

# **Swift Academies**

## **Complaints Procedure**

### **– This applies to all Trust Schools**

**Accepted by:** Board of Directors March 2018

**Approving Body:** Board of Trustees

**Committee:** Standards

**Review Cycle:** 1 year

**Last reviewed:** October 2023

**Date for next review:** October 2024

This policy applies to all concerns and complaints including those concerning the support provided to students with medical conditions. Specific policies are also in place for the following:

- **Child Protection** issues
- **Exclusions** where separate procedures apply
- **Staff Grievance & Discipline**

This policy complies with Schedule 1, Part 7 of the Education (Independent School Standards) (England) Regulations 2014.

This policy covers all Academies within Swift Academies.

#### **English Language Requirement – Immigration Act 2016**

A legitimate complaint received in respect of the above, whereby a member of the public feels that a public-facing member of staff has insufficient proficiency in English will be investigated in line with this policy and will adhere to the relevant Code of Practice.

Members of staff subject to the complaint will be notified of the complaint and given an opportunity to give their own account of the incident. A complaint will be assessed against an objective assessment of the level of fluency relevant to the role in question.

A complaint about a member of staff's accent, dialect, manner or tone of communication, origin or nationality will not be considered a legitimate complaint.

#### **Timescales**

We aim to resolve any complaints in a timely manner. Timescales for each stage of the Complaints Procedure are set out below in the relevant paragraphs. For the purpose of this policy, a “working day” is defined as a weekday when the school is open. The definition of a “working day” excludes weekends and Bank Holidays.

#### **Complaints received outside of term time**

We will consider complaints made outside of term time to have been received on the first school day after the holiday period

#### **Policy Aim and Statement**

## Aim

The aim of this policy is to ensure that a concern or complaint is managed sympathetically, efficiently and at the appropriate level and resolved as soon as possible; doing so is good practice, it is fair to those concerned and it helps to promote parents' and students' confidence in our ability to safeguard and promote welfare. We will try to resolve every concern or complaint in a positive way with the aim of resolving the issue in a transparent manner.

The Trust expects that most concerns can be resolved informally and guarantees to treat seriously and confidentially all concerns whether raised informally or formally.

## Statement

We need to know as soon as possible if there is any cause for dissatisfaction. We recognise that a difficulty that is not resolved quickly and fairly can soon become a cause of resentment, which could be damaging to relationships and also to our Trust culture. We intend that parents and students should never feel, or be made to feel, that a complaint will be taken amiss or will adversely affect a student or his/her opportunities at school. The policy, however, distinguishes between a concern or difficulty which can be resolved informally and a formal complaint which will require further investigation.

This policy will:

- encourage resolution of problems by *informal* means wherever possible;
- be easily **accessible** and **publicised**;
- be **simple** to understand and use;
- be impartial;
- be **non-adversarial**;
- allow **swift** handling within clearly defined **time-limits**;
- ensure a full and **fair** investigation by an independent person where necessary;
- respect people's desire for **confidentiality**;
- address all the points at issue and provide an **effective** response and **appropriate** redress, where necessary;
- provide **information** to the school's Senior Leadership Team and Directors / Governors so that services can be improved.

## Resolving complaints

At each stage in the procedure, the Trust wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that we will try to ensure the event complained of will not recur;
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within any changes will be made;
- an undertaking to review school policies in light of the complaint.

## Stages of Complaint

The complaints procedure has three stages as follows:

- Stage 1 (informal): complaint heard by staff member;
- Stage 2 (formal): complaint heard by either the Head Teacher/Head of School, Chair of the Local Governing Committee for complaints against the Head Teacher/Head of School, Chair of the Board of Directors for complaints against the Chief Executive Officer or the Clerk to the Governing Body for complaints about the Chair of Governors, any individual governor or the whole governing body;
- Stage 3 (formal): complaint heard by the Trust's Complaints Appeal Panel.

A summary of the complaints process is attached at Appendix A.

## How to raise a concern or make a complaint

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so. When a complaint is made it is important that as much information is collected as possible and that the complainant is offered the opportunity to identify what actions might resolve their complaint.

Complaints against school staff (except the Head Teacher/Head of School) should be made in the first instance, to the Head Teacher via the school office. Please mark them as Private and Confidential.

