

## Complaints Policy

<b>Complaints Policy</b>			
<b>Current Status:</b>	Operational	<b>Last Review:</b>	June 2021
<b>Responsibility for Review:</b>	Group Director HR & Shared Services	<b>Next Review:</b>	June 2024
<b>Internal Approval:</b>	SAT SET	<b>Originated:</b>	September 2015

### 1. Policy Statement

- 1.1. As a result of the various activities of the Trust, the number of students, customers, clients, parents and guardians involved and the large number of businesses and organisations with which the Trust works, complaints may, from time to time, arise.
- 1.2. In this context, complaints are deemed to include an expression of dissatisfaction, grievance or fault finding about the Trust.
- 1.3. All issues are logged, whether dealt with as a formal or informal complaint, to ensure fairness, to enable the Trust to respond quickly to the situation, and to support the Trust to change our policies and procedures where this may be deemed appropriate.

### 2. Application and Scope

- 2.1. The Trust will thoroughly investigate any complaint, whether informal or formal, relating to the day-to-day operation of the Trust and the standards of service we provide.
- 2.2. This complaints procedure is not limited to parents or carers of students that are registered at the college. Any person, including members of the public, may make a complaint to Suffolk Academies Trust 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.
- 2.3. This procedure covers all complaints about any provision of community facilities or services by Suffolk Academies Trust, other than complaints that are dealt with under other statutory procedures, including those listed below.

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Exceptions	Who to contact
Admissions to college	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).</p>
Exclusion of children from college*	<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 college's complaints procedure.</i></p> <p><a href="#">Student Discipline policy</a></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 college should complain through the college'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 internal grievance procedures.
Staff conduct	<p>Complaints about staff will be dealt with under the internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>

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- 2.4. 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.
- 2.5. The timeframes referred to in this policy are our usual timeframes and Suffolk Academies Trust will seek to adhere to these timeframes where possible.
- 2.6. If a complainant commences legal action against Suffolk Academies Trust in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

### 3. Key Principles

- 3.1. Suffolk Academies Trust expects all complainants to make reasonable attempts to seek an informal resolution.
- 3.2. To investigate your complaint properly and fairly, we have implemented a staged approach. We anticipate that almost all complaints that arise will be resolved at [Stage 1](#) or [Stage 2](#) below.
- 3.3. We expect our members of staff to be addressed in a respectful manner and for communication to remain calm at all times.
- 3.4. The procedures under [Unreasonably Persistent Complaints and Unreasonable Complaint Behaviour](#) will only be used on very rare occasions
- 3.5. Concerns or complaints should be brought to our attention as soon as possible. Any matter raised more than 3 months after the incident being complained of (or, where a series of associated incidents have occurred, within 3 months of the last of these incidents) will not be considered unless the CEO accepts that there are good reasons to explain the delay or the complaint is about a particularly serious matter.
- 3.6. On rare occasions an academy may receive complaints from a number of parents relating to the same issue. In order to deal with these complaints efficiently the academy will follow the procedure set out in Part 8.
- 3.7. If it becomes necessary to alter the time limits and deadlines set out within this procedure, you will be advised accordingly and given an explanation as to why this has been the case and provided with revised timescales. If other bodies are investigating aspects of the complaint, for example the police, local authority safeguarding teams or tribunals/courts, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.
- 3.8. Complainants should not approach individual Governors or Trustees to raise concerns or complaints. They have no power to act on an individual basis and it may prevent them from considering complaints at later stages.

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

#### **4.1. Signed complaints**

- 4.1.1. A concern or complaint can be made in person, in writing. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.
- 4.1.2. Complaints against college staff (except the Principal) should be made in the first instance, to Principal via the Executive Assistant to the Principal. Please mark them as Private and Confidential.
- 4.1.3. Complaints that involve or are about the Principal should be addressed to the Chief Executive Officer (CEO), via the Personal Assistant to the CEO. Please mark them as Private and Confidential.
- 4.1.4. Complaints about the Chair of a committee, any individual local Governor, the whole Trust should be addressed to the Trust Clerk via the Personal Assistant to the CEO. Please mark them as Private and Confidential.
- 4.1.5. Complaints about the Chief Executive Officer (CEO) or a Trustee of the Trust, should be addressed to the Chair of Trustees, via the Trust office. Please mark them as Private and Confidential.
- 4.1.6. 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 Executive Assistant to the Principal. You can also ask a third-party organisation, for example the Citizens Advice, to help you.
- 4.1.7. 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.

#### **4.2. Anonymous complaints**

- 4.2.1. We will not normally investigate anonymous complaints. However, in exceptional circumstances and the nature of the complaint contains serious safeguarding allegations the Principal or Chair of Trustees, if appropriate, may determine whether the complaint warrants an investigation.

### **5. Resolving complaints**

- 5.1.1. At each stage in the procedure, Suffolk Academies Trust wants to resolve the complaint. The Trust expects all complainants to make reasonable attempts to seek informal resolution. To investigate your complaint properly and fairly, we have implemented a staged approach. We anticipate that almost all complaints that arise will be resolved at Stage 1 or Stage 2 below.

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- 5.1.2. 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
  - Where appropriate, 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 college policies in light of the complaint
  - An apology.

### **5.2. Withdrawal of a complaint**

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

### **5.3. Resolving a Complaint – Students**

- 5.3.1. Students are encouraged to resolve a complaint informally or using the using the Student Complaints Procedure before commencing the Formal Complaints Procedure. This initial informal stage should normally involve a discussion directly with the relevant member(s) of staff or with his/her Personal Progress Tutor/Student Achievement Mentor.
- 5.3.2. It should be attempted to resolve the matter informally as soon as possible and no later than fourteen working days after the event or problem has occurred.
- 5.3.3. Where no informal resolution can be achieved within fourteen working days of the initial complaint being raised, the student complainant may choose to progress their complaint by using the Formal Complaints Procedure.

## **6. The Procedures**

### **6.1. Stage One - Informal Complaints**

- 6.1.1. Most enquiries and concerns can be dealt with satisfactorily by the appropriate members of staff without the need to resort to the formal procedure. Such individuals should be directed to the person who is directly concerned or best suited to resolve that issue. The details can be emailed to the relevant person if preferred. For students, this is likely to be the Personal Progress Tutor/Student Achievement Mentor. In circumstances where these individuals are the source of the complaint then the appropriate Director or Head of Curriculum or Student Services Manager should be contacted. Details should

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be logged as 'informal' and placed in the 'Complaints File' which is retained in Student Services.

- 6.1.2. For those individuals who are unsure as to whom to contact then in the first instance they should contact the Student Services Manager from the College in which their child/student is based who will direct them to the most appropriate member of staff.
- 6.1.3. It is always helpful if you can fully explain the nature of the concern and identify the outcome you are looking for. Where appropriate, you may be invited to an informal meeting with the member of staff most appropriate for dealing with that concern. The member of staff dealing with the concern will make sure that you are clear on what action (if any) has been agreed. This may be put in writing if appropriate.
- 6.1.4. In most instances informal complaints will not receive a formal written response but nevertheless must be dealt with promptly.
- 6.1.5. Responsibility for the prompt follow up of informal complaints will sit with the relevant manager. The manager should endeavour to resolve the complaint but should escalate if it is evident that a resolution is not likely to be met. This should be done to prevent it becoming a more serious matter.
- 6.1.6. There is no suggested timescale for resolution at this stage given the importance of dialogue through informal discussion, although it would be expected that most issues will be resolved within **15 working days**. Where no satisfactory solution has been found, you will be advised that if you wish your concerns to be considered further you should write to the Principal under Stage 2 of this procedure within **15 working days**.

### **6.2. Stage Two - Formal Complaints**

- 6.2.1. If your concerns are not resolved under Stage 1, then formal complaints should be submitted in writing (preferably on the attached Complaints Form) and addressed to the Executive Assistant (EA)/Personal Assistant (PA) to the Principal in the respective college who will then send a copy to the PA to the Chief Executive.
- 6.2.2. Any other member of staff receiving a formal letter of complaint must pass the complaint to the EA/PA to the Principal and Senior Leadership team as soon as possible together with any additional information they may hold on the incident. This may help to speed up the response time.
- 6.2.3. A written acknowledgement will be sent by the EA/PA to the Principal and Senior Leadership team within **five working days** and the details logged on the Complaints Log for checking and reporting purposes. All correspondence will be filed securely.
- 6.2.4. Any letter submitted should clearly set out the circumstances of the complaint, any individuals or witnesses involved and any relevant dates or times. It is very important that you include a clear statement of the actions that you would like us to take to resolve your complaint. In all cases your written complaint must include:

