meeting. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be 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.

Panel hearings will be held face to face in an appropriate venue e.g a neutral, local venue.

At least 5 school days before the meeting, the Clerk 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 3 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. Minutes will be taken by the clerk purely as a record to aid the panel in their decision making. Copies of the minutes may be shared with the complainant and School, if requested.

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 systems or procedures to prevent similar issues in the future.

On behalf of the Complaints committee, the clerk will circulate the outcome letter to the School and Complainant. This will include a full explanation of their decision and the reason(s) for it, and may include recommendations. This will be circulated in writing and sent within 10 school days.

The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by the school.

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.

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

If a complaint is escalated to The Vine Schools Trust “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 school days of the date that the written request was received. The acknowledgement will confirm that the complaint will now be investigated under Stage 2 of this Complaints Policy and will confirm the date for providing a response to the complainant.

Following the investigation, the CEO will write to the complainant confirming the outcome within 10 school days of the date that the letter was received. If this time limit cannot be met, the CEO will write to the Complainant within 10 school days of the date at the letter was received, explaining the reason for the delay and providing a revised date.

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 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.*

If the complainant is not satisfied with the outcome of the previous stage, the complainant should write to the Clerk to the Trust Board asking for the complaint to be heard before a Complaint Panel, within 20 school days.

The Clerk 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 Clerk 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 2 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk 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 trust board or
- the majority of the trust board

Stage 3 will be heard by a completely independent and impartial committee panel as organised jointly between the Clerk and the Trust Governance Lead.

The Complaint Panel will consist of three members. None of the three members of the Complaint Panel will have been involved in the incidents or events which led to the complaint or have been involved in dealing with the complaint in the previous stages, or have any detailed prior knowledge of the complaint.

One of the Complaint Panel members will be independent of the management and running of the Academy Trust. This means that the independent Complaint Panel member will not be a Trustee or an employee of the Trust.

A complainant may bring someone along to the panel meeting to provide support. The role of 'supporter' can be a relative or friend and their role is to purely provide support to the complainant, not to speak on behalf of the complainant. In exceptional circumstances a supporter may speak on behalf of the complainant. Any such request should be made via the clerk to the panel ahead of the meeting. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.

For instance, if a trust 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 staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.*

Representatives from the media are not permitted to attend.

At least 5 school days before the meeting, the Clerk 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 3 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 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 systems or procedures to prevent similar issues in the future.

The Chair of the Committee will provide the complainant and The Vine Schools Trust with a full explanation of their decision and the reason(s) for it, in writing, within 10 school days.

The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by The Vine Schools Trust.

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 Vine Schools Trust 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.

### **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 ESFA after they have completed Stage 3.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by The Vine Schools Trust. 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](#).

The complainant can refer their complaint to the ESFA online at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by telephone on: 0370 000 2288 or by writing to:

Academy Complaints and Customer Insight Unit  
Education and Skills Funding Agency  Cheylesmore House  
5 Quinton Road  
Coventry  
CV1 2WT

## Appendix A – Areas that are not considered under the complaints policy

Exceptions	Who to contact
Admissions to schools	Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority.
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). Essex Duty LADO number: 03330 139 797</p>
Exclusion of children from school*	<p>Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</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 direct 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 about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p>
Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.
Staff conduct	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action</p>

	taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.
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## Appendix B - How we manage serial and unreasonable complaints

The Vine Schools 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 our schools. 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.

This school defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- refuses to co-operate with the complaints investigation process
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- changes the basis of the complaint as the investigation proceeds
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education
- seeks an unrealistic outcome
- makes 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
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums
- repeatedly raises their concerns in a manner which is not in line with the expectations detailed in the Schools Behaviour and Relationships policy or other published school expectations (e.g. home school agreement, visitor charter).

Complainants should try to limit their communication with the school that relates to their complaint, while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.

Complainants should refrain from using social media outlets to voice their opinions and content of their complaint as this will hinder the ability of the school to complete their investigation.

Whenever possible, the head teacher or Chair of the School Governance Board will discuss any concerns with the complainant informally before applying a 'serial' or '*unreasonable*' marking.

