

Complaints Policy



Key Points and Summary

1. Frontier Learning Trust (FLT) takes all concerns or complaints seriously. Taking informal concerns seriously at the earliest stage reduces the numbers of formal complaints and reflects the commitment to working effectively with all members of the community.
2. This policy will be operated by each institution that is part of FLT. However, each institution also has a 'student complaints procedure' which should be used to deal with student complaints, in the first instance, rather than this policy.
(http://www.woodhouse.ac.uk/gfx/uploads/pres_08092020165245.pdf)
3. This policy aims to ensure that:
 - all complaints are dealt with as quickly and sensitively as possible, and by the person best able to do so;
 - as far as possible all concerns should be dealt with as informally as possible;
 - where a formal process is required, the steps involved are clearly outlined; and
 - individuals are aware of their responsibilities.
4. The emphasis is to understand, investigate and resolve the complaint as early as possible.
5. The formal process has three stages:
 - a. Complaint heard by a member of staff
 - b. Complaint heard by the relevant Principal / Headteacher or the Chief Executive
 - c. Appeal heard by a Complaints Panel

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Policy version number	3
Updated by	Beth Yap
Date updated	1/03/2022
Reviewed by	Sugra Alibhai
Date reviewed	05/03/2022
Approved by	Audit & Compliance Committee
Date approved	14/03/2022

1. Introduction and Statement of Intent

1. FLT takes all concerns or complaints seriously. Taking informal concerns seriously at the earliest stage reduces the numbers of formal complaints and reflects the commitment to working effectively with all members of the community.
2. This policy aims to ensure that:
 - all complaints are dealt with as quickly and sensitively as possible, and by the person best able to do so;
 - as far as possible all concerns should be dealt with as informally as possible;
 - where a formal process is required, the steps involved are clearly outlined; and
 - people are aware of their responsibilities.
3. This policy outlines how complaints will be dealt with by the Trust in accordance with the requirements of The Education (Independent School Standards) (England) Regulations 2014, as amended.

2. Scope and Applicability

4. This policy applies to complaints received from parents/carers of students or from any other individual. Complaints made by students should be made in accordance with the relevant Student Complaints Procedure.
(http://www.woodhouse.ac.uk/gfx/uploads/pres_08092020165245.pdf)
5. This policy applies to all volunteers, staff, contractors, trustees and governors.
6. This policy will be followed in respect of all complaints against the Trust except in the following areas (where separate policies exist):
 - a. child protection allegations;
 - b. exclusions;
 - c. admissions;
 - d. complaints about statements of SEN/ EHC Plans;
 - e. disciplinary issues relating to members of staff; and
 - f. allegations of abuse;
 - g. Student complaints
7. Should a complaint, informal or formal, reveal an issue for which other procedures exist then it will be dealt with under those procedures rather than as a complaint.
8. Please note that anonymous complaints may hinder our ability to investigate effectively. All complaints should be brought within 3 months of the date of the incident to which the complaint relates.

3. The Policy

Concerns and complaints

9. It is important to distinguish between a “concern” and a “complaint”. Most concerns can be made informally to the initial member of staff and be resolved without the need to go through the formal complaint procedures. Initial concerns should be raised with the college/school as soon as possible to allow the matter to be considered carefully, potentially including the following information (as appropriate to the issue that has been raised):

- Clarifying the nature of the concern and what remains unresolved from the perspective of the person raising the concern; and
- Establishing what has happened so far and who has been involved, including seeking input from those who have been involved.

10. A concern may arise (for example):

- from uncertainty regarding the application of college/school rules or disciplinary procedures
- from misunderstanding or misrepresentation of an incident which has taken place inside or outside the classroom
- where a parent/carer believes that their child has been misunderstood or treated unfairly and feels it necessary to raise the matter so that steps may be taken to restore goodwill
- where a parent believes that their child is being bullied or has suffered some form of discrimination and brings the matter to the college/school's notice so that action can be taken to prevent a recurrence

11. Concerns should normally be raised with the member of teaching staff most directly involved in the situation giving rise to the concern. Parents will appreciate that it is helpful if a concern is expressed as soon as possible after the relevant incident. The staff member will respond as soon as practicable, and in any case within three working days. If this time limit is not practicable, the complainant will be informed and the period may be extended.