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- the nature of the complaint;
  - details of how the matter has been dealt with so far;
  - the names of potential witnesses, dates and times of events and copies of all relevant documents; and
  - a clear statement of the actions that you would like us to take to resolve your complaint.
- 6.2.5. Where possible, and to provide the greatest opportunity for the complaint to be actioned, complaints should be submitted in a timely fashion in order to facilitate a resolution.
- 6.2.6. Complaints will be investigated fairly and quickly with the intention of satisfactorily resolving the matter, identifying the causes and symptoms and upholding or rejecting the complaint for the benefit of all involved.
- 6.2.7. A considered Trust view on the complaint will be made by the relevant member of the Management Team. They will ensure that a detailed response with evidence is sent to the EA/PA to the Principal and Senior Leadership team within the prescribed timescale where appropriate.
- 6.2.8. In certain circumstances the Trust may require the complainant to attend a meeting with the Trust representatives to obtain further information. Where this meeting is required the availability of participant may amend the timetable for resolution.
- 6.2.9. The College Principal or delegate will respond in writing within **fifteen working days** from the date of the receipt of the complaint, detailing the outcome of the investigation. If the investigation is going to take more than **fifteen working days**, the EA/PA to the Principal and Senior Leadership Team will send a further holding letter.
- 6.2.10. Where complaints are received within **fifteen working days** of a holiday period, or during a holiday period, it is expected that the complaint response will take longer than **fifteen working days** due to the absence of appropriate staff to investigate. This will be confirmed in writing.
- 6.2.11. The Principal will advise the complainant of how to escalate their complaint to stage three should they remain dissatisfied with the outcome of the formal complaint.
- 6.2.12. Following the resolution of the complaint, where required, the Director/Head of Curriculum or Student Services Manager or relevant member of the Senior Leadership Team must complete the Complaints log.
- 6.2.13. If the complaint is about the Principal, or a non-staff member of any Trust Committee a suitably skilled Trustee will be appointed to complete all the actions of the Formal Complaint procedure.
- 6.2.14. Complaints about the Principal or the Committee member must be made to the Trust Clerk.

### 6.3. Stage Three – Appeal/ Panel Hearing

- 6.3.1. 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 college. This is the final stage of the complaints procedure.
- 6.3.2. A request to escalate to Stage 3 must be made to the Trust Clerk, within **ten working days** of receipt of the Stage 2 response.
- 6.3.3. The Trust Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within **three working days**.
- 6.3.4. Requests received outside of this time frame will only be considered if exceptional circumstances apply.
- 6.3.5. The Trust will extend an invitation to the Complainant to attend a Panel Hearing and attempt to make these at a time suitable to the Complainant. If the Complainant is unable to attend the hearing in person but still wishes to participate, arrangements can be made, on request to the Clerk of the Trust, to hold the panel hearing remotely.
- 6.3.6. The Trust Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within **fifteen working days** of receipt of the Stage 2 request. If this is not possible, the Trust Clerk will provide an anticipated date and keep the complainant informed.
- 6.3.7. If the complainant rejects the offer of three proposed dates, without good reason or is unwilling to attend the hearing, either in person or remotely, the Trust Clerk will decide when to hold the Panel Hearing. The Hearing will then proceed in the complainant's absence on the basis of written submissions from both parties. This will be noted in the records.
- 6.3.8. A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate. For instance, if a college employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation. You should notify the Clerk in advance if you intend to bring anyone to the hearing.

*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.**

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- 6.3.9. At least ten working days before the meeting, the Trust Clerk will:
- a) Confirm and notify the complainant of the date, time and venue of the meeting and brief details of the committee members, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
  - b) Request copies of any further written material to be submitted to the committee at least five working days before the meeting.
- 6.3.10. Any written material will be circulated to all parties at least **five working 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.
- 6.3.11. 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.
- 6.3.12. 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.
- 6.3.13. The hearing will be conducted to ensure that each party has the opportunity to address the Complaints Committee. The procedure to be followed during the hearing will be explained to the parties by letter in advance of the hearing. The Clerk will ensure that sufficient notes are taken to record an accurate reflection of the points considered and any decisions taken or actions agreed. These will not be verbatim minutes.
- 6.3.14. 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.
- 6.3.15. 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 Trust's systems or procedures to prevent similar issues in the future.
- 6.3.16. The Chair of the Committee will provide the complainant and Suffolk Academies Trust with a full explanation of their decision and the reason(s) for it, in writing, within **ten working days**.

