

# Complaints Policy



Approved: September 2023  
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Responsible Officer: Chief Corporate Service Officer

## Trust Ethos, Mission, Vision and Values



The Trust believes in the transformational power of education for each individual and that this is enhanced through collaborative working between the academies.



Working together, transforming lives

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Where the word 'Trust' is used in this document it refers to Archway Learning Trust.

Where the word 'Advisory Board' is used it refers to the Academy Advisory Board (AAB) of an individual academy within the Trust.

The term 'Trust Executive Leadership Team' (ELT) is comprised of the Chief Executive Officer, Deputy Chief Executive Officer, Chief Finance Officer, Chief Operations Officer, Chief Corporate Services Officer, Chief People Officer and Director of Teaching & Learning.

Where the word 'users' is used it refers to staff, future staff issued with ICT access and/or hardware, AAB members, volunteers and regular visitors.

Where the phrase 'Senior Leader' is used, this refers to Principals, Headteachers or senior leaders within academies and our Trust.

Where the phrase 'Principal' is used, this also refers to Headteachers.

## **1. Policy Statement**

- 1.1.** Archway Learning Trust is committed to ensuring that all students are provided with an outstanding educational experience and that each academy works in a productive and positive partnership with all parents and carers.
- 1.2.** If a parent/carer feels that a situation has arisen that they are unhappy about then they have a right to make a complaint. All complaints will be taken seriously and dealt with swiftly and professionally.
- 1.3.** The relevant academy will try to resolve problems informally wherever possible. Where this is not achieved there are formal procedures described below.

## **2. Definitions**

- 2.1.** For the purposes of this policy, we follow the Department of Education's guidance in defining concerns and complaints as follows:

A 'concern' is an 'expression of worry or doubt over an issue considered to be important for which reassurances are sought'.

A 'complaint' is 'an expression or statement of dissatisfaction, however made, about actions taken or a lack of action'.

Where this policy refers to 'complaints', it is taken to include 'concerns' also. Anyone raising a complaint is referred to in this policy as a 'complainant'.

- 2.2.** The normal 'first port of call' for a complaint will usually be a class teacher or member of staff within an academy.
- 2.3.** The timescales in this policy should be taken to apply from the point at which a complaint is received and understood by us. Complainants should ensure that their complaint has been received if they are in any doubt. The phrase 'working days' applies to days when our academies are open to pupils – it will take longer, in real time, to deal with complaints out of term-time, for example.
- 2.4.** A complaint will be deemed 'closed' if, at any stage of the process, a complainant
  - notifies the academy or the Trust that they no longer wish to proceed
  - fails to comply with the timescales set out for the escalation between stages
  - otherwise fails to comply with any reasonable request made within the scope of this policy (for example, respond to communications via telephone or in writing within a reasonable timescale or to attend a scheduled meeting).

### 3. Scope of Policy

3.1. This complaints policy applies to all complaints except for complaints relating to:

- **Safeguarding**, which may require a more urgent response and should be dealt with in accordance with the safeguarding policy available on our websites; if there is no risk of immediate significant harm then the complaint will be dealt with through this policy
- **admissions**, which should be dealt with through the appeals process - arrangements available on the academy websites
- **exclusions**, which should be dealt with in accordance with our behaviour and exclusions policy, available on our websites
- complaints **from staff or former staff**, which are dealt with in accordance relevant HR policies (Whistle blowing / Grievance)
- **non-parental complainants** (no child enrolled at the academy / no parental rights or parents/carers of a child no longer on roll at the academy), however we would still aim to handle these respectfully and expediently
- the provision of services on our premises by **third-party suppliers**, which should be directed to the relevant third party.

3.2. Where complaint investigations lead to concerns about the conduct of individuals, these will be dealt with under the relevant HR policies or other relevant policies, rather than as part of this complaints procedure. The outcome or sanction will not be disclosed as part of the complaints procedure.

### 4. Commitments of people involved in this policy

4.1. During the implementation of this policy, we will

- ensure that this policy is made widely available, including to the parents of our pupils and learners and by publishing it on all academy websites
- always take the complainant and the content of their complaint seriously
- offer support to complainants in expressing their views, if needed
- conduct discussions in a courteous and professional manner
- ensure that all those involved in a matter can share their views as part of an investigation
- work objectively and make decisions which are based on evidence
- keep notes of conversations and make these available in an open manner if requested
- ensure that information about the complaint is treated in accordance with the GDPR and our relevant data protection policies
- be mindful of our values and obligations, including, but not limited to, those related to safeguarding and our duties under the Equalities Act 2010
- keep the complainant informed of what is going on, especially if there is likely to be any delay in the process.