12. A complaint may arise (for example):

- when an individual has previously raised a concern and is not satisfied with the response offered; and / or
- where an individual has serious disquiet over an incident that has taken place or a decision made in the college/school and believes the college/school has fallen short of appropriate standards.

13. Complaints should be recorded, either by the individual (writing to the Principal / Headteacher of the relevant institution or completing the Complaint Form at the end of this document for instance), or by a member of staff following a Stage 1 meeting with the individual. Note – if the complaint concerns the Chief Executive any correspondence should be addressed to the Clerk to the Trustees.

14. All documentation relating to complaints, including all Complaint Forms, will be held by the assistant to the relevant Principal / Headteacher.

Investigating complaints

15. The person investigating the complaint will make sure that they:

- establish what has happened so far, and who has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would put things right;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct the interview with an open mind and be prepared to persist in the questioning; and
- keep notes of the interview.

Resolving complaints

16. At each stage in the procedure the person attempting to resolve the complaint will keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the

complaint is a valid complaint (in whole or in part) without admitting liability. In addition, it may be appropriate to offer one or more of the following:

- an apology;
 - an explanation;
 - an admission that the situation could have been handled differently or better;
 - an explanation of the steps that have been taken to ensure that it will not happen again; and
 - an undertaking to review Trust policies in light of the complaint.
17. Complainants will be encouraged to state what actions they feel might resolve the problem at any stage. An admission that the Trust could have handled the situation better is not the same as an admission of negligence.
 18. At all stages those hearing the complaint will attempt to identify areas of agreement between the parties, and to clarify any misunderstandings that might have occurred in order to create a positive atmosphere in which to discuss any outstanding issues.
 19. At any stage the relevant Principal / Headteacher, or the Chief Executive, is able consider whether a complaint is vexatious, unreasonably persistent, or whether the complainant has engaged or is engaging in unreasonable behaviour in accordance with section 7 of this policy. If the relevant Principal / Headteacher or the Chief Executive considers that the provisions of section 7 apply they may act accordingly to ensure any legitimate complaint is appropriately investigated while ensuring that any unreasonable elements or behaviour is managed.

4. Stages of Formal Complaint

Stage 1: Complaint heard by a member of staff

20. It is the interests of everyone that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the college/school can be crucial in determining whether their complaint will escalate.
21. Staff need to be sensitive to any potential actual or perceived conflicts of interest or difficulties of a particular member of staff being involved in investigating the complaint.
22. To ensure clarity of understanding, a Complaint Form needs to be completed. This ensures that there is no conflict in determining what the complaint consists of and the action taken by members of staff.
23. The member of staff will ensure that they have investigated it appropriately. This may include a meeting with the complainant.
24. The member of staff investigating the complaint will respond to the complainant in writing, which will outline their response to the complaint and any action that has or will be taken.
25. It is normally expected that complaints will be acknowledged within five working days, and the Stage 1 process completed within fifteen school days. If it is clear that the process is going to take longer than this, the reasons for this should be explained to the complainant.
26. The member of staff should update the Complaints Form and pass this to the assistant to the relevant Principal / Headteacher for retention, alongside their written response to the complainant.
27. The Principal / Headteacher should record on the Complaints Form any action taken as a result of the complaint, and include any lessons learned (including about broader policy or procedure) within reports to the LGB or Board of Trustees.

