

**THE EDUCATION VILLAGE ACADEMY
TRUST**



**COMPLAINTS POLICY &
PROCEDURE**

EVAT Version Control

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Values and Ethos

Our values and ethos are inclusive and child centred. Our Trust is founded on the principles of inclusivity, diversity and fairness, and they are fundamental to our delivery of exceptional learning experiences.

EVAT stands for:

- **E**xcellence and high standards
 - a can-do culture and no-excuses ethos
- **V**alues driven with a deep sense of purpose
 - putting children and young people first
 - behaving ethically
- **A**mbitious and aspiration for all
 - irrespective of background or barriers – being truly inclusive
- **T**eamwork
 - we do more, better and faster, together

We are a village. We collaborate, with our learners, their families and our communities, to provide exceptional education so that all the children and young people we serve achieve the best possible outcomes.

Our Ethos is to:

- Create a nurturing and friendly atmosphere and provide an environment where everyone feels valued for who they are
- Bring out the best in every child and young person and meet the full range of their individual needs
- Provide different and unique experiences, challenges and activities
- Show tolerance and respect for each other
- Prepare our children and young people for lifelong learning
- Improve the life chances of every child and young person we serve.

This policy, and its associated procedures and protocols, are based on these key principles.

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1. Statement of intent

The Education Village Academy Trust aims to resolve complaints at the earliest possible stage, and where possible, informally, and is dedicated to continuing to provide the highest quality of education possible in all of its academies throughout the procedure.

This policy, in conjunction with other appropriate Trust policies and procedures, has been created to manage complaints relating to any aspects of the provision of facilities or services against:

- Any member of staff.
- Any academy within the Trust.
- Any Education Standards Committee (ESC) of the Trust.
- Individual Trustees or the Board of Trustees.
- The Trust as a whole.
- Facilities and Services

It is designed to ensure that the Trust's complaints procedure is straightforward, impartial, non-adversarial, allows a full and fair investigation, respects confidentiality and delivers an effective response and appropriate redress.

This policy outlines the procedure that the Complainant and academies within the Trust will follow. Once a complaint has been made, it can be resolved or withdrawn at any stage.

Point of Contact

A point of contact will be appointed to liaise with the Complainant until the issue is resolved.

2. Legal framework

This policy has due regard to all relevant legislation and statutory guidance including, but not limited to, the following:

- Education Act 2002
- Freedom of Information Act 2000
- Immigration Act 2016
- Equality Act 2010
- UK General Data Protection Regulation (UK GDPR)
- Data Protection Act 2018
- Part 7 of the Education (Independent School Standards) Regulations 2014

This policy also has due regard to good practice guidance including, but not limited to, the following:

- ESFA (2021) 'Best practice guidance for academies complaints procedures'

- HM Government (2016) 'Code of Practice on the English language requirement for public sector workers'

3. Definitions

For the purpose of this policy, a "**complaint**" is defined as 'an expression of dissatisfaction' towards the actions taken or a perceived lack of action. Complaints can be resolved formally or informally.

A "**concern**" is defined as 'an expression of worry or doubt' where reassurance or further information is required to satisfy the Complainant. For the purpose of this policy, concerns will be classed and addressed as complaints.

Any complaint or concern will be taken seriously, whether raised formally or informally, and the appropriate procedures will be implemented.

Making a complaint

Any person, including a member of the public, is able to make a complaint about the provision of facilities or services that the Trust provides. All complaints made will be managed via the procedures outlined in this policy.

The Trust also works with a range of third-party suppliers using school premises or facilities. They will have their own complaints procedures in place and such complaints do not fall within the scope of this policy. These suppliers should be contacted directly by the Complainant.

Facilities – any complaints about Trust facilities should be directed to the Trust's Facilities Manager – Mrs Nic Milne, nmilne@educationvillage.org.uk. Telephone No: 01325 248154.