If the behaviour continues, the head teacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact the school, causing a significant level of disruption, we will allocate an appropriate member of staff to be the named point of contact; specify appropriate methods of communication and limit the number of contacts. This will be recorded as part of an agreed communication plan. This will be reviewed after six months.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from the school. If barring is considered then the school will follow the DFE guidance on Controlling Access to School Premises: [Controlling access to school premises - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

## APPENDIX C - Complaint Form

Before you make a formal complaint and to help ensure that you have completed the informal school procedures (stage 1), it is recommended that you ask the following questions:

- Have I communicated my concern or worry to the Class Teacher, Deputy head?
- Have I followed the guidance provided to me?
- Have I allowed a sufficient period of time for actions and improvements to be implemented?
- Am I dissatisfied with the action taken or the way I have been treated?
- Is my concern unresolved?

If you answer yes to these questions then you may wish to make a formal complaint.

This form can be used to make your formal complaint to your school. This form should be completed and submitted via the school office, FAO The Headteacher and within 3 months of the incident. Please mark as Private and Confidential. A letter of acknowledgement will be sent within 5 school days of receipt of this form and will explain the next steps in the process. For further information please refer to the Schools Complaints Policy which can be found here: [A007 Complaints Policy May 2019 v2 0.pdf](http://wpengine.com) ([wpengine.com](http://wpengine.com))

<b>Your name:</b>
<b>Pupil's name (if relevant):</b>
<b>Your relationship to the pupil (if relevant):</b>
<b>Address:</b>
<b>Postcode:</b>
<b>Day time telephone number:</b>
<b>Evening telephone number:</b>
<b>Nature of Complaint: What is the main reason for your complaint?</b>

**Please give details of your complaint, including whether you have spoken to anybody at the school about it and what actions (if any) have already been taken (please add any relevant dates or times).**



<b>What actions do you feel might resolve the problem at this stage?</b>
<b>Are you attaching any paperwork? If so, please give details.</b>
<b>Signature:</b>
<b>Date:</b>
<b>Official use</b>
<b>Date acknowledgement sent: (see template in Appendix D)</b>
<b>By who:</b>
<b>Complaint referred to (appointed investigator):</b>
<b>Date:</b>
<b>Date by which full response and decisions needs to be sent to complainant (by Headteacher – see template in Appendix E):</b>
<b>Date response sent:</b>
<b>By who:</b>
<b>ADVICE GIVEN FOR REFERRAL TO INFORMAL STAGE (if appropriate)</b>
<p>Because the complaint form showed that the complainant had not completed the informal part of the complaints procedure I contacted the complainant to discuss the stages. I directed them to the complaints policy, suggested an appropriate member of staff for them to talk to and encouraged them to work with the school to find a resolution informally (indicate response).</p> <ul style="list-style-type: none"> <li>• They agreed this course of action and will now seek an informal resolution.</li> <li>• They disagreed or had grounds to go straight to a formal complaint. This complaint will continue to be investigated as a formal complaint.</li> </ul>
<b>Date:</b>
<b>Signature:</b>

## Appendix D – Acknowledgement Letter

School Address

Contact details

Date (within 5 days of complaint letter)

Complainant Name

Address

Dear (Complainant Name)

I acknowledge receipt of your complaint letter / Complaint Form dated (insert date) in which you raise a formal complaint about (nature of complaint/person).

I understand from your complaint that you have already completed the informal part of our complaints procedure and would now like to make a Formal Complaint. I will now, therefore, be following the procedures set down in our Complaints Policy, which for your information, can be found on our website here:

[A007\\_Complaints\\_Policy\\_May\\_2019\\_v2\\_0.pdf \(wpengine.com\)](#)

Having read your complaint I have decided that (name of delegated member of staff or Head) will be the most appropriate person to investigate your complaint and therefore (they/I) will undertake the role of Investigator.

(name of investigator/I) will now: (select or add to appropriate actions to be undertaken)

- interview those involved
- interview those who are considered witness to or have first-hand knowledge
- reference relevant policies, records and evidence.

(I/He/She) will keep a written record of the investigation and will make contact with you again should there be any further questions or clarifications needed regarding your complaint.