Stage 2: Complaint heard by appropriate senior member of staff appointed by the Chief Executive

28. The complainant should write to the relevant Principal / Headteacher giving details of either the areas of the complaint left outstanding following Stage 1 or concerning the Stage 1 process. If the complaint concerns the Chief Executive, any correspondence should be addressed to the Clerk to the Trustees. This notification needs to be received within fifteen school days of the decision from stage 1 being issued to the complainant otherwise it will be deemed that the decision is accepted and the complaint will be closed.
29. The Principal / Headteacher may formally reject a complaint if, in their judgment, the complaint:
- Was received too long after the alleged incident for realistic investigation to take place;
 - Does not identify specific actions or incidents that are capable of being investigated;
 - Refers only to issues that have already been determined;
 - Is vexatious; or
 - Raises only minor matters that should have been resolved in discussion with the staff member involved.
30. The Principal / Headteacher will nominate a senior member of staff to investigate these issues (the “investigating officer”), or will escalate the complaint to the Chief Executive where that is appropriate (for instance if the complaint raises issues that affect more than one college/school within the Trust or if the complaint is about a Governor or Trustee). If the complaint is escalated to the Chief Executive, they will nominate a senior member of staff to investigate the issues (or the Chair of Governors if a complaint is about a Governor; or another Trustee if the complaint is about a Trustee). In such cases, for the remainder of this Stage 2 process and the Stage 3 process, references to the Principal / Headteacher should be read as references to the Chief Executive.
31. The investigating officer will consider both the original complaint and the process followed during Stage 1. They will report to the Principal / Headteacher.
32. Following the report of the investigating officer, the Principal / Headteacher of staff can:
- Dismiss the complaint in whole or in part (including if there is insufficient evidence to uphold the complaint);
 - Uphold the complaint in whole or in part;
 - Decide on appropriate action to resolve the complaint; or
 - Recommend changes to the college/school’s systems or procedures.
33. The Principal / Headteacher will put their judgement and rationale, including details of the process followed, in writing to the complainant.
34. It is normally expected that the Stage 2 process would be completed within fifteen school days of the Principal / Headteacher initiating Stage 2. If it is clear that the process is going to take longer than this, the reasons for this should be explained to the complainant.
35. If the investigating officer makes any recommendations regarding changes to college/school processes as a result of the investigation, or the Principal / Headteacher decides these are necessary following consideration of the findings of the investigating officer, the Principal / Headteacher will be responsible for reviewing these recommendations and implementing them where appropriate. Acceptance of recommendations will be at the discretion of the Principal / Headteacher, unless the investigation reveals processes that do not comply with statutory, Funding Agreement, or DfE/ESFA requirements. In such cases, the Principal / Headteacher will be required to ensure compliance as soon as possible.
36. The Principal / Headteacher should update the Complaints Form which should be completed and passed to the assistant to the Principal / Headteacher for retention, along with a copy of their written response to the complainant.

37. The Principal / Headteacher should record on the Complaints Form any action taken as a result of the complaint, and include any lessons learned (including about broader policy or procedure) within reports to the LGB or Board of Trustees.

Stage 3: Panel Hearing

38. The complainant should write to the Clerk to the Trustees giving details about the aspects of the decision or the Stage 2 process that they are appealing against. This notification needs to be received within fifteen school days of the decision from Stage 2 being issued to the complainant, otherwise it will be deemed that the decision is accepted and the complaint will be closed.

39. The Clerk to Trustees will discuss this complaint with the appropriate person. The appropriate person will be the Chair of the Local Governing Body for all complaints except those where the complaint was escalated to the Chief Executive in Stage 2; in those instances, the appropriate person will be the Chair of Trustees. Throughout the remainder of this Stage 3 process, references to the Chair of the Local Governing Body should be read as references to the Chair of Trustees in relevant cases.

40. The Chair of the Local Governing Body may reject the request for a Panel Hearing if, in their judgment, the request:

- Is vexatious or abusive; and / or
- Refers only to issues that have already been reasonably determined and with no reasonable basis (such as new information) upon which an appeal hearing could reach a different decision.

41. The Chair of the Local Governing Body, or a nominated Governor, will convene a Complaints Panel. This Panel will comprise at least three individuals, none of whom will have been directly involved in previous consideration of the complaint. If appropriate, at least one member of the Panel will be independent of the management and running of the Trust and at least one member of the Panel will be a Governor of the school/college/school concerned. The Panel will have the powers to determine the complaint. In the unlikely event that more than one session is required to hear the appeal, the individuals on the Panel will remain the same. The Panel members will elect their Chair.