Complaints that involve or are about the Head Teacher/Head of School should be addressed to the Chair of Governors, via the school office. Please mark them as Private and Confidential.

Complaints that involve or are about the Chief Executive Officer should be addressed to the Chair of Directors, via the school office. Please mark them as Private and Confidential.

Complaints about the Chair of Governors/Directors, any individual Governor/Director or the whole Local Governing Committee / Board of Directors should be addressed to the Trust Business Manager via Swift Academies, Hurworth School, Croft Road, Darlington DL2 2JG. Please mark as Private and Confidential.

For ease of use, a template complaint form is included at the end of this Policy (Appendix B).

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.

## Stage 1 – Informal complaints

1. **Concerns:** Most concerns, where an individual or a parent/carer seeks intervention, reconsideration or some other action to be taken, can be resolved informally. Examples might include dissatisfaction about some aspect of teaching, student disciplinary matters or issues outside the classroom/school. Concerns should initially be raised with the Class Teacher, appropriate member of the Pastoral Team, Head of Department/Phase Leader or the appropriate member of the school's Leadership Team of the academy concerned as appropriate. The school will respect the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the complaint may be referred to another staff member. Similarly, if the member of staff directly involved

feels too compromised to deal with a complaint, the complaint may be referred to another staff member. The school will ensure that informal complaints are resolved within 10 working days of being raised.

2. **Unresolved concerns:** A concern which has not been resolved by informal means within ten working days from the receipt of the complaint can be notified as a formal complaint in accordance with Stage 2 below.
3. **Record of concerns:** In the case of concerns raised under Stage 1 of this procedure, the only record of the concern and its resolution will be file notes by the person dealing with the complaint and/or file correspondence between the person raising the concern and the respondent.

## **Stage 2**

1. **Notification:** An unresolved concern under Stage 1, or a complaint which needs investigation, or a more serious dissatisfaction with some aspect of the school's policies, procedures, management or administration should be set out in writing with full details and sent with all relevant documents and full contact details for the attention of the Head Teacher/Head of School of the academy concerned or the Chair of Local Governing Committee, as appropriate (complaints regarding the Head Teacher/Head of School should go to the Chair of Local Governing Committee).
2. **Acknowledgement:** The complaint will be acknowledged in writing normally within 3 working days of receipt during term time and as soon as practicable during the holidays. The acknowledgement will indicate the action that is being taken, the likely timescale for resolution and provide a Designated Point of Contact.
3. **Investigation and resolution:** The Head Teacher/Head of School may deal with the matter personally or delegate a senior member of staff to act as "Investigating Officer." The "Investigating Officer" may request additional information from the complainant and will fully investigate the issue. In most cases the Principal/Headteacher or investigating officer will meet or speak with the parent/carers to discuss the matter. In exceptional circumstances an independent Investigating Officer may be appointed. Further guidance for Investigating Officers is attached at Appendix C.
4. **Review:** Once the investigation is completed, the details of the case and proposed outcome will be passed to the Chief Executive Officer, except in the case where the complaint is against the Chief Executive Officer. The Chief Executive Officer may request additional investigations or actions as necessary.
5. **Outcome:** The aim is to inform any complainant of the outcome of an investigation and the resolution to the complaint within 20 working days from the receipt of the complaint. Please note that any complaint received during an academy holiday or within 20 working days of the end of term or half term may take longer to resolve.
6. **Record of complaints:** Written records will be kept of any meetings and interviews held in relation to the complaint.
7. **Unresolved Complaints:** Where the complainant is not satisfied with the school's response to their complaint, they may have their complaint considered by the Complaints Appeal Panel.

8.

### **Stage 3 – Panel Hearing**

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3 – a panel hearing consisting of at least three people who were not directly involved in the matters detailed in the complaint with one panel member who is independent of the management and running of the school. This is the final stage of the complaint's procedure.

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

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 20 school days of receipt of the Stage 3 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 3 will be heard by the trustees and an independent panel member.

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 school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

*Note: Complaints about staff conduct will not generally be handled under this complaint's 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.

At least 10 school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible

- request copies of any further written material to be submitted to the committee at least 7 school days before the meeting.