Once the investigation has been completed you will receive a formal written response (example letter in Appendix E) by (date within ten days of original complaint letter) where a full explanation of the decision made and the reason(s) for it will be provided along with, if appropriate, details of any actions that will be taken to resolve the complaint.

Please note: You may choose to retract your formal complaint at any time during the process, however, notice of this will be required in writing.

Yours Sincerely

Headteacher

## Appendix E – Response Letter

School Address

Contact details

Date

Complainant Name

Address

Dear (Complainant Name)

Following your formal complaint about (insert nature of complaint/person) I can confirm that I (have spoken with the investigator who has / as the investigator have) now completed a thorough investigation into the matter following the procedures set down in our Complaints Policy.

Please find below details of the investigation, findings and actions.

**Your original complaint was:** (one line summary of complaint)

**Your suggested resolution to the complaint was:** (insert complainants expected outcome)

**In order to investigate your complaint fully the investigator/I:** (select and add to the list of activities undertaken as appropriate)

- interviewed the (pupils/adults)involved
- interviewed the (adults/pupils) who were considered to be a witness to or have first-hand knowledge of the complaint
- referenced relevant policies such as (name policies)
- met with you in person / made contact with you by phone to clarify / expand on the information contained in your complaint Form
- kept a written record of the investigation.

As a result I am happy that a full investigation has now been completed and all relevant information has been gathered.

**Based on the evidence collected findings are as follows:**

<b>Finding</b>	<b>Evidence</b>
(Single statements of fact*)	(why this is the case)
<i>Example: The Schools Risk Assessment, procedures and processes implemented at the School are stringent and have been implemented with the priority aim to safeguard all pupils and staff.</i>	<i>Risk Assessment</i> <i>Parent letters</i>

**As a result of the investigation the following actions have been suggested / implemented:**

<b>Action</b>	<b>By whom</b>	<b>By when</b>
(*single statements – could include an apology/change in policy/additional resources/review etc)		
<i>Example: A review of first aid procedures to be undertaken to include increased early communication with parents.</i>	<i>To be shared with staff at next staff meeting and procedures to be amended.</i>	<i>Implemented</i>

I am happy that the additional actions, listed above will enhance our practice and reduce the risk of such a situation arising again, as well as provide a resolution to your complaint.

**In conclusion:**

In your complaint you (insert original complaint). I am able to confirm that your complaint has been fully investigated and that your complaint has been (upheld / resolved).

In your complaint you suggested that (insert complainant's expected outcome) would be a suitable resolution. I can confirm, that (select appropriate response)

- this action has been taken to resolve your complaint / or will be taken to resolve your complaint.
  
- I am unable to action your request because (explain why) but am happy that the actions listed above will sufficiently resolve the complaint.

I am happy that each of the relevant Staff and Pupils at (name of school) have complied fully with the investigation; that your complaint has been taken seriously and that it has been dealt with in accordance with the School's Complaints Policy. This concludes Stage 2 of the complaints policy.

Should you, however, remain dissatisfied with the outcome of Stage 2 and wish to take your complaint further then you may escalate the complaint to Stage 3 – the final stage of the complaints procedure. A request to escalate to Stage 3 must be made in writing to the Clerk, via the school office, within 5 school days of receipt of this letter. Please refer to the Complaints policy for more details

[A007\\_Complaints\\_Policy\\_May\\_2019\\_v2\\_0.pdf \(wpengine.com\)](#)

Yours Sincerely

Headteacher

*\*Guidance note: resolution could include:*

- *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 (an apology or acknowledgement that the school could have handled the situation better is not the same as an admission of unlawful or negligent action).*

*These should be reflected in your letter.*

## Appendix F – Clerk stage 3 Acknowledgement Letter

For Stage 3 complaints an independent clerk will be appointed from Schools Choice. These are purely example templates to provide you with an example of the content and type of letter that you will receive from the Schools Choice Clerk.

Date (within 5 days of Stage 2 complaint letter)

Complainant Name  
Address

Dear (Complainant Name)

I am writing to acknowledge receipt of your letter dated (insert date) in which you state that you are not satisfied with the outcome of Stage 2 of your complaint and have requested that your complaint be escalated to stage 3 under the School's Complaints Policy, which is the final stage of the complaints procedure.