42. Any Governors who were part of the Panel Hearing would not be part of any panel that was subsequently required for a disciplinary hearing regarding a member of staff.

43. The Panel Hearing should normally be heard within fifteen school days of the Clerk to the Trustees receiving notice of the complaint progressing to Stage 3, ensuring that the complainant is given reasonable notice and that reasonable endeavours are made to arrange a time and date that the complainant can attend.

44. Any documentation from either party should be circulated to all parties five school days before the hearing.

45. The complainant is permitted to attend the Panel Hearing, and may be accompanied by a friend at the Panel Hearing.

46. The Panel Hearing will be heard in private, provide an opportunity for the complainant and for relevant Headteacher / Chief Executive to present; and for all presenters to be questioned by the Panel and the other party (through the Chair).

47. The Panel will, once the presenters have left the hearing, give careful consideration to the substance of the complaint; consider all the views expressed; and decide the outcome. The decision will be made by a simple majority of the Panel; a unanimous decision is not required.

48. The panel can:

- Dismiss the complaint in whole or in part;
 - Uphold the complaint in whole or in part;
 - Decide on appropriate action to resolve the complaint; or
 - Recommend changes to the Trust's systems or procedures.
49. The decision of the panel is binding. A copy of the report and the findings will be provided within five working days of the hearing to the complainant, the Chief Executive, the relevant Principal / Headteacher, the Chair of the Board of Trustees and, where relevant, to the person complained about. This report will be available for inspection.
50. The Principal / Headteacher should record on the Complaints Form any action taken as a result of the complaint, and include any lessons learned (including about broader policy or procedure) within reports to the LGB or Board of Trustees.
51. If the Complaints Panel makes any recommendations regarding changes to Trust processes as a result of the investigation, the Chief Executive will be responsible for reviewing these recommendations and implementing them where appropriate. Acceptance of recommendations will be at the Chief Executive's discretion unless the investigation reveals processes that do not comply with statutory, Funding Agreement, or DfE / ESFA requirements. In such cases, the Chief Executive will be required to ensure compliance as soon as possible.

5. Responsibilities under the Policy

Board of Trustees

52. The Board of Trustees is responsible for:

- establishing the Panel Hearing for Stage 3 in appropriate cases; and
- monitoring the level and nature of complaints and reviewing the outcomes and associated lessons to learn during annual policy reviews, or earlier / more frequently if so determined by the Chair.

Chair of Trustees

53. The Chair of Trustees is responsible for:

- nominating the individuals for the Panel Hearing in Stage 3, when relating to the CEO of the Trust, and ensuring that, if appropriate, it includes one person who is independent from the management and running of the college/school; and
- checking that the correct procedure is followed.

Chief Executive

54. The Chief Executive is responsible for:

- the effective implementation of this policy and procedures;
- maintaining an accurate and up to date list of all written complaints received, which college/school(s) they relate to, the date of receipt of the complaint, the current stage of the complaint, and which stage of this procedure they were resolved in accordance with (and whether this was through the formal procedure or a panel hearing);
- where a complaint is escalated to them at Stage 2, identifying who will consider the complaint;
- advising Governors and Trustees about the composition of panels for Stage 3;
- reporting to the Board of Trustees about the number and nature of complaints, as well as actions taken in response and lessons learned; and
- ensuring that the policy is monitored and reviewed on a regular basis, with recommendations for revision to the Board of Trustees as appropriate.

Clerk to the Trustees

55. The Clerk to the Trustees is responsible for:

- receiving complaints at stage 3 of the procedure or stage 2 when the complaint relates to a governor, trustee or the CEO;
- Being the main point of contact for the complainant at the above stages.
- Set the date, time and venue of the Panel Hearing, ensure that the dates are convenient to all parties.
- Collate any written material and send it to the parties in advance of the Panel Hearing.
- Record the proceedings and circulate the minutes of the Panel Hearing.