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- 6.3.17. 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 Suffolk Academies Trust.
- 6.3.18. 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 Suffolk Academies Trust will take to resolve the complaint.
- 6.3.19. 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 college premises by the Principal.
- 6.3.20. 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.

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

- 6.4.1. If a complaint is escalated to Suffolk Academies 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.
- 6.4.2. The CEO will write to the complainant acknowledging the complaint within **three working days** of the date that the written request was received. The acknowledgement will confirm that the complaint will now be investigated under Stage Two of this Complaints Policy and will confirm the date for providing a response to the complainant.
- 6.4.3. Following the investigation, the CEO will write to the complainant confirming the outcome within **fifteen working days** of the date that the letter was received. If this time limit cannot be met, the CEO will write to the Complainant within **fifteen working days** of the date that the letter was received, explaining the reason for the delay and providing a revised date.
- 6.4.4. 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.*

- 6.4.5. 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 **ten working days**.
- 6.4.6. The Trust Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within **three working days**.

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- 6.4.7. Requests received outside of this time frame will only be considered if exceptional circumstances apply.
- 6.4.8. The Trust Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within **fifteen working days** of receipt of the Stage 2 request. If this is not possible, the Trust Clerk will provide an anticipated date and keep the complainant informed.
- 6.4.9. If the complainant rejects the offer of three proposed dates, without good reason, the Trust 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.
- 6.4.10. The Stage 3 will be heard by a completely independent committee panel if the complaint is
- jointly about the Chair and Vice Chair
  - the entire Trust Board
  - the majority of the Trust Board
- 6.4.11. 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.
- 6.4.12. One of the Complaint Panel members will be independent of the management and running of the Academy Trust. The independent member will not be a member, Trustee or employee of the College. This person will not have routine dealings with the College. This person may be a local Governor from another College within the MAT or a Governor/teacher from another local College, who has no conflict of interest or prior knowledge of the complaint e.g. has no interaction with the student or has not been used to investigate. This person will have no direct involvement with the management and running of the College being complained about.
- 6.4.13. A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.
- 6.4.14. 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.**

- 6.4.15. At least ten working days before the meeting, the Trust Clerk will:

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- a) 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
  - b) Request copies of any further written material to be submitted to the committee at least ten working days before the meeting.
- 6.4.16. Any written material will be circulated to all parties at least **five working 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.
- 6.4.17. 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.
- 6.4.18. 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.
- 6.4.19. 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.
- 6.4.20. 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 college's systems or procedures to prevent similar issues in the future.
- 6.4.21. The Chair of the Committee will provide the complainant and Suffolk Academies Trust with a full explanation of their decision and the reason(s) for it, in writing, **within ten working days**.
- 6.4.22. 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 Suffolk Academies Trust.
- 6.4.23. 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 Suffolk Academies Trust will take to resolve the complaint.
- 6.4.24. The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the

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person complained about. Furthermore, they will be available for inspection on the college premises by the Principal.

- 6.4.25. 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.

### **7. Unreasonably Persistent Complaints and Unreasonable Complaint Behavior**

- 7.1. There are rare circumstances where we will deviate from the Complaints Procedure. These include, but are not necessarily limited to:

- a) where the complainant's behaviour or language towards staff, members of committees or Trustees is abusive, offensive, discriminatory or threatening;
- b) where the complaint's behaviour is hindering our consideration of complaints and/or the proper running of the academy because of the frequency or nature of the complainant's contact, such as, if the complainant:
  - i. refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
  - ii. refuses to co-operate with the complaints investigation process
  - iii. refuses to accept that certain issues are not within the scope of the complaints procedure
  - iv. insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
  - v. introduces trivial or irrelevant information which they expect to be taken into account and commented on
  - vi. raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
  - vii. makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
  - viii. changes the basis of the complaint as the investigation proceeds
  - ix. seeks an unrealistic outcome, such as the inappropriate dismissal of staff
  - x. makes excessive demands on College 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
  - xi. knowingly provides falsified information