I will now, therefore, be following the procedures set down in the School Complaints Policy, which as a reminder can be found on the School's website here:

[A007 Complaints Policy May 2019 v2 0.pdf \(wpengine.com\)](#)

I can confirm that a meeting will be convened to consider the details of your complaint by an independent and impartial Complaints Panel (the Committee). In order to ensure that the Committee who hears your complaint has no prior knowledge of the complaint, I will put together a panel comprising of members who have not had prior involvement in the complaint or in the circumstances surrounding it. I hope that this will ensure the Committee achieves its aim of reconciliation between you and the School.

The aim is to arrange a meeting of the Complaints Committee to be held within twenty days of receipt of your letter requesting that your complaint be escalated. The Committee members will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to your needs.

I will contact you again in the next few days with details of the Committee meeting and procedures. Please be assured that all complaints are taken seriously and I will endeavour to get back to you as quickly as possible.

Finally please note that you may choose to retract your formal complaint at any time during the process, however, notice of this will be required in writing.

Yours sincerely

Clerk to the Local Schools Board/Governors Complaints Committee

## Appendix G – Clerks Complaints Committee Letter

School Address

Contact details

Date (at least 5 days ahead of the meeting)

### Private & Confidential

Complainant Name

Address

Dear (Complainant Name)

Further to my letter dated (date of letter) I am writing with details of the consideration of your complaint under Stage 3 of the School's Complaints Policy as requested in your letter of (date of letter). As explained this is a formal process and the final stage of the complaints process and your ultimate recourse at school-level.

I can confirm that a meeting has been convened to consider the details of your complaint by an independent and impartial Complaints Committee (the Committee). In order to ensure that the Committee who hears your complaint has no prior knowledge of the complaint, I have put together a panel comprising of members who have not had prior involvement in the complaint or in the circumstances surrounding it. I hope that this will ensure the Committee achieves its aim of reconciliation between you and the school.

The Committee will meet on [**Day, date and time of meeting**] and will be held at [**venue**].

The Committee will comprise of three Members as follows:

[Committee Member 1 Name and position e.g. Member of Local Schools Board or Independent Member] (Chair of the Panel)

[Committee Member 2 Name and position]

[Committee Member 3 Name and position] (to be independent of school/trust)

The purpose of the Committee meeting is to encourage resolution of the matters set out in your letter between yourself and (NAME OF SCHOOL). This resolution will be undertaken via the Panel establishing the facts and reaching any findings or recommendations to address the matters raised.

An agenda for the meeting setting out the process and procedure for the Committee meeting as well as any other documentation or evidence in support of either party [*select: thus far is enclosed with this letter/ will be issued on [date at least 2 days before the meeting]*]

If you have any additional documents or other written submissions (including written witness statements) that you wish to bring to the attention of the Committee

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Source: <https://www.gov.uk/government/publications/setting-up-an-academies-complaints-procedure>

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members to support your complaint, please ensure these are also with me as soon as possible and by no later than 12 noon on **[date]** so that I may ensure the Committee members receive them in advance of the meeting on [date of meeting].

You may bring someone along to the committee meeting to provide support. This can be a relative or friend and I would be grateful if you could advise me as soon as possible if you are intending to be accompanied so that I may make sure the necessary arrangements are in place.

You may also call witnesses to attend the meeting that hold information relevant to your complaint. This is at the discretion of the Chair of the Committee. If you are intending to call any witnesses I would be grateful if you could notify me in writing with their full names by **12 noon** on [date].

A representative(s) from the school will also be invited to attend and to submit any additional written documentation in advance of the meeting. If any additional information is received this will be sent to you with the agenda due to be dispatched on [at least 2 days before meeting].

The school may also call a reasonable number of witnesses to attend the meeting. Again, if the school have called any witnesses to attend, details will be set out in the agenda due to be dispatched on **[date]**.