Complaints can be made in person, in writing or by telephone and should be made using the appropriate channels of communication, including the use of the [Complaints Procedure Form](#). They should be directed to the Trust's Governance and Compliance Manager:

Mrs Alana Mackenzie
The Education Village Academy Trust
Salters Lane South
Darlington DL1
2AN
amackenzie@educationvillage.org.uk

Telephone No: 01325 248156

Complaints are expected to be made as soon as possible after an incident arises to amend the issue in an appropriate timescale. The Trust upholds a three-month time limit in which a complaint can be lodged regarding an incident. Complaints made outside this time limit may be considered in exceptional circumstances. In the case of any timescales changing, all parties involved will be informed of the changes in a timely manner. Complaints received outside of term time will be treated as being received on the first school day after the holiday period.

The Trust will not normally investigate anonymous complaints.

Complaints about Trust staff or Trustees

- Complaints against staff of an academy in the Trust will be dealt with by the Principal following Trust procedures.
- Complaints against a Principal of an academy in the Trust or the Chief Operating Officer (COO) will be dealt with by the Trust's Chief Executive Officer (CEO) following Trust procedures.
- Complaints against governors or Trustees will be made in writing to the Governance and Compliance Manager, who will determine the most appropriate course of action.
- Complaints against the CEO will be dealt with by the Chair of Trustees, will convene a panel hearing consisting of 3 Trustees where applicable.
- Complaints against support staff will be dealt with by the relevant line manager.
- Complaints against the Trust will be dealt with by the CEO or the COO.

Acknowledgement of Complaints

The initial point of contact will acknowledge the complaint and outline next steps within 5 school days.

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

4. Complaints Procedure

This policy is implemented on a Trust-wide level. The Trust will ensure that the complaints procedure is:

- Easily accessible and publicised on its website.

- Simple to understand and put into practice.
- Impartial and fair to all parties involved.
- Respectful of confidentiality duties.
- Continuously under review for improvement.
- Fairly investigated, by an independent person where necessary.

If you require any assistance in any stage of the process please contact the Governance and Compliance Manager.

The procedure will consist of three stages:

1. **Informal** – which will usually come in the form of a meeting between a representative of the Trust or individual academy and the Complainant
2. **Formal** – where the complaint is put in writing to the Trust
3. **Panel hearing** – where the panel includes at least three people who were not directly involved in the matters detailed in the complaint and one person who is independent of the management and running of the academy/Trust.

To prevent later challenge or disagreement over what was said in any meetings or telephone conversations during any stage of the procedure, brief notes will be maintained, and a copy of any written response will be added to the record of the complaint. Notes and paper copies of any complaints and/or responses are kept securely.

Stage one – Informal Complaint

An informal complaint may be made in person, by telephone or in writing.

Where a complaint has been made about a member of staff, the Complainant can discuss the concern with the Principal or a person delegated to hear the complaint on their behalf. If the concern is about the Principal the CEO should be informed.

Within 10 school days of notification of the complaint, the Complainant and the relevant member of staff should discuss the issue in a respectful and informal manner to seek a mutual resolution.

During this initial stage of the complaint, the Complainant will be asked for their input as to what they believe may resolve the issue about which the complaint has been made to avoid further escalation. If required, a note taker may be present to record any details.

If an appropriate resolution cannot be sought at this informal level, or if the Complainant is dissatisfied with the outcome following the initial discussions, the point of contact will inform the Complainant about next steps.

Stage two – Formal Complaint

If concern remains unresolved following Stage 1, or needs further investigation this must be registered as a formal complaint using the Formal [Complaints Form](#). See Appendix 1. Any information and evidence, including emails, photographs, communications, dates, etc must be clearly recorded on the form. Any details omitted will not be considered.

The Governance and Compliance Manager will acknowledge the complaint in writing normally within 5 school days of receipt during term time. The acknowledgement will indicate the action that is being taken and the likely timescale for resolution.

Should a formal written complaint be received by another member of the Trust's staff, this should be immediately passed to the Governance and Compliance Manager.

If a Complainant is unable to complete the Complaints Form, they may make their formal complaint in person or by phone to the Governance and Compliance Manager who will arrange support on completion of the form.

Stage two of the process will be completed within 15 school days where possible. Where the situation is recognised as complex, and it is deemed to be unable to be resolved within this timescale, the person managing the complaint will contact the Complainant to inform them of the revised target date in writing.

The Governance and Compliance Manager will personally refer the complaint to the most appropriate person to investigate the matter personally. The Investigating Officer may request additional information from the Complainant to fully investigate the issue. Contact details may be shared with the Investigating Officer for the purpose of conducting the investigation.

Any discussions will be recorded by the Investigator and findings and the outcome will be communicated to the Complainant in writing within the outcome correspondence. The Complainant will also be advised of next steps should the complaint not be resolved satisfactorily. The Complainant will also be provided with copies of minutes, subject to any necessary redactions under the Data Protection Act 2018 and the UK GDPR.

Stage three – Panel Hearing

If the Complainant is not satisfied with the outcome, it may progress to Stage 3. A request to escalate to Stage 3 should be made to the Governance and Compliance Manager within 10 school days of receiving the outcome letter.

A request for a complaint to be heard by a Complaints Panel (an appeal) must be made in writing and within 10 school days of receipt of the outcome correspondence from Stage 2. Appeals should be addressed to the Governance and Compliance Manager and the Complainant should set out the grounds for their appeal. It should set out the reason(s) the Complainant remains unhappy and what outcome will, in their opinion, resolve their complaint.

The request will be recorded and acknowledged within 5 school days.

The Governance and Compliance Manager will arrange a mutually convenient date and a time for a Panel Hearing. This will normally be within 15 school days from the receipt of the Stage 3 Appeal.

5 school days' notice will be given to all parties attending the Panel Hearing.

The Panel will consist of at least three individuals who were not directly involved in the matters detailed in the complaint, and at least one independent panel member. Where the complaint concerns an individual academy, the independent panel member will have no clear connection with that academy. Where possible, the independent panel member will also have no association with the Trust. Where this is not possible, however, and the complaint concerns an individual academy, in line with the ESFA's guidance, an Education and Standards Committee member of a different academy within the Trust may assume this role, as they will be sufficiently separate from the academy being complained about.

During the Panel Hearing, all participants will be given the opportunity to put their case across and discuss any issues. The meeting will allow for:

- The Complainant to be present and accompanied at the hearing if they wish.
- The Complainant to explain their complaint.
- The Investigating Officer to explain the reasons for their original decision.
- The Complainant to question the Investigating Officer, and vice versa, about the complaint.
- Any evidence, including that of witnesses, or any person involved in the complaint, to be present in order to be questioned if necessary
- Members of the Panel to question both the Complainant and the Investigating Officer.
- Final summary statements to be made by both parties involved.

Neither the Complainant nor the Trust will bring legal representation to this hearing, unless in exceptional circumstances, where this will be agreed beforehand. A member of staff who may be a witness to the complaint can bring a union representative or legal representative if desired; this will be agreed before the hearing.

The Complainant will receive a written response explaining the Panel's findings and recommendations within 15 school days. This letter will also explain whether there are any further rights of appeal and to whom they need to be addressed.

The Governance and Compliance Manager will make a record of the Panel Hearing.

Where relevant, the person complained about will receive a summary of the Panel's findings and recommendations. They will also receive a copy of the minutes, subject to any necessary redactions under the Data Protection Act 2018 and the UK GDPR.

Complaints to the ESFA

If the Complainant believes the Trust did not manage 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 Trust](#). They will consider whether [it](#) 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, 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

The ESFA expects Complainants to have completed the Trust's Complaints Procedure before directing a complaint to them. The exceptions to this include when:

- Pupils are at risk of harm
- Pupils are missing education
- A Complainant is being prevented from having their complaint progressed through the Trust's complaints procedure
- The ESFA has evidence that the Trust is proposing to act or is acting unlawfully or unreasonably.

Withdrawal of a complaint

Where a Complainant wishes to withdraw their complaint, the Trust will ask them to confirm this in writing. Despite the complaint having been withdrawn, the Trust and academy will still take the Complainant's voice seriously and attempt to avoid causing similar distress to others in the future. The Trust or an academy will not under any circumstances ask, or pressure an individual, to withdraw a complaint.

5. Recording a complaint

All correspondence, statements and records relating to individual complaints will be kept confidentially except where the Secretary of State or an inspectorate requests access to them.

A written record shall be kept of all complaints made, whether made via phone, in person or in writing, detailing:

- The main issues raised, the findings and any recommendations.
- Whether the complaint was resolved following an informal route, formal route or panel hearing.
- Actions taken by the Trust as a result of the complaint (regardless of whether the complaint was upheld).

The Trust holds the right to use recording devices, where appropriate, to ensure all parties involved are able to review the discussions at a later date. Where there are communication difficulties or disabilities, the Trust may provide recording devices to ensure the Complainant is able to access and review the discussions at a later point. Recording devices will not be used without the prior consent of all parties.

Upon request, the Trust may allow Complainants to record meetings. The following will be considered:

- How any decision to allow recordings may affect any third parties called to act as witnesses.
- The impact and consequences on the individuals involved in the complaint in the event that recordings are lost or leaked.

The Trust will not accept as evidence any recordings that were obtained covertly and without the informed consent of all parties being recorded.

Details of any complaint made shall not be shared with the entire Board of Trustees. The exception to this is when a complaint is made against the whole Board and they need to be aware of the allegations made against them to respond to any independent investigation.

Complainants have a right to access copies of these records under the UK GDPR and the Freedom of Information Act 2000. The Trust will hold all records of complaints from each academy, as well as those regarding the Trust itself, centrally. Correspondence, statements and records relating to individual complaints are kept confidentially except where the Secretary of State or a body conducting an inspection requests to access them.

6. Managing unreasonable behaviour

The Trust will not normally limit the contact Complainants have with the Trust itself or any of its academies; however, the Trust does not expect staff to tolerate unacceptable behaviour and will act to protect staff from that behaviour, including that which is abusive, offensive or threatening.

In these circumstances, the individual handling the complaint will write to the Complainant explaining that their behaviour is unreasonable and asking them to change it. For Complainants who excessively contact the Trust or any of its academies causing a significant level of disruption, the Trust may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after six months.

The Trust will not stop responding to a Complainant on the basis that they are difficult to deal with or they ask complex questions. However, a decision to stop responding may be made if a Complainant is aggressive or violent. In this event the Trust's concerns and actions taken will be put in writing immediately and the Police informed.

Any individual may be barred from entering the premises if their behaviour is cause for concern. The Principal or relevant Trust representative will notify the parties involved in writing in line with the Trust's Visitor Policy.

Unreasonable complaints and requests

For the purposes of this policy, "**unreasonable complaints and requests**" are vexatious, serial or persistent. Examples of this include complaints which are:

- Designed to cause disruption or annoyance.
- Are obsessive, persistent, harassing, prolific, or repetitious.
- Demand redress which lacks any serious purpose or value.
- When the Complainant refuses to cooperate with the complaints investigation process.
- When the Complainant refuses to accept that certain issues are not within the scope of a complaints procedure.
- Makes unjustified complaints about staff who are trying to deal with the issues and seeks to have them replaced.
- When the Complainant changes the basis of the complaint as the investigation proceeds.
- Refuses to accept the findings of the investigation into that complaint where the Trust's complaints procedure has been fully and properly implemented and completed, including referral to the ESFA.
- When the Complainant seeks an unrealistic outcome.

- When the Complainant makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.
- When the Complainant publishes unacceptable information in media such as social media websites and newspapers.

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

Whenever possible, the person leading the response to a complaint or Investigator will discuss any concerns with the Complainant informally before applying an 'unreasonable' marking.

Serial or persistent complaints will only be marked as 'serial' once the Complainant has completed the complaints procedure. It is the complaint that will be marked as 'serial', meaning the Complainant can complain about a separate issue if necessary.

Complaints campaigns

Where the Trust becomes the subject of a complaints campaign from Complainants who are not connected with the Trust, a standard, single response will be published on the Trust's website.

If the Trust receives a large number of complaints about the same subject from Complainants who are connected to the Trust, e.g. parents, each Complainant will receive an individual response.

If Complainants remain dissatisfied with the Trust's response, they will be directed to the ESFA.

Public Sector Equality Duty (Equality Act 2010)

In preparing or amending this policy, the author has given due regard to the Public Sector Equality Duty; that is, they have considered any potential impact on people who share certain protected characteristics. These protected characteristics are defined as: race, disability, sex, age, religion or belief, sexual orientation, pregnancy and maternity and gender reassignment.