Any written material will be circulated to all parties at least 4 school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's/Trust's systems or procedures to prevent similar issues in the future.

The Chair of the Committee will provide the complainant and the Trust with a full explanation of their decision and the reason(s) for it, in writing, within 5 school days.

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

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the Trust will take to resolve the complaint.

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the school premises by the proprietor and the Head Teacher/Head of School.

A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.

All correspondence statements and records relating to individual complaints will be kept confidential, except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

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

If a complaint is escalated to the trust or if a complainant wishes to complain directly about the trust, then the complaint should be sent to the CEO to be investigated.

The CEO will write to the complainant acknowledging the complaint within 3 school days of the date that the written request was received. The acknowledgement will confirm that the complaint will now be investigated under Stage 2 of this Complaints Policy and will confirm the date for providing a response to the complainant.

Following the investigation, the CEO will write to the complainant confirming the outcome within 20 school days of the date that the letter was received. If this time limit cannot be met, the CEO will write to the Complainant within 10 school days of the date that the letter was received, explaining the reason for the delay and providing a revised date.

If the complaint concerns the CEO or a Trustee, the complaint should be investigated by the Chair of the Trust Board. If a formal complaint form is received about the Chair, the complaint will be referred to the Vice Chair for investigation

*NB. Where the Chair of the Trust Board has investigated the complaint, they will write the letter of outcome to the Complainant and provide a copy to the CEO.*

If the complainant is not satisfied with the outcome of the previous stage, the complainant should write to the Clerk to the Trust Board asking for the complaint to be heard before a Complaint Panel, within 5 school days.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 3 school days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 20 school days of receipt of the Stage 3 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire trust board or
- the majority of the trust board

Stage 3 will be heard by a completely independent committee panel.

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

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

A complainant may bring someone along to the panel meeting to provide support. 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 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 complaint's procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.*

Representatives from the media are not permitted to attend.

At least 10 school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the committee at least 7 school days before the meeting.

Any written material will be circulated to all parties at least 4 school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

The Chair of the Committee will provide the complainant and Swift Academies with a full explanation of their decision and the reason(s) for it, in writing, within 5 school days.

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

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 Swift Academies will take to resolve the complaint.

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the school premises by the proprietor and the head teacher.

A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.



All correspondence statements and records relating to individual complaints will be kept confidential, except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

## **Next Steps**

If the complainant believes the school / trust did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the ESFA after they have completed Stage 3.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by Swift Academies. They will consider whether Swift Academies has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed [Part 7 of the Education \(Independent School Standards\) Regulations 2014](#).

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

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

## **Roles and Responsibilities**

### **Complainant**

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

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

### **Investigating Officer**

The Investigating Officer's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
  - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
  - interviewing staff and children/young people and other people relevant to the complaint
  - consideration of records and other relevant information
  - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The Investigating Officer should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the Head Teacher/Head of School or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.
- The Head Teacher/Head of School or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

**Complaints Coordinator** (this could be the Head Teacher/Head of School/Chief Executive Officer, Designated member of the LGB or Trustees or other staff member providing administrative support)

The Complaints Coordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, Head Teacher/Head of School, Chief Executive Officer, Chair of Governors, Chair of Trustees and Clerk to ensure the smooth running of the Complaints Procedure
- be aware of issues regarding:
  - sharing third party information
  - additional support (This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person)
  - keep records.

### **Clerk to the Local Governing Body**

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

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

### **Committee Chair**

#### **Unreasonable Complaints and Unreasonable Behaviour**

Please see Appendix F for further details of how unreasonable complaints and unreasonable behaviour will be dealt with and examples of behaviour which will not be tolerated.

## **Anonymous Complaints**

We will not normally investigate anonymous complaints. However, the Head Teacher/Head of School, Chief Executive Officer, Chair of Governors or Chair of Trustees, if appropriate, will determine whether the complaint warrants an investigation.

## **Duplicate complaints**

If, after closing a complaint at the end of the complaints procedure, we receive a duplicate complaint from a spouse, a partner, a grandparent or a child not attending this school, we will remind them that we have already considered the complaint and the local process is complete. Complainants will be advised to contact the DfE if they are dissatisfied with our handling of the complaint.