The format of the meeting which will be fully detailed in the agenda will allow time for the following:

- You to present your complaint to the Committee
- You to be questioned by the school about the complaint
- The School to present their response to include an explanation of the investigation carried out and the outcomes found
- You to question the school about the complaint
- The Committee members to question you and the School
- Any party to have the right to call witnesses as pre-agreed by the Chair of the Committee
- You and the School to make final statements

After all parties have stated their cases, they will leave the room. The Committee remains to make its decision. They will then consider the complaint and all the evidence

presented in order to:

- 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 systems or procedures to prevent similar issues in the future.

The decision will be communicated in writing not later than 10 school days after the Committee has met.

Please note that if you are unable to attend on this date or any two further dates offered, without good reason, then I will decide when to hold the meeting. It will then proceed in your absence on the basis of written submissions from both parties.

I have enclosed a copy of the School's Complaints Policy with this letter for your information.

**Please confirm to me as soon as possible and by [date – at least five days ahead of the meeting] at the latest whether you are available to attend the meeting and whether you will be submitting any further papers.**

If you decide to withdraw your complaint in the meantime, please let me know in writing as soon as possible.

I can be contacted by writing to Schools Choice at the address at the top of this letter

Yours sincerely,

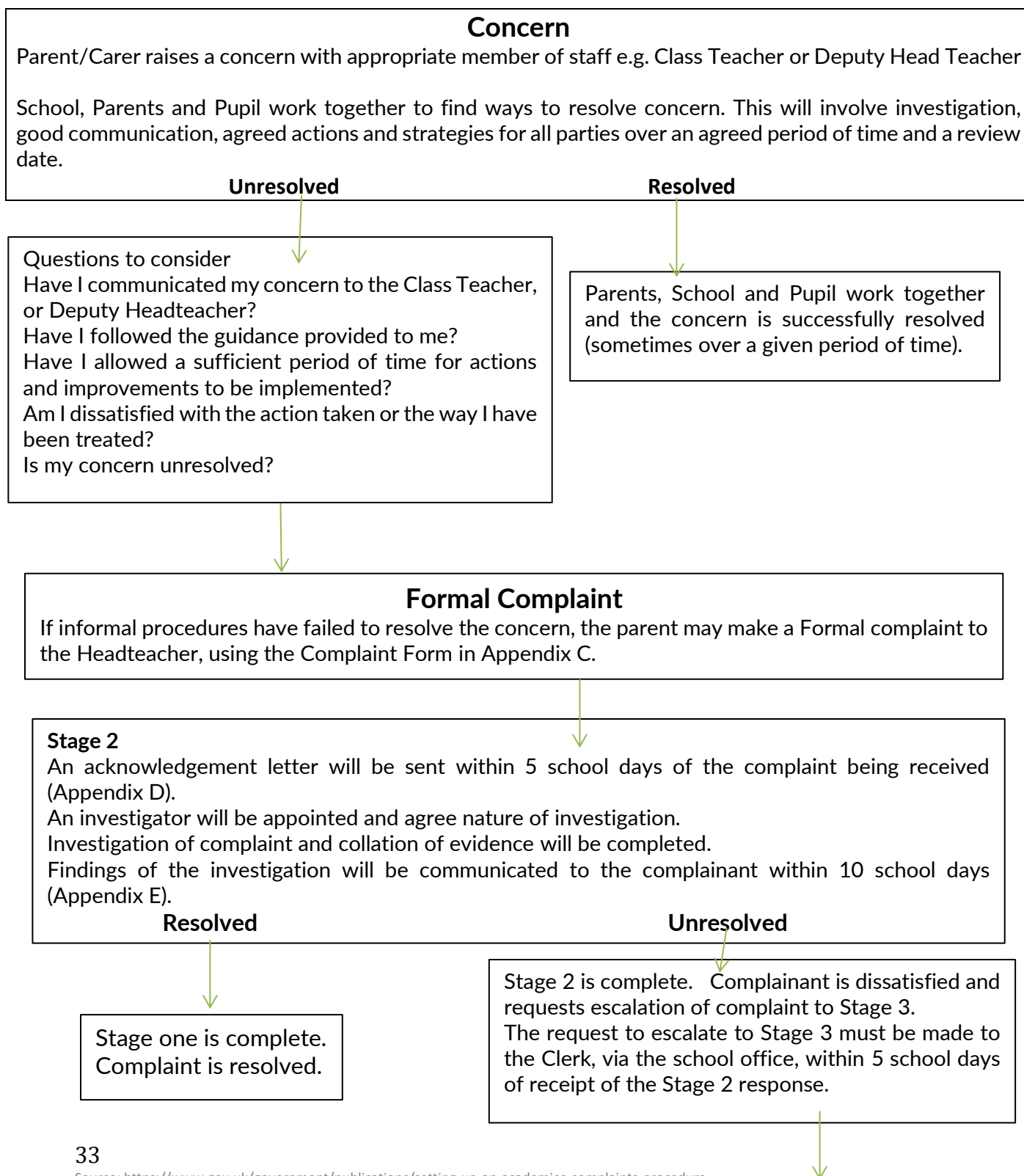
Clerk to the Local Schools Board/Governors Complaints Committee