Appendix A – Formal Complaint Form



Formal Complaint Form

Please complete this form if you have been unable seek a resolution to your complaint informally, it to:

Alana Mackenzie. amackenzie@educationvillage.org.uk

| | |
|---|-----------|
| Name: | Address: |
| Daytime telephone number: | |
| Evening telephone number: | |
| Email: | Postcode: |
| Please provide full details of your complaint, including any relevant dates and names of persons concerned. | |
| What action, if any, have you already taken to try and resolve your complaints, who did you speak to, when and what was their response? | |
| What outcome, in your opinion, would fully resolve your complaint? | |

Please attach **all** relevant evidence - paperwork, documentation, e-mails, names of witnesses, photographs, etc. for consideration. This is necessary in order that your complaint may be fully investigated.

Signed:

Date:

Appendix B - Roles and responsibilities

The Role of the Complainant:

- Cooperating with the Trust, or an academy within the Trust, in seeking a solution to the complaint.
- Expressing the complaint and their concerns clearly in full at the earliest opportunity.
- Promptly responding to any requests for information and meetings.
- Asking for assistance as needed.
- Treating any person(s) involved in the complaint with respect.

The Role of the Investigator:

Will differ depending on the nature of the complaint and who it is directed at.

- For complaints against staff of academies in the Trust, the Investigator will normally be the Principal.
- For complaints against Principals of academies in the Trust, the Investigator will usually be the CEO.
- For complaints against governors/Trustees, the Investigator will be determined by the Governance and Compliance Manager.
- For complaints against the CEO, the investigator will be the Chair/Vice Chair of the Board Trustees.

Responsibilities the Investigator:

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

Being mindful of timescales and ensuring all parties involved are aware of these timescales. Responding as appropriate to the Complainant in a clear and understandable manner.

The Responsibilities of the Panel Members.

- The review panel hearing is independent and impartial.
- No individual with prior involvement in the complaint, or the circumstances surrounding it, is permitted to sit on the panel.

- The aim of the panel is to achieve a reasonable resolution and, ultimately, attain reconciliation between the parties involved.
- Reconciliation between the Trust and Complainant is not always achievable, and that it may only be possible to establish facts and make recommendations to reassure the Complainant that their case has been taken seriously.
- The panel can:
 - Dismiss or uphold the complaint, in whole or in part.
 - Decide on appropriate action to be taken.
 - Recommend changes that the Trust can make to prevent reoccurrence of the problem.
- Complainants may feel nervous or inhibited in a formal setting and, therefore, the proceedings should be as welcoming as possible.
- When a child is present at the hearing, extra care needs to be taken to ensure that the child does not feel intimidated, as well as ensuring the child's view is represented equally.

The Role of the Chair of the Panel:

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

The Role of the Governance Professional

All panels considering complaints must be supported by the Governance Professional. The Governance Professional is the contact point for the Complainant and is required to:

- Set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible
- Collate any written material and send it to the parties in advance of the hearing
- Meet and welcome the parties as they arrive at the hearing;
- Record the proceedings
- Ensure all parties are notified of the Panel's decisions.

The Role of any Witness

A witness should be prepared to answer questions put in relation to the complaint. They should be aware a written record of the discussions will be made. They may also be invited to a panel hearing and once their evidence has been given, they will be asked to leave the hearing. The panel will always aim for the hearing to be completed in a single sitting, but any witness should be prepared to remain on the premises in case they are recalled.

The role of the Education and Skills Funding Agency (ESFA)

If a Complainant remains dissatisfied once the complaint procedure has been completed, they have the right to refer their complaint to the Secretary of State. If a Complainant wishes to escalate a complaint, the Trust will refer them to the relevant [contact form](#), and prompt them to follow the instructions on this form to submit a complaint to the Secretary of State.

The ESFA will not overturn the Trust or panel's decision about a complaint or reinvestigate the original complaint. The ESFA will only intervene following a complaint if it believes the Trust has:

- Breached a clause in its funding agreement.
- Failed to comply with education law or acted unreasonably when exercising related education functions.

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