**4.2.** In return, we ask that complainants

- follow the procedures outlined in this policy
- ask for assistance if any is needed to ensure that information is expressed clearly
- ensure that the details of the complaint are expressed as fully as possible
- clarify what they feel would put things right
- assist us by providing additional information promptly if it is requested
- conduct discussions in a courteous and professional manner
- refrain from talking to others about the complaint and from discussing the matter on any social media platform
- notify us as soon as possible if they decide to withdraw the complaint.

**4.3.** At all stages of this policy, a complainant may choose to be accompanied or supported by an independent person who is not a legal representative. This independent person may offer support to the complainant and help them to express their views. They should also abide by the commitments outlined in paragraph 4.2 above.

**4.4.** Any concern that a party has not acted in the spirit of these commitments should be referred to one of our Chief Corporate Services Officer. If complainants are found to have behaved inappropriately, we reserve the right to deem the complaint ‘unreasonable’ (see section 8).

**4.5.** Where a complaint relates to an individual member of staff, we will ensure that, as far as is reasonable, all information relating to the complaint is also made available to that individual at an appropriate time. Individual members of staff are expected also to behave in a way that demonstrates the commitments outlined in paragraphs 4.1 and 4.2. Complaints about staff will be dealt with under the school’s internal disciplinary procedures, if appropriate. 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.

**5. Making a complaint**

**5.1.** We expect that all complaints will be dealt with initially at stage 1 of this procedure, as detailed in section 6.1 below.

**5.2.** The normal ‘first port of call’ for a complaint will be a member of staff in one of our academies. The exceptions to this are

- where the complaint is about an academy Principal, it should be directed to the Deputy CEO or CEO via the Clerk to the Board of Trustees – [clerk@archwaytrust.co.uk](mailto:clerk@archwaytrust.co.uk)
- where the complaint is about the Chair of the ABB, it should be directed to the Trust’s Chief Corporate Service Officer via the Clerk to the Board of Trustees – [clerk@archwaytrust.co.uk](mailto:clerk@archwaytrust.co.uk)
- where the complaint is about the Executive Leadership Team or another member of the Trust, it should be directed to the Chief Corporate Service Officer via the Clerk to the Board of Trustees – [clerk@archwaytrust.co.uk](mailto:clerk@archwaytrust.co.uk)
- where the complaint is about the CEO, it should be directed to Chair of the Trust Board via the Chief Corporate Service Officer - [clerk@archwaytrust.co.uk](mailto:clerk@archwaytrust.co.uk)

- where the complaint is about the Trust's Chief Corporate Services Officer, it should be directed to the Trust's CEO via the Clerk to the Board of Trustees – [clerk@archwaytrust.co.uk](mailto:clerk@archwaytrust.co.uk)
- 5.3. Complainants should ensure that the complaint is made as soon as possible after a specific incident, and the Trust reserves the right not to consider a complaint if more than three months have elapsed since the incident to which it refers, except in exceptional circumstances. What is meant by exceptional circumstances is where new evidence has come to light, where the complaint is of an especially serious matter, or where there is reasonable justification for why the complainant has been unable to raise the complaint before this time.
  - 5.4. Complaints may be made in person, in writing, by telephone or via email. All complaints will be treated in accordance with this policy, regardless of how they are made.
  - 5.5. Complainants may find it helpful or be asked to use the form at the back of this policy to lodge their complaint, as this will help to ensure that as much information as possible is collected at the outset.