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- xii. publishes unacceptable information on social media or other public forums
- c) where the complainant's complaint is clearly frivolous, vexatious and/or has patently insufficient grounds. The Office of the Independent Adjudicator defines the characteristics of a 'frivolous' or 'vexatious' complaint as:
  - i. complaints which are obsessive, persistent, harassing, prolific, repetitious
  - ii. insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason
  - iii. insistence upon pursuing meritorious complaints in an unreasonable manner
  - iv. complaints which are designed to cause disruption or annoyance
  - v. demands for redress that lack any serious purpose or value
  - vi. where the complainant's complaint is the same, similar to or based on the same facts of a complaint which has already been considered in full.

7.2. In these circumstances, we may:

- a) inform the complainant that their behaviour is unacceptable or unreasonably persistent and ask them to change it;
- b) restrict the complainant's access to the academy e.g. requesting contact in a particular form (for example, letters only), requiring contact to take place with a named person only, restricting telephone calls to specified days and times or banning the complainant from the academy's premises. Any such arrangements will be reviewed after six months;
- c) conduct the Complaints Committee on the papers only i.e. not hold a hearing;
- d) refuse to consider the complaint

7.3. In all cases we will write to tell the complainant why we believe his or her behaviour is unacceptable or unreasonably persistent, what action we are taking and the duration of that action.

7.4. We may take the decision not to respond to any further correspondence where:

- a) we have taken every reasonable step to address the complainant's concerns
- b) the complainant has been given a clear statement of our position and their options and
- c) the complainant contacts us repeatedly, making substantially the same points each time

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- 7.5. The case for ceasing further correspondence is stronger where:
- a) letters, emails, or telephone calls are often or always abusive or aggressive or make insulting personal comments about or threats towards staff
  - b) we have reason to believe the complainant is contacting us with the intention of causing disruption or inconvenience
  - c) Where the behaviour is so extreme that it threatens the immediate safety and welfare of staff, members of committees or Trustees, we will consider other options, for example reporting the matter to the police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

### 8. Complaint Campaigns

- 8.1. For the purposes of this policy, a complaint campaign is defined as a complaint from three or more separate individuals (whether or not connected with an academy or the Trust) which are all based on the same subject.
- 8.2. Depending on the subject in question, we may deviate from the procedure set out in this policy and instead:
- send a template response to all complainants and/or
  - publish a single response on the academy/Trust's website (as applicable)

### 9. Records of Complaints

- 9.1. A record will be kept of all written complaints, including at what stage they were resolved and action taken by us as a result of those complaints regardless of whether they were upheld.
- 9.2. Correspondence, statements and records relating to individual complaints will be kept confidential except where:
- access is requested by the Secretary of State;
  - disclosure is required in the course of an inspection;
  - an individual has a legal right to access their own personal data contained within such documentation;  
or
  - under other legal authority.

- 9.3. We will make the findings and recommendations of the panel available for inspection by the Trust and the Principal.

### 10. Next Steps

- 10.1. If the complainant believes the Trust did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully

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or unreasonably in the exercise of their duties under education law, they can contact the ESFA after they have completed Stage 3.

10.2. The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by Suffolk Academies Trust. They will consider whether Suffolk Academies Trust 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](#).

10.3. 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  
Quinton Road  
Coventry  
CV1 2WT

10.4. At the time of writing this procedure, the ESFA procedure and the ESFA academy complaints form are available at: <https://www.gov.uk/complain-about-school>

### 11. Addresses for correspondence:

<p><b>One Sixth Form College</b></p> <p><b>Executive Assistant to the Principal and Senior Leadership Team</b> One Sixth Form College Scrivener Drive Ipswich Suffolk IP8 3SU</p>	<p><b>PA To the Chief Executive</b></p> <p>West Suffolk College, Out Risbygate, Bury St Edmunds, Suffolk IP33 3RL</p>
<p><b>Abbeygate Sixth Form College</b></p> <p><b>Executive Assistant to the Principal and Senior Leadership Team</b> Abbeygate Sixth Form College Beetons Way Bury St Edmunds Suffolk IP33 3YU</p>	<p><b>Clerk to the Trust Board</b></p> <p>West Suffolk College, Out Risbygate, Bury St Edmunds, Suffolk IP33 3RL</p>

## Complaints Policy Appendix 1 Complaint Form

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### Appendix 1 - Complaint Form

Please complete and return to Principal/ Trust Clerk - delete as appropriate who will acknowledge receipt and explain what action will be taken.