Local Governing Body

56. The Local Governing Body is responsible for:

- establishing the Panel Hearing for Stage 3; and
- monitoring the level and nature of complaints and reviewing the outcomes and associated lessons to learn during annual policy reviews (and reporting to the Board of Trustees as appropriate or as required) or earlier / more frequently if so determined by the Chair.

The Chair of the Local Governing Body

57. The Chair of the Local Governing Body is responsible for:

- nominating the individuals for the Panel Hearing in Stage 3 and ensuring that, if appropriate, it includes one person who is independent from the management and running of the college/school, such as a Trustee; and
- checking that the correct procedure is followed.

The Chair of the Panel

58. The Chair of the Panel at Stage 3 is responsible for ensuring that:

- the parties understand the procedure;
- the issues are addressed;
- key findings of fact are established;
- complainants are put at ease;
- the hearing is conducted as informally as possible;
- the panel is open-minded and acts independently;
- no member of the panel has a vested interest in the outcome, or has been involved in the issues previously;
- all parties have the chance to be heard;
- any written material is seen by all parties; and
- related Child Protection and Data Protection rules are observed and maintained.

Principal / Headteacher

59. The Principal / Headteacher is responsible for:

- the overall internal management of the procedures;
- identifying who will consider complaints at Stage 2 of the procedure, or escalating the complaint to the Chief Executive where appropriate;
- ensuring that actions taken as a result of a complaint, including any lessons learned, are implemented;
- ensuring that the procedures are monitored and reviewed and reports made to the Local Governing Body and / or Board of Trustees as appropriate.

Investigating Officer

60. The Investigating Officer is responsible for:

- Providing a comprehensive, open, transparent and fair consideration of the complaint.
- Interviewing the complainant sensitively and thoroughly to establish what has happened and who has been involved.
- Interviewing staff, students and anyone else relevant to the complaint.
- Conducting interviews with an open mind, keeping notes of the interviews or arranging for an independent note taker to be present
- Liaising effectively with the complainant to clarify what the complainant feels would put things right.

Assistant to Principal

61. To retain, in a confidential manner (except when requested by the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them) the material relating to complaints, including Complaints Forms, all written judgements from stages 1, 2 and 3, and the requests from the complainant to initiate stages 2 and 3, so that they can be made available as appropriate.

All staff

62. All staff are responsible for:

- listening to any concerns brought to them by parents and students;
- reassuring them that they will be dealt with as soon as possible by the appropriate member of staff;
- for informing the relevant staff of the concerns being raised: and
- passing any complaints received from other people who are not parents or students to the Principal's / Headteacher's assistant.

6. Complaints about the Trust to the Education and Skills Funding Agency (ESFA)

63. Individuals are able to complain to the ESFA when/where:

- there is undue delay or the Trust did not comply with its own complaints procedure when considering a complaint;
- the Trust is in breach of its funding agreement with the Secretary of State; and/or
- the Trust has failed to comply with any other legal obligation (unless there is an organisation better placed to investigate the particular issue).

64. The ESFA usually expects complainants to have made their complaint directly to the individual college/school first in accordance with the college/schools' own policy.

65. The ESFA approach can be accessed here (19 March 2019):

<https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy>. The ESFA webpage outlines who the complainant should raise their complaint with depending upon the subject of the complaint.