## **6. Complaints Procedure**

### **6.1. Stage 1 – Informal resolution**

- 6.1.1. A complainant should contact a member of staff at the academy – this may be the administration staff, class teacher, a tutor, Head of Year/House, Head of Department/Faculty or a member of the academy's Senior Leadership Team (SLT).
- 6.1.2. If the complaint is made in person or by telephone, the member of staff receiving the complaint will note the details of the complaint in a similar format to the form at the back of this policy and this will be passed on to a more senior or appropriate member of staff, this member of staff will ensure that the complaint is acknowledged within two working days by telephone. It would be unlikely that the Principal / Head teacher would handle a complaint at this point, complaints would only be passed to a Principal / Head teacher at the point the member of staff handling the complaint feels they have exhausted means of reaching a reasonable resolution.
- 6.1.3. If the complaint is received in writing or via email, the member of staff receiving the complaint may pass it to a more senior or appropriate colleague within the academy / trust. This member of staff will ensure that the complaint is acknowledged in writing within five working days of its receipt.
- 6.1.4. The aim of stage 1 of this policy is to arrive at a resolution with which the complainant is satisfied relatively swiftly. In some cases, we will be able to offer a solution without further discussion and, if a complainant is satisfied with this, they may choose to withdraw or close the complaint at that stage.
- 6.1.5. If this complaint is more complex, academy staff may choose to convene up to two meetings with the complainant and, possibly, other people (including members of the academy's SLT), to discuss how a satisfactory resolution may be achieved.
- 6.1.6. Such meetings will seek to establish what happened to prompt the complaint and what remedy the complainant is seeking.
- 6.1.7. A member of staff at the meetings will keep a record of the discussions, which may be used at later stages of the procedure if necessary. During such meetings, any acknowledgement that the academy could have handled things better will not be taken as an admission of unlawful or negligent action.
- 6.1.8. Stage 1 may also involve telephone calls being made between parties – again, records will be kept of these calls by academy staff.
- 6.1.9. The outcome of stage 1 will be communicated in writing to the complainant by the member of staff who has dealt with it no later than fifteen working days after the complaint was received. In very exceptional circumstances, stage 1 may take longer than this and, if this is the case, academy staff will ensure that the complainant is aware of any revised timescales.
- 6.1.10. When the outcome is communicated to the complainant, we will also advise them of their right to progress to a more senior member of staff within the academy or in circumstances where it has reached the most senior member of staff (Head teacher / Principal) progress to stage 2 of this policy if they are unsatisfied with the resolution proposed and ensure that the timescales for doing this are clear.



## **6.2. Stage 2 – Formal**

- 6.2.1. Other than in exceptional circumstances, a complaint may only proceed to stage 2 if stage 1 has been exhausted and the complainant remains unsatisfied.
- 6.2.2. To trigger stage 2, a complainant should write (by post or via email) to the academy Principal (or, if appropriate, to one of the people specified in paragraph 5.2), detailing clearly the reasons why they remain unsatisfied after stage 1. In very exceptional circumstances, the Principal may deem it is acceptable for this communication to be made in person or by telephone. This communication must be received by the Principal within five working days of the communication of the stage 1 outcome to the complainant.
- 6.2.3. The Principal will acknowledge receipt of the complaint at stage 2 to the complainant in writing within five working days and advise the complainant of the steps they intend to take.
- 6.2.4. Stage 2 requires a formal investigation to take place, which will be led by a Principal from another Academy within the trust or an appropriate senior leader from the trust. The person leading the investigation should not have been involved at stage 1.
- 6.2.5. The investigation will be thorough and seek to establish all the evidence in relation to the complaint being made. It is likely to include the person leading the investigation's interviewing, or meeting with, the complainant and other people involved in the complaint, and may involve asking people to make written statements. In all cases, records will be kept of all discussions, and the person leading the investigation will keep the complainant informed of progress as far as can be deemed reasonable.
- 6.2.6. The person leading the investigation will establish any recommendations for resolving the complaint and agree how these will be implemented. They will then include these actions in a short written report, which will be communicated to the complainant as the conclusion of stage 2.
- 6.2.7. As part of this communication, the person leading the investigation will offer to meet again with the complainant to establish whether they are satisfied with the outcome.
- 6.2.8. The person leading the investigation will communicate the outcome of stage 2 to the complainant no later than fifteen working days after receipt of the initial indication that the complainant wished to proceed to stage 2. In very exceptional circumstances, stage 2 may take longer than this and, if this is the case, the person leading the investigation will ensure that the complainant is aware of any revised timescales.
- 6.2.9. When the outcome is communicated to the complainant, the person leading the investigation will also advise them of their right to progress to stage 3 of this policy if they are unsatisfied with the resolution proposed and ensure that the timescales for doing this are clear.