Your name:

Student's name (if relevant):

Your relationship to the student (if relevant):

Address:

Postcode:

Day time telephone number

Evening telephone number

Email address:

## Complaints Policy

### Appendix 1 Complaint Form

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Please give details of your complaint, including whether you have spoken to anybody at the Tru

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

## Complaints Policy Appendix 1 Complaint Form

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

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Action taken:

Date:

#### Appendix 2. Roles and Responsibilities

##### Complainant

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

- a) Explain the complaint in full as early as possible
- b) Co-operate with the college in seeking a solution to the complaint
- c) Respond promptly to requests for information or meetings or in agreeing the details of the complaint
- d) Ask for assistance as needed
- e) Treat all those involved in the complaint with respect
- f) 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:

- a) Providing a comprehensive, open, transparent and fair consideration of the complaint through:
  - i. Sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
  - ii. Interviewing staff and children/young people and other people relevant to the complaint
  - iii. Consideration of records and other relevant information
  - iv. Analysing information
- b) Liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- a) Conduct interviews with an open mind and be prepared to persist in the questioning
- b) Keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- c) Ensure that any papers produced during the investigation are kept securely pending any appeal
- d) Be mindful of the timescales to respond
- e) Prepare a comprehensive report for the principal or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.
- f) The principal or complaints committee will then determine whether to uphold or dismiss the complaint and communicate

## **Complaints Policy**

### **Appendix 2. Roles and Responsibilities**

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that decision to the complainant, providing the appropriate escalation details.

#### **Complaints Co-ordinator**

**This could be the Principal or CEO / designated complaints Trustee or other staff member providing administrative support**

The complaints co-ordinator should:

- a) Ensure that the complainant is fully updated at each stage of the procedure
- b) Liaise with staff members, principal, CEO, chair of Trust or the Trust Clerk and to ensure the smooth running of the complaints procedure
- c) Be aware of issues regarding:
  - i. Sharing third party information
  - ii. Additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a young person
- d) Keep records.

#### **Clerk to the Trust Board**

The Trust Clerk is the contact point for the complainant and the committee and should:

- a) 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)
- b) 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
- c) Collate any written material relevant to the complaint (for example: stage 1 paperwork, college and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- d) Record the proceedings
- e) Circulate the minutes of the meeting
- f) Notify all parties of the committee's decision.

#### **Committee Chair**

## Complaints Policy

### Appendix 2. Roles and Responsibilities

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

- a) Both parties are asked (via the Trust Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- b) 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
- c) 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
- d) The remit of the committee is explained to the complainant
- e) 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.
- f) 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
- g) Both the complainant and the college 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
- h) The issues are addressed
- i) Key findings of fact are made
- j) The committee is open-minded and acts independently
- k) 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
- l) The meeting is minute
- m) They liaise with the Trust Clerk (and complaints coordinator, if the college has one).

#### Committee Members

Committee members should be aware that:

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

**No Trustee may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.**

- b) the aim of the meeting should be to resolve the complaint and achieve reconciliation between the college and the complainant

## Complaints Policy

### Appendix 2. Roles and Responsibilities

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- c) Recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- d) many complainants will feel nervous and inhibited in a formal setting
- e) Parents/carers often feel emotional when discussing an issue that affects their child.
  - i. extra care needs to be taken when the complainant is a young person and present during all or part of the meeting
  - ii. Careful consideration of the atmosphere and proceedings should ensure that the young person does not feel intimidated.
  - iii. The committee should respect the views of the young person and give them equal consideration to those of adults.
  - iv. If the young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the 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 young person needs to attend.
  - v. However, the parent should be advised that agreement might not always be possible if the parent wishes the young person to attend a part of the meeting that the committee considers is not in the young person's best interests.
- f) The welfare of the young person is paramount.

### Revision History – Complaints Policy

Revision date	Reason for revision	Section number	Changes made
June 2022	Trust Board review		New Policy