## **Complaint campaigns**

If we receive what we consider to be a large volume of complaints, all based on the same subject and possibly from complainants not connected to the school, then we will treat these complaints as being part of a campaign and respond in one of the following two ways, depending upon the nature and scale of the complaint:

- send the same response to all complainants; or
- publish a single response on the school's website.

## **Appendix A Summary of dealing with complaints**

Stage 1 – Complaint heard by staff member

- Ensure complaints co-ordinator informed of outcome

If not resolved, then escalate to Stage 2 – Complaint heard by Headteacher/Head of School or Chair of Local Governing Committee or Chair of the Board of Directors for complaints against the Headteacher / Head of School or the Chief Executive Officer

- Acknowledge receipt of complaint
- Write to complainant with outcome of investigation
- Ensure complaints co-ordinator informed of outcome
- Offer escalation to Stage 3 if dissatisfied

If not resolved, then escalate to Stage 3 – Complaints Panel meeting arranged

- Issue letter inviting complainant to meet
- Issue letter confirming panel decision
- Ensure complaints co-ordinator informed of outcome

Advise of escalation routes to the Secretary of State for Education via the Education Funding Agency.

## Complaint Form

Please complete and return to Head Teacher/Head of School who will acknowledge receipt and explain what action will be taken.

<b>Your name:</b>
<b>Pupil's name (if relevant):</b>
<b>Address:</b>
<b>Postcode:</b>
<b>Day time telephone number:</b>
<b>Evening telephone number:</b>

**Please give details of your complaint, including whether you have spoken to anybody at the school about it.**

**What action, if any, have you already taken to try and resolve your 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:**

**Official use**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Date:**

## **Stage 2 Formal Complaints: Supplemental Guidance to Investigating Officers**

### **Investigating Complaints General**

1. It is suggested that at each stage, the person investigating the complaint (the Investigating Officer), makes 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;
  - keep notes of the interview or arrange for an independent note taker to record minutes of the meeting.

### **Stage 2 Specific Guidance**

#### **Acknowledgement**

2. The complaint will be acknowledged in writing normally within 3 working days of receipt during term time and as soon as practicable during the holidays. The acknowledgement will indicate the action that is being taken and the likely timescale for resolution. The letter will be accompanied with the Complaints Form (attached) which should be returned to the Investigating Officer to aid their enquiries

#### **Investigation and resolution**

3. The Investigating Officer will ask relevant staff to formally record their recollection of the events including timelines and details of correspondence and file/meeting notes that are relevant to earlier stages.
4. In addition, the Investigating Officer will invite the complainant to meet him/her to give the complainant the opportunity to present oral evidence or to clarify the complaint. The complainant may be accompanied by a friend. The Investigating Officer will record the details of the complaint and a copy of the notes will be provided to the complainant and the relevant staff.
5. The Investigating Officer will collect such other evidence as is deemed necessary. This may include the interviewing of witnesses and others who may provide relevant information.
6. The Investigating Officer will provide relevant staff with a copy of the complaint and the complaints form together with any additional evidence presented by the complainant collected by the Investigating Officer. Once there has been an opportunity for relevant staff to consider the evidence, they will be invited to meet separately with the Investigating Officer, in order to present written and oral evidence in response. Staff may be accompanied at this meeting by a work colleague or representative
7. The investigation will be undertaken as soon as possible and will be completed within 20 working days of receipt of the formal complaint. Please note that any complaint received during an academy holiday or within 20 working days of the end of term or half term may take longer to resolve. The Complainant must be informed

of this in the letter of acknowledgement. The Investigating Officer will inform the complainant and relevant staff in writing of the outcome of the investigation which may be to:

- dismiss the complaint in whole or in part
- uphold the complaint in whole or in part
- decide on the appropriate action to be taken to resolve the complaint
- recommend changes to the Trust's / School's systems or procedures to ensure that problems of a similar nature do not recur

A written record of the complaint investigation, including all correspondence, statements, recommendations will be taken.

### **Interviewing Best Practice Tips**

Children/young people:

- Children/young people should be interviewed in the presence of another member of staff, or in the case of serious complaints (e.g. where the possibility of criminal investigation exists) in the presence of their parents/carers. However, it might not always be possible to conduct an interview in case it prejudices a LADO or police investigation.
- Care should be taken in these circumstances not to create an intimidating atmosphere.
- Children/young people should be told what the interview is about and that they can have someone with them.

All – Including Staff/Witnesses:

- Explain the complaint and your role clearly to the interviewee and confirm that they understand the Complaints Procedure and their role in it.
- Staff are allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager.
- Use open, not leading questions.
- Do not express opinions in words or attitude.
- Ask single not multiple questions, i.e. one question at a time.
- Try to separate 'hearsay' evidence from fact by asking interviewees how they know a particular fact.
- Persist with questions if necessary. Do not be afraid to ask the same question twice.
- Make notes of each answer given.
- Deal with conflicting evidence by seeking corroborative evidence. If this is not available, discuss with the Complaints Coordinator/ Head Teacher/Head of School, Chief Executive Officer, Chair of Governors or Chair of Trustees the option of a meeting between the conflicting witnesses.
- Make a formal record of the interview from the written notes as soon as possible while the memory is fresh. Show the interviewee the formal record, ask if s/he has anything to add, and to sign the record as accurate.



**Independent Member of the Panel**

**Department of Education Registration of Independent Schools Information Pack 2011**

‘Whilst we do not wish to be prescriptive about who schools should appoint as an independent person our general view is that people who have held a position of responsibility and who are used to analysing evidence and putting forward balanced arguments would be suitable. Examples of persons likely to be suitable are serving or retired business people, civil servants, heads or senior members of staff at other schools, people with a legal background and retired members of the Police Force might be considered by schools’.

### Checklist for a Panel Hearing

- The hearing is as informal as possible
- Witnesses are only required to attend for the part of the hearing in which they give their evidence
- After introductions, the Chair will invite the complainant to explain their complaint, and be followed by their witnesses
- The Chair will invite the Chief Executive Officer / Head Teacher / Head of school / Governor / Trustee / Independent person to question both the complainant and the witnesses after each has spoken
- The Chief Executive Officer/Head Teacher/Head of School/Governor/Trustee/Independent person is then invited to explain the Trust/schools' actions and be followed by the academy's witnesses
- The complainant may question the Chief Executive Officer / Head Teacher / Head of School / Governor / Trustee / Independent person and the witnesses after each has spoken
- The panel may ask questions at any point
- The complainant is then invited to sum up their complaint
- The Chief Executive Officer/Head Teacher/Head of School/Governor/Trustee/Independent person is then invited to sum up the academy's actions and response to the complaint
- Both parties leave together while the panel decides on the issues
- The Chair explains that both parties will hear from the panel within 10 working days
- The Chair to explain the list of potential outcomes available to the Panel.

**Policy for Managing Unreasonable Complaints and Unreasonable Behaviour**

The Trust recognises that it is the last resort for complainants. They also have a duty to ensure the safety and welfare of pupils, parents and staff.

Swift Academies is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening. This applies to unacceptable behaviour on any part of the Trust's premises, including the yard.

If the Head Teacher/Head of School considers that a complainant's behaviour is unacceptable the complainant will be told why their behaviour is deemed to be unreasonable and will be asked to change it. If the unacceptable behaviour continues the Head Teacher/Head of School will take action to restrict the complainant's contact with the school. (See Barring from School Premises)

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

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

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

Whenever possible, the Head Teacher/Head of School, Chief Executive Officer, Chair of Governors or Chair of Trustees will discuss any concerns with the complainant informally before applying an ‘unreasonable’ marking.

If the behaviour continues, the Head Teacher/Head of School, Chief Executive Officer, Chair of Governors or Chair of Trustees will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact a Trust School causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from Swift Academies schools.

### **Decision to Restrict Access**

The decision to restrict access to the school will be taken by the Head Teacher/Head of School, Chief Executive Officer, Chair of Governors or Chair of Trustees and will normally follow a prior warning to the complainant. Any restrictions imposed will be appropriate and proportionate. The options we are most likely to consider are:

- requesting contact in a particular form (for example, letters only);
- requiring contact to take place with a named member of staff;
- restricting telephone calls to specified days and times; and/or asking the complainant to enter into an agreement about their future contacts with us.