### **6.3. Stage 3 – Appeal Formal Outcome – Panel Hearing**

- 6.3.1. A complaint may only progress to stage 3 if stage 2 has been exhausted and the complainant remains unsatisfied.
- 6.3.2. To trigger stage 3, a complainant should write to our Chief Corporate Services Officer (via email to [mwalshe@archwaytrust.co.uk](mailto:mwalshe@archwaytrust.co.uk) or by post Archway Learning Trust, Aspley Lane, Nottingham, NG8 5GY), detailing clearly the reasons why they remain unsatisfied after stage 2. In very exceptional circumstances, the Chief Corporate Services Officer may deem it acceptable for this communication to be made in person or by telephone. This communication must be received by the Chief Corporate Services Officer within five working days of the communication of the stage 2 outcome to the complainant.
- 6.3.3. The Chief Corporate Services Officer will acknowledge receipt of the complaint to the complainant in writing within five working days and advise the complainant of the next steps, which will be in line with this policy.
- 6.3.4. The Chief Corporate Services Officer will first seek to assure themselves that all possible avenues of resolution at stages 1 and 2 have been explored and that the stages 1 and 2 procedures have been properly followed. This may involve meetings or telephone conversations with the complainant or with the academy's staff, and records of these conversations will be kept.
- 6.3.5. If the Chief Corporate Services Officer is not satisfied that the procedures have been properly followed, they may propose an informal resolution to the complainant. If the complainant is happy with the proposed resolution, they may choose to withdraw or close the complaint. If they remain unsatisfied, then the Chief Corporate Services Officer will convene a complaints panel as described in paragraph 6.3.6 below.
- 6.3.6. If the Chief Corporate Services Officer is satisfied that the procedures have been properly followed, they will convene a complaints panel. A complaints panel will consist of three people, none of whom have had prior involvement with the complaint. At least one member of the panel will be completely independent from the leadership and management of the academy to which the complaint refers, and this person will chair the complaints panel. Most often, a complaints panel will consist of two members of the AAB for the academy to which the complaint refers and one member of an AAB from another Trust academy.
- 6.3.7. The complaints panel will meet to consider the case no later than twenty working days after receipt of the complainant's confirmed indication that they wish to proceed to stage 3. The Chief Corporate Services Officer will notify the complainant of the date, time and venue of the meeting of the complaints panel at least five working days ahead of its meeting. The venue will normally be the Academy to which the complaint relates.
- 6.3.8. The Chief Corporate Services Officer will ensure that the Chair of the complaints panel is provided in good time with all records relating to the complaint as it was dealt with at stage 1 and 2. They may also request further information from the Principal of the Academy to which the complaint relates. All information presented to the complaints panel will also be made available to the complainant ahead of its meeting.
- 6.3.9. The complainant should make every effort to attend the complaints panel so that their views may be heard in person. If they are unable to attend, they may make a written submission to the complaints panel which must be received by the Chief Corporate Services Officer at least

one working day before the panel meets. The complaints panel will proceed regardless of whether the complainant is able to attend.

6.3.10. The Principal of the Academy to which the complaint relates will also be asked to attend the complaints panel. They may choose to invite the attendance of another member of the academy's SLT or to member of staff who knows the details of the complaint well.

6.3.11. If the complainant is invited to attend the panel, they may bring someone along 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 school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

6.3.12. The Chair of the complaints panel will ensure that the meeting is held in as productive a way as possible and will ensure that all parties can speak without interruption and are treated in a courteous manner. The Chair will also ensure that the panel meeting is accurately clerked and minuted.

6.3.13. The complaints panel will be independent and impartial. The aim of the panel is to achieve a reasonable resolution and, ultimately, attain reconciliation between the complainant and the Academy involved. This is not always achievable, though, and it may only be possible to establish facts and make recommendations to reassure the complainant that their case has been taken seriously.

6.3.14. The complaints panel will consider all the information available about the complaint, including

- a summary of the details of the complaint
- the views of the complainant
- the views of the Academy representative.

The complaints panel may choose to deliberate without the presence of the complainant and the academy's representative and will then come to a conclusion.

6.3.15. The complaints panel may decide, as its conclusion, to

- dismiss or uphold the complaint, in whole or in part
- decide on appropriate action to be taken
- recommend changes that the Academy can make to prevent reoccurrence of the problem

6.3.16. The Chief Corporate Services Officer will ensure that the minutes of the complaints panel, along with a letter summarising the outcome, is sent to the complainant and, where relevant, the person complained about within ten working days of the panel meeting. The minutes of the complaints panel and letter summarising the outcome will be available for inspection on the school premise by the Trust, Academy Advisory Board and Principal / Head teacher. Furthermore, they will also advise them of their right to further appeal (as detailed in paragraph 6.4 below) if they remain unsatisfied.