Cc Complaints Review Panel



## Appendix H – Complaints Policy Flow Chart

(Please note that regarding complaints about the Headteacher, Chair, CEO or Trust some of the actions will be different. Please see policy for full details)



### Stage 3

- The Clerk will record the date the complaint is received and acknowledgement will be sent within 5 school days.
- A Complaints Committee (Comprising three independent and impartial members) will be convened and the Clerk will confirm the date of the meeting within 20 school days.
- The Clerk will notify the school and complainant of the date, time and venue for the Complaints Panel meeting and request any additional papers at least 5 days ahead of the meeting
- The Clerk will ensure all paperwork is collected and circulated at least 2 days ahead of the meeting
- A confidential Complaints Committee is held, the hearing is completed, and findings made.
- The Clerk will, on behalf of The Committee provide the Complainant and School with a full explanation of their decision and the reason(s) for it, as well as any recommendations or actions in writing, within 10 school days.

**The complaint is now resolved and all parts of the schools internal complaints procedure have been completed.**

### Next Steps

Questions to ask:

- Did the School fail to handle the complaint in accordance with the published complaints procedure?
- Did the School act unlawfully or unreasonably in the exercise of their duties under education law?

YES – Then contact the ESFA. All related paperwork will need to be sent. (See page 17 of the Complaints Policy)

## Non-Disclosure Agreement

I agree that:

- I will only access information which is relevant to the support I am providing to the Trust / school.
- I will abide by Data Protection legislation.
- I will protect the confidentiality of information whilst working on behalf of the Trust / school.
- I will not discuss my work for the Trust / school, or talk about staff or pupils on social media
- I will not copy, or replicate information relating to the Trust / school and remove it from Trust / school property
- I will read and abide by the Trust / school's policies
- I will complete any relevant induction training provided by the Trust / school
- I will immediately report any data breaches I become aware of to the Trust / school office

Print name:	
Signature:	
Position:	
Trust / school:	
Date:	

## Non-Disclosure Agreement for System Access

My role requires access to the system(s) noted below:

System Name(s):	
-----------------	--

This will provide access to data held and owned by the Trust / school.  
I must maintain the security of such data and must comply with relevant legislation and guidance, including:

- [The Data Protection Act \(2018\)](#)
- [The General Data Protection Regulations \(2016\)](#)
- [The Computer Misuse Act \(1990\)](#)
- [The Freedom of Information Act \(2000\)](#)
- [The Environmental Information Regulation 2004](#)
- System Guidance (to be advised by the System Owner)

I understand that I must treat the information held within the system identified above with the strictest confidence and must not publish, copy, or otherwise disclose to others, or permit the use by others for their benefit or my own benefit to the detriment of any individual.

I acknowledge that I must only access information within the system identified above that is solely relevant to my work on behalf of the Trust / school.

I understand that breaches of this agreement will be investigated and may result in disciplinary action. Serious breaches may result in criminal prosecution.

**Signed by the Applicant:**

Print name:	
Signature:	
Position:	
Trust / school:	
Date:	

**Approved on behalf of the Trust / school**

Print name:	N/A
Signature:	
Position:	
Date:	

**You must complete this form before access is given to the requested System.**