In all cases where we decide to treat someone as an unreasonably persistent complainant, we will write to tell the complainant why we believe his or her behaviour falls into that category, what action we are taking and the duration of that action. We will also tell them how they can challenge the decision if they disagree with it. If we decide to carry on treating someone as an unreasonably persistent complainant and we are still investigating their complaint six months later, we will carry out a review and decide if restrictions will continue.

Where a complainant whose case is closed persists in communicating with us about it, we may decide to terminate contact with that complainant. In such cases, we will read all correspondence from that complainant, but unless there is fresh evidence which affects our decision on the complaint, we will simply acknowledge it or place it on the file with no acknowledgement.

New complaints from people who have come under the unreasonably persistent complainant’s policy will be treated on their merits.

### **Decision to Stop Responding**

The decision to stop responding will not be taken lightly. The Trust would need to be able to say ‘yes’ to all of the following:

- The Trust has taken every reasonable step to address the complainant’s needs;
- The complainant has been given a clear statement of the school’s position and their options (if any); and
- They are contacting the Trust repeatedly but making substantially the same points each time.

The case is stronger if the Trust agrees with one or more of the following:

- The Trust has reason to believe the individual is contacting the Trust with the intention of causing disruption or inconvenience.
- The complainant's letters emails / telephone calls are often or always abusive or aggressive.
- The complainant makes insulting personal comments about or threats towards staff.

The Trust will not stop responding just because an individual is difficult to deal with or asks complex questions. In most circumstances the subject matter is what the Trust can refuse to respond to, not the correspondent.

The Trust will provide parents with the information they are entitled to under [The Education \(Pupil Information\) \(England\) Regulations 2005](#). However, where an individual's behaviour is causing a significant level of disruption the Trust may implement a tailored communication's strategy such as restricting them to a single point of contact via an email address or by limiting the number of times they make contact, for example, a fixed number of contacts per term.

Complainants have a right to have any new complaint heard and failure to respond at all to a complainant could mean that the trust is failing to comply with its legal obligations. The Trust will ensure that we are acting reasonably and that any genuine complaint will still be heard.

If Trust staff find it difficult to deal directly with the complainant because of their unreasonable behaviour and other strategies are not working, staff will be able to approach the Head Teacher/Head of School, Chief Executive Officer, Chair of Governors or Chair of Trustees for assistance. If this is agreed complainants can be advised not to contact the school directly, but instead the Head Teacher/Head of School, Chief Executive Officer, Chair of Governors or Chair of Trustees who will co-ordinate any response.

Complainants who may have been restricted in their communications with the school can also be advised to ask a third party to act on their behalf, such as the local Citizen's Advice Bureau.

Ultimately, if a complainant persists to the point that the Trust considers it to constitute harassment, legal advice will be sought as to the next steps. In some cases, it may lead to injunctions and other court orders.

Different procedures apply to Freedom of Information (FOI) and GDPR/Data Protection correspondence. The Trust will seek advice from the FOI and DPO Officer with regards to this.

Once the Trust has decided that it is appropriate to stop responding, we will let the complainant know in writing.

### **Persistent correspondence**

If complainants frequently contact the school, causing a significant level of disruption, but refuse to engage with the complaint's procedure, schools within Swift Academies can:

- restrict the complainant to a single point of contact via an email address; and/or
- limit the number of times the complainant can make contact.

This restriction will be limited to the complainant's capacity to complain. For all other issues the complainant can contact the school as normal.

## **Barring from School Premises**

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Trust schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community. (See also, Advice on School Security: Access to, and barring of individuals from school premises)

If a parent's behaviour is a cause for concern, a Trust school can ask him/her to leave the school premises. In serious cases, the Head Teacher/Head of School or Chief Executive Officer can notify the parent in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make.

Our Trust schools will always give the parent the opportunity to formally express their views on the decision to bar in writing. The decision to bar will then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent will be notified in writing, explaining how long the bar will be in place.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of the school's staff, 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.

Anyone wishing to complain about being barred can do so, by letter or email, to the Head Teacher/Head of School, Chief Executive Officer, Chair of Governors or Chair of Trustees. However, complaints about barring cannot be escalated to the Department for Education. Once the school's own Complaints Procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought at the complainant's expense.