#### **6.4. Appeal beyond the Trust to the Education and Skills Funding Agency**

- 6.4.1. If a complainant has exhausted our complaints procedure (Stages 1-3), they will be advised by the Chief Corporate Services Officer that they may submit a complaint to the Education and Skills Funding Agency (ESFA) using their online form or by post.
- 6.4.2. The ESFA will not overturn a stage 3 decision about a complaint, but may ask us to reconsider the complaint if it deems
  - there was undue delay, or we did not comply with this complaints policy
  - we are in breach of our funding agreement with the Secretary of State
  - we have failed to comply with any other legal obligation.

## **7. Record Keeping, availability for inspection and data protection**

- 7.1.** We maintain a record of all complaints, regardless of the stage at which the complaint was resolved. This record includes details of the complaint and the complainant, copies of all correspondence and notes and details of the recommendations made. This information will also be provided to complainants at every stage. The record will include information about how, and at what stage, the complaint was resolved.
- 7.2.** These records will be kept securely within our academies and Academy leaders will make them available to the Secretary of State or Ofsted inspectors on academy premises if requested.
- 7.3.** Complainants have a right to request access to any of these records at any time in accordance with our Data Protection policy, which is available on our website.
- 7.4.** Where complaints have reached a stage that requires disclosing information to a third party, written consent will be sought from the complainant.

## **8. Unreasonable complaints and complainants**

- 8.1.** We define 'unreasonable complaints' as

*Those complaints where it is readily apparent that the content of the complaint is entirely without merit or that the complaint is being made solely for the intention of causing inconvenience, harassment or expense.*

We define 'unreasonable complainants' as

*Those complainants who, because of the frequency or nature of their contacts with the Trust, hinder our ability to give due consideration to the wellbeing, views or concerns of others.*

- 8.2.** We may view a complaint or a complainant as unreasonable if:

- a complainant refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- a complainant refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved
- a complainant refuses to accept that certain issues are not within the scope of a complaints procedure
- a complainant insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice
- a complainant introduces trivial or irrelevant information which the complainant expects to be considered and commented on, or raises large numbers of detailed but not directly relevant questions, and insists they are fully answered, often immediately and to their own timescales
- a complainant makes unjustified complaints about staff who are trying to deal with the issues and seeks to have them replaced
- a complainant changes the basis of the complaint as the investigation proceeds
- a complainant repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)

- a complainant refuses to accept the findings of the investigation into that complaint where this complaints procedure has been fully and properly implemented and completed including referral to the ESFA
- a complainant seeks an unrealistic outcome
- a complainant makes excessive demands on academy time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- a complainant does not comply with the commitments outlined in paragraph 4.2.

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

- Maliciously
- Aggressively
- using threats, intimidation or violence
- using abusive, offensive or discriminatory language
- knowing it to be false
- alongside a 'campaign' against the Trust or the academy using, for example, social media platforms
- using falsified information.

This list is not intended to be exhaustive.

- 8.3.** An academy Principal (or more senior member of staff) can decide that a complaint or complainant is deemed 'unreasonable'. This will normally only happen after the complainant has been invited to speak with the Principal and encouraged to change their behaviour.
- 8.4.** If a complaint is deemed 'unreasonable', the academy Principal (or more senior member of staff) will write to the complainant advising them that the complaint will not be considered.
- 8.5.** If a complainant is deemed 'unreasonable', the academy Principal (or more senior member of staff) will write to the complainant explaining that they have been designated 'unreasonable'. This may have consequences for their general engagement with the academy, for example
- meetings with the complainant may always have to have two members of staff present and be recorded
  - all communication from the complainant may have to be in writing
  - the complainant may be barred from the academy premises
  - we may seek advice from our legal advisers regarding behaviour which constitutes harassment
  - we may consider referring the complainant's behaviour to the police.
- 7.6 Any designation of a complainant as 'unreasonable' will be reviewed by the academy Principal (or more senior member of staff) every six months and any change in status will be communicated to the complainant in writing.

## **9. Monitoring, Evaluation and Review**

- 9.1.** This policy will be reviewed every two years or earlier if deemed necessary.

### Appendix 1 – Complaints form

Name	
Address	
Pupil's name	
Pupils date of birth	
Academy pupil in on roll	
Telephone number	
Email address	
What is your complaint concerning?	
What action would you like the Academy or the Trust to take?	
Which member of staff have you already discussed this complaint with?	
What was the result of the discussion?	
Signature	
Relationship to pupil in roll	
Date	