7. Vexatious and Abusive Complaints

66. FLT takes its responsibilities to investigate concerns and complaints seriously and will do so professionally.
67. FLT does not expect staff to tolerate unacceptable behaviour by complainants, which would include behaviour which is abusive, offensive or threatening.
68. FLT defines unreasonably persistent and vexatious complainants as those complainants who, because of the frequency or nature of their contacts with the individual college/school or the Trust, hinder the ability to investigate their original complaint. The description 'unreasonably persistent' and 'vexatious' may apply separately or jointly to a particular complainant.
69. An unreasonably persistent and/or vexatious complaint/complainant may:
- arise from a historic and irreversible decision or incident;
 - have insufficient or no grounds for their complaint, or refuse to specify the grounds for their complaint, and appear to be making the complaint only to annoy or for undeclared reasons;
 - refuse to co-operate with the complaints investigation process;
 - refuse to accept that issues are not within the power of the college/school or FLT to investigate, change or influence;
 - make what appear to be groundless complaints about the staff dealing with the complaint(s);
 - make an unreasonable number of contacts with the college/school or FLT, by any means, about the complaint;
 - make persistent and unreasonable demands or expectations of staff and/or the complaints process;
 - harass, abuse, or otherwise seek to harass or intimidate staff dealing with their complaint;
 - raise subsidiary or new issues during the investigation;
 - introduce trivial or irrelevant new information and expect this to be taken into account;
 - change the substance or basis of the complaint without reasonable justification;
 - deny statements he or she made at an earlier stage;
 - electronically record meetings and conversations without the prior knowledge and consent of the other person involved;
 - refuse to accept the outcome of the complaint process after its conclusion and/or denying that an adequate response has been given;
 - make the same complaint repeatedly, perhaps with minor differences, and insist that the minor differences make these 'new' complaints which should be put through the full complaints procedure;
 - persistently approach the college/school or FLT (and potentially other parties such as the Local Authority) through different routes about the same issue; and
 - combine some or all of these features.
70. For the purpose of this policy, harassment is the unreasonable pursuit of such actions set out in the preceding paragraph in such a way that they:
- appear to be targeted over a significant period of time on one or more members of college/school staff and/or
 - cause ongoing distress to individual member(s) of college/school staff and/or
 - have a significant adverse effect on the whole/parts of the college/school community and/or
 - are pursued in a manner which can be perceived as intimidating and oppressive by the recipient. This could include situations where persistent demands and criticisms, whilst not particularly taxing or serious when viewed in isolation, have a cumulative effect over time of undermining confidence, well-being and health.
71. In the case of persistent or vexatious complaints and/or harassment, the Trust will verbally inform the complainant that his/her behaviour is considered to be becoming unreasonable/unacceptable and, if it is not modified, action may be taken in accordance with this policy. This will be confirmed in writing.

72. If the complainant's behaviour is not modified the Trust will take some or all of the following actions as necessary, having regard to the nature of the complainant's behaviour and the effect of this on the college/school community:

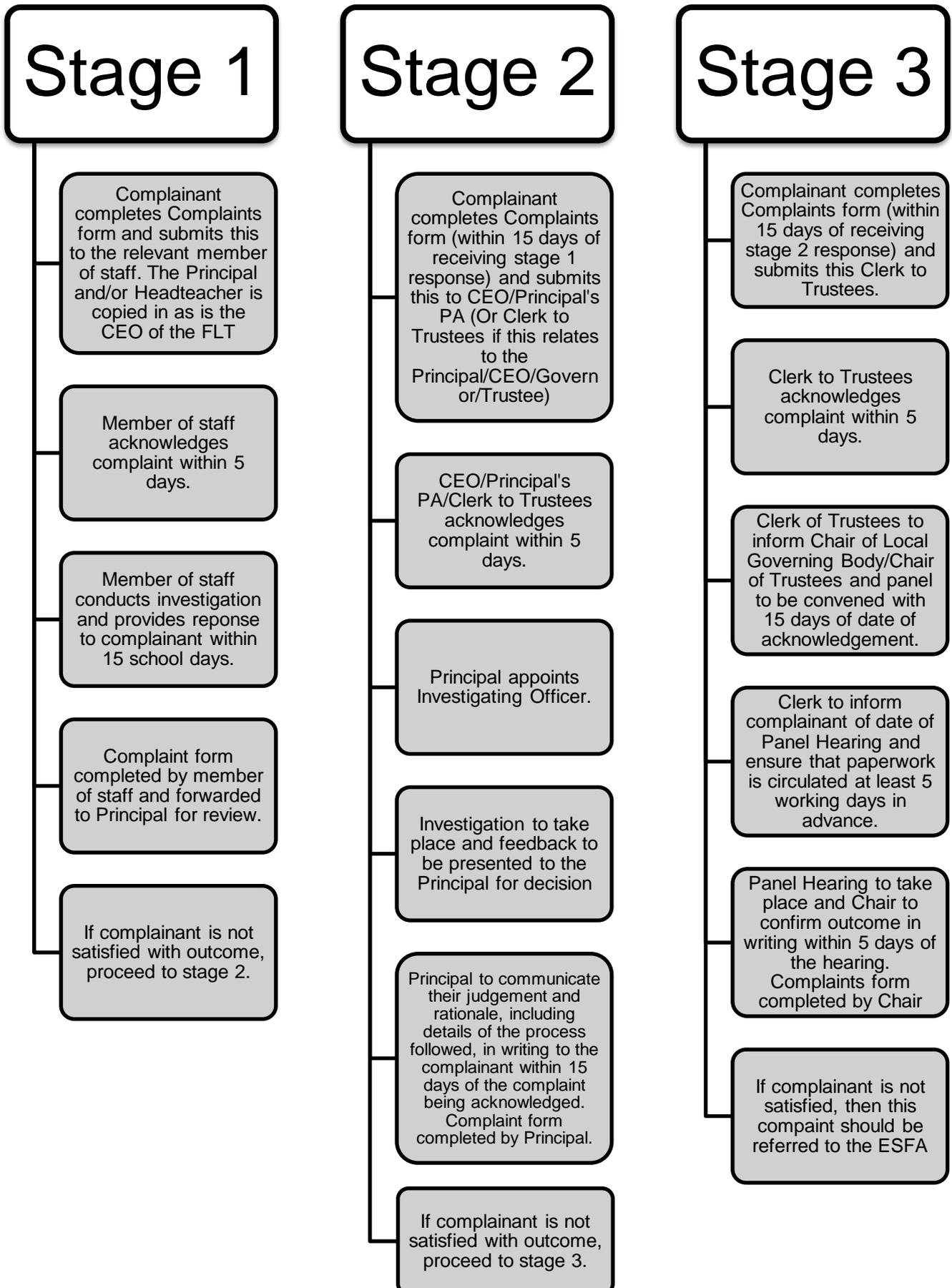
- inform the complainant in writing that his/her behaviour is now considered by the college/school or Trust to be unreasonable/unacceptable and, therefore, to fall under the terms of this Section 7;
- inform the complainant that all meetings with a member of staff will be conducted with a second person present and that notes of meetings may be taken in the interests of all parties;
- inform the complainant that, except in emergencies, all routine communication with the complainant to the college/school should be by letter only;
- in the case of physical, or verbal aggression warn the complainant about being banned from the college/school site; or proceed straight to a ban;
- consider informing the police who may seek to take further action under anti-harassment / malicious communication legislation;

8. Appendices

Appendix One: Complaints Process

Appendix Two: Complaint Form

Complaint Process



FLT: Complaint Form

Please complete and return to the relevant member of staff for stage 1 complaints, copying in the Headteacher or CEO. Stage 2 complaints should be sent to the Principal's assistant. However, Stage 2 complaints relating to the Headteacher, CEO, governors or Trustees and stage 3 complaints should be returned to the Clerk to Trustees.

Your Name:	
Student's Name:	
Your relationship to the student:	
Address:	
Daytime phone number:	
Evening phone number:	
Mobile phone number:	
Please give details of your complaint:	
What action, if any, have you already taken to try and resolve the complaint? Who did you speak to and what was the response?	
What actions do you feel might resolve the problem at this stage?	
Are you attaching any paperwork? If so, please give details:	
Signature	

Date	
College/Trust use only	
Date acknowledgement sent:	
Who sent acknowledgement:	
Signature	
Please complete the following, acknowledge the stages of the complaints procedure that have been followed and make any comments as necessary	
Stage 1 (complaint heard by staff)	Date: Signature:
Stage 2 (complaint heard by senior member of staff)	Date: Signature:
Stage 3 (Panel Hearing)	Date: Signature:
Action taken as a result of the complaint	

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