

## **The SWAN Trust Complaints Procedure**



**Autumn Term 2021**

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## **Introduction**

The SWAN Trust endeavours to provide the best education possible for all of its pupils in an open and transparent environment. We welcome any feedback that we receive from parents, pupils and third parties, and we accept that not all of this will be positive. Where concerns are raised our academies intend for these to be dealt with:

- Fairly
- Openly
- Promptly
- Without Prejudice

In order to do so, The SWAN Trust Board has approved the following procedure which explains what you should do if you have any concerns regarding any of our academies. All members of staff will be familiar with the procedure and will be able to assist you.

## **Raising concerns**

The majority of concerns can be dealt with without resorting to this procedure. Where you have a concern about any aspect of an academy or your child's education or wellbeing, raise this with your child's class teacher via telephone, email or in person. They may be able to address your concerns straight away, or arrange a meeting with you to discuss the issue.

All concerns will be dealt with confidentially, although the staff member may need to take notes if they feel that the matter may need to be taken further or it may arise again in the future. Any such notes will be kept in accordance with the principles of the General Data Protection Regulations 2018 and Data Protection Act 2018. However, such notes would be able to be used to as evidence if further investigation was required, or if the concern became a formal complaint.

## **Who can make a complaint?**

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to The SWAN Trust about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

## **The difference between a concern and a complaint**

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

A complaint may be defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action'*.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. The SWAN Trust takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, you will be referred to an appropriate alternative staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, you will be referred to another staff member. The

member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, The SWAN Trust will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

## Scope of this complaints procedure

This procedure covers all complaints about any provision of community facilities or services by The SWAN Trust, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>Admissions to schools</li> </ul>	<p>Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority.</p>
<ul style="list-style-type: none"> <li>Matters likely to require a Child Protection Investigation</li> </ul>	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the Local Authority Designated Officer (LADO) who has local responsibility for safeguarding or the Surrey Children’s Single Point of Access (C-SPA) on 0300 470 9100.</p>
<ul style="list-style-type: none"> <li>Exclusion of children from school*</li> </ul>	<p>Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>.</p> <p><i>*complaints about the application of the behaviour policy can be made through the school’s complaints procedure. The Behaviour Policy is on each schools website.</i></p>
<ul style="list-style-type: none"> <li>Whistleblowing</li> </ul>	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>Volunteer staff who have concerns about our school should complain through the school’s complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p>
<ul style="list-style-type: none"> <li>Staff grievances</li> </ul>	<p>Complaints from staff will be dealt with under the school’s internal grievance procedures.</p>
<ul style="list-style-type: none"> <li>Staff conduct</li> </ul>	<p>Complaints about staff will be dealt with under the school’s internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However,</p>

	the complainant will be notified that the matter is being addressed.
<ul style="list-style-type: none"> <li>Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations. If this happens, we will inform you of a proposed new timescale.

If a complainant commences legal action against The SWAN Trust in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

## How to raise a concern or make a complaint

A concern can be raised in person, in writing or by telephone. They may also be made by a third party acting on behalf of the person with the concern, as long as they have appropriate consent to do so. Concerns should be raised with either the class teacher or Headteacher.

If the issue remains unresolved, the next step is to make a formal complaint, using the Complaint form (Appendix B). If you require assistance with completing the form, please contact the school office.

Complainants should not approach individual Governors or Trustees to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at a later stage of the procedure.

A template complaint form is included at the end of this procedure, for use at each stage of the procedure as required. If you require help in completing the form, please contact the school office. You can also ask a third-party organisation such as the Citizens Advice to help you.

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.

## Anonymous complaints

We will not normally investigate anonymous complaints. However, the Headteacher, Chair of Governors, CEO or Chair of Trustees, as appropriate, will determine whether the complaint warrants an investigation.

## Timescales for raising a complaint

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame only if exceptional circumstances apply.

## **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.

## **Audio or video evidence**

Complainants should make sure they obtain informed consent from all parties present before recording conversations or meetings. In line with DfE guidance, we do not normally accept electronic recordings as evidence when we are asked to consider a complaint. Unless exceptional circumstances apply, we will not accept, as evidence, recordings of conversations that were obtained covertly and without informed consent of all parties being recorded.

## **Social Media**

In order for complaints to be resolved as quickly and fairly as possible, the SWAN Trust requests the complainants do not discuss complaints publicly or via social media, such as Facebook and Twitter. Complaints will be dealt with confidentially for those involved, and we expect complainants to observe confidentiality also. Should a complainant choose to discuss their concern on a social networking site, this may impede the process and our ability to find a mutually positive resolution.

## **Complaints that result in staff capability or disciplinary**

If at any formal stage of the complaint it is determined that staff disciplinary or capability proceedings are necessary in order to resolve the issue, the details of this action will remain confidential to the CEO or/and Headteacher and/or the individual's line manager. The complainant is entitled to be informed that the matter is being dealt with appropriately, but they are not entitled to participate in the proceedings and will not receive any detail about them or the outcome.

Where a complaint appears likely to lead to potential disciplinary action, the CEO should be informed.

## **Deviation from the procedure**

Academies will endeavour to abide by timeframes stated under each stage. However, in some circumstances this is not always possible due to the complexity of information needed to review a complaint, difficulties regarding an individual's availability to deal with the complaint, or because of issues that are outside of the academy's control. If it becomes apparent that it is not possible to complete any stage of the complaints procedure within a given timeframe, the individual responsible for handling the complaint will contact the complainant as soon as possible and come to an agreed timeframe that works for all parties involved.

## **Resolving complaints**

At each stage in the procedure, The SWAN 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 explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained about 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 which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology.

In addition, mediation can provide a helpful mechanism for discussion when a complaint is raised, and can help to rebuild the relationship between parties once all of the investigative stages of the complaints procedure have been complete.

## **Withdrawal of a complaint**

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

## **Concerns and informal complaints**

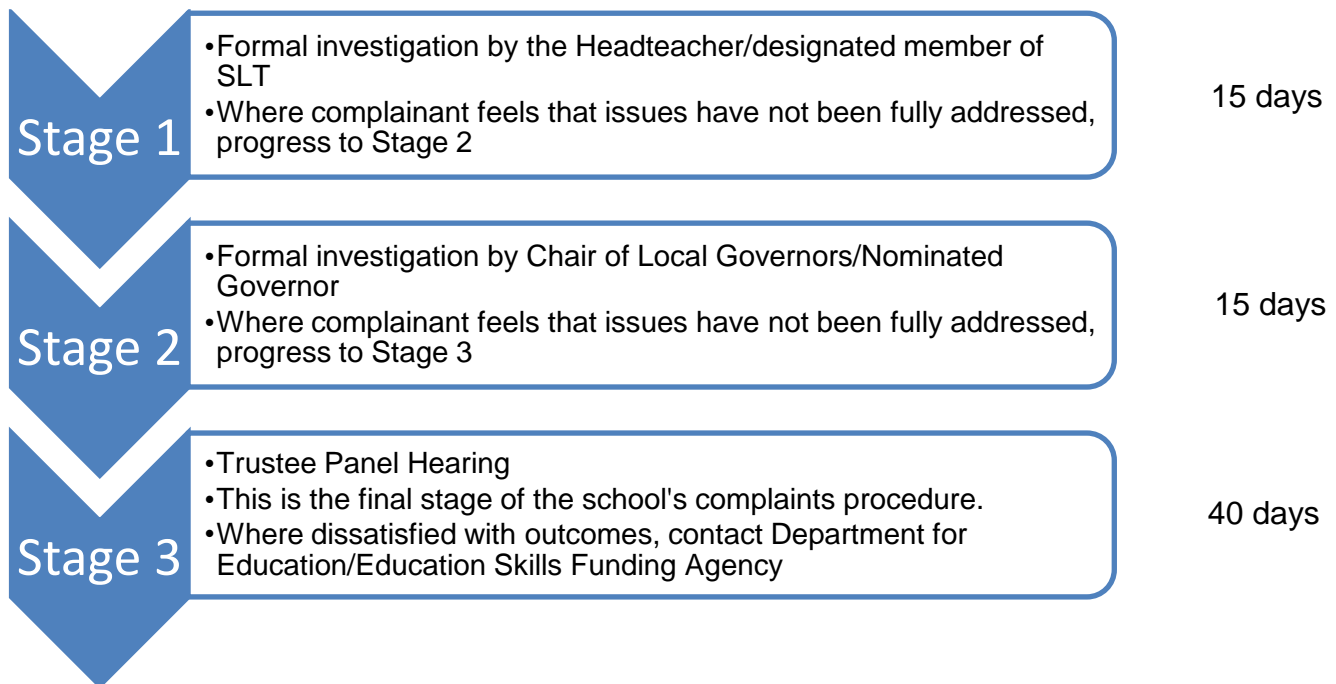
It is to be hoped that most concerns can be expressed and resolved on an informal basis, within 10 school working days.

Concerns and informal complaints should be raised with either the class teacher, year leader, senior leadership team (SLT) or Headteacher. Complainants should not approach individual Governors or Trustees to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at a later stage of the procedure.

If the issue remains unresolved, the next step is to make a formal complaint.

# Formal complaints

## Summary of timeline for formal complaints



### Stage 1 Headteacher Investigation

- Acknowledgement of receipt of complaint to be sent within 3 days of receipt of the complaint.
- Complaint to be investigated and written response to be received by complainant within 15 days of receipt of the formal complaint.

### Stage 2 Governor Investigation

- If the complainant believes that their complaint has not been fully addressed at stage 1, they may request to move to stage 2. This request must be made within 10 days of the receipt of the outcome letter at stage 1.
- Acknowledgement of receipt of complaint to be sent within 3 days of receipt of the complaint.
- Complaint to be investigated and written response to be received by complainant within 15 days of receipt of the stage 2 formal complaint.

### Stage 3 Trustee Panel Hearing

- If the complainant believes that their complaint has not been fully addressed at stage 2, they may request to move to stage 3. This request must be made within 10 days of the receipt of the outcome letter at stage 2.
- Acknowledgement of receipt of request to escalate complaint to stage 3 to be sent within 5 days.
- Hearing to be held within 30 days of receipt of request to go to stage 3.
- Paperwork for Stage 3 hearing to be received from all parties at least 10 days before the hearing.
- Paperwork for Stage 3 hearing to be sent to all parties at least 5 days before the hearing.
- Outcome letter from panel to be received by complainant within 10 days of the hearing.

Note: In all cases, timescales refer to school days so exclude weekends, school holidays and INSET days.



## Complaints about the Headteacher or the Governors

Where a complaint concerns the Headteacher or CEO, the complainant should first directly approach the Headteacher or CEO in an attempt to resolve the issue informally. If the complainant is not satisfied with this outcome, or if they have good reason to feel it is inappropriate to approach the Headteacher or CEO in the first instance, they should contact the CEO or Chair of Trustees of The SWAN Trust. Stage 2 of the complaints procedure will then commence, but with the CEO or Chair of Trustees or another nominated Trustee as the individual responsible for the investigation.

Where a complaint concerns a Local Governor the complainant should contact the Clerk to the Local Governor Committee. Informal resolution will be sought, but where this fails, the complaints procedure at Stage 2 will take immediate effect with a Chair of Local Governor Committee (LGC) or nominated Local Governor from within The SWAN Trust undertaking the investigation.

Where a complaint concerns the Chair of Governors or a Trustee, the investigation will be carried out by a member of The SWAN Trust Board. In this instance please contact the Clerk to the Trust Board.

In exceptional circumstances the Trust Board may appoint an independent investigator to look into the concerns.

If the complaint is:

- jointly about the Chair and Vice Chair of the Trust Board or
- the entire Trustee Board or
- the majority of the Trustee Board

The complaint will move to Stage 2 and will be considered by an independent investigator appointed by the Trust Members. At the conclusion of their investigation, the independent investigator will provide a formal written response to the complainant with a copy to the CEO.

## Designation of responsible investigation personnel

	Stage 1 'Headteacher'	Stage 2 'Governor'	Stage 3 'Panel hearing'	
School complaint	Headteacher	Local Governor	Panel	EFSA
Headteacher	Local Governor	CEO	Panel	
CEO		Chair of Trustee	Panel	
Local Governor		Chair of Governor	Panel	
Trustee		Chair of Trustee	Panel	

# Stage 1 - Headteacher

Please refer to the 'Designation of responsible investigation personnel' on page 9.

Formal complaints must be made to the Headteacher (unless they are about the Headteacher), via the school office. This may be done in person or in writing (preferably on the Complaint Form (see Appendix A for the contact details of the Headteacher, and Appendix B for a copy of the form). By completing the form it ensures that relevant information is communicated at the outset.

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

Within this response, the Headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Headteacher can consider whether a face to face meeting is the most appropriate way of doing this.

*Note: The Headteacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.*

During the investigation, the Headteacher (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation, using a note taker where possible.

At the conclusion of their investigation, the Headteacher will provide a formal written response within **15 school days** of the date of receipt of the complaint.

If the Headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

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 school will take to resolve the complaint.

The Headteacher will advise the complainant of how to escalate their complaint if they believe it has not been fully addressed at this stage, the escalation must be received within 10 school days of the Headteacher's response.

If the complaint is about the Headteacher, CEO, or a member of the Local Governing Committee/Trustee (including the Chair or Vice-Chair), a suitably skilled governor or Trustee will be appointed to complete all the actions at Stage 2.

Complaints about the Headteacher, CEO or member of the Local Governing Committee/Trustee must be made to the Clerk, via email/post. (see Appendix B)

## Stage 2 – Governor investigation

Please refer to the ‘Designation of responsible investigation personnel’ on page 9.

If the complainant believes that their complaint has not been fully addressed at Stage 1, they may request a Governor investigation. This should be done in writing (preferably on the Complaint Form (see Appendix A for the contact details of the Chair of Governors, and Appendix B for a copy of the form).

The Chair of Governors may choose to delegate the investigation of the complaint to a Nominated Governor who may, at the sole discretion of the Chair of Governors, be independent of the school. From this point the term ‘Governor’ refers to the designated person responsible for the investigation, as laid out in the table on page 9. The investigating Governor will have had no prior involvement in the complaint.

Receipt of the complaint form will be acknowledged within **3 schools days**, it needs to be recognised that Governors are volunteers and whilst mail has ‘arrived’ it may not have been ‘received’. In most cases the complainant will be invited to meet with the Governor at the outset of the process. The aim of this meeting is to enable the Governor to understand the scope of the complaint and desired outcomes prior to commencing their investigation.

The Governor will consider all relevant evidence, this may include but is not limited to:

- evidence and outcome from Stage 1 investigation if applicable
- a statement from the complainant
- where relevant a meeting with/statement from an individual who is the subject of the complaint
- any previous correspondence regarding the complaint
- any supporting documents from all parties
- interviews with /statements from anyone related to the complaint
- relevant policies and whether they were followed.

After considering the available evidence, the Governor may:

- uphold the complaint and direct that certain action be taken to resolve it
- not uphold the complaint and provide the complainant with details of the Stage 3 complaint review process
- uphold the complaint in part: in other words, the Governor may find one aspect of the complaint to be valid, but not another aspect. They may recommend certain action to be taken to resolve any aspect that they find in favour of the complainant.

The Governor should inform the complainant of their decision in writing **within 15 school days of receipt of the complaint**. They should explain clearly:

- why they have come to the decision that they made
- detail any agreed actions as a result of the complaint
- provide the complainant with details of how to progress the complaint to Stage 3 if they believe their complaint has not been fully addressed, providing them with the contact details of the Clerk to the Local Governing Committee (Appendix C).

Should the complaint not be resolved mediation should be considered. This can be arranged through the Area Schools Support Service and will be impartial and objective.

## Stage 3 – Panel Hearing

If the complainant does not believe that their complaint has been fully addressed at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3. This consists of a Panel Hearing with at least three Local Governors/Trustees who were not directly involved in the matters detailed in the complaint or any previous investigation. One of the Complaint Panel members will be independent of the management and running of the Academy Trust, the independent Complaint Panel member will not be a Trustee or an employee of the Trust.

Complainants can request an independent complaints committee if they believe there is likely to be bias in the proceedings. They should provide evidence of bias in support of their request, as it is the panel's decision whether to agree to it. If the appearance of bias is sufficient to taint the decision reached, then it is recommended that the panel grants such requests.

This is the final stage of the Academy's complaints procedure.

### Timeline

A request to escalate to Stage 3 must be made to the Clerk, via email or the school office, within **10 school days** of receipt of the Stage 2 response. Requests received outside of this time frame will only be considered if exceptional circumstances apply and are explained to the Clerk at the same time that the request for a Stage 3 Hearing is made.

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**.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within **30 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. In this case the Panel will meet with the Clerk and Area Schools Officer in attendance, and consider the complaint on the basis of written submissions from both parties, with neither party being present.

At least **15 school days** before the meeting, the Clerk will:

- confirm and notify both parties 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 and
- inform both parties that copies of any further written material should be submitted to the clerk at least **10 school days** before the meeting. Any evidence submitted after this, including on the day of the hearing, will only be considered in exceptional circumstances with the agreement of the panel, whose decision is final.

Any written material will be collated and circulated by the Clerk to all parties so that it is received at least **5 school days** before the date of the meeting. The Panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

### Attendees at the meeting

The Clerk will invite the following parties as applicable:

- a panel of three Governors/Trustees, one or more of whom is independent of the Trust
- the complainant
- the Headteacher

- investigating member of SLT (if appropriate)
- the 'Governor' who dealt with the complaint at Stage 2
- relevant witnesses
- Area Schools Support Service representative (procedural advice)

The complainant may ask to be accompanied to the meeting by a supportive companion, interpreter or advocate. It is not advisable for this person to be a member of the school community, for reasons of confidentiality and to avoid conflict of interest. The complainant must advise the Clerk to the Complaint Review Panel of the name and role of this additional person prior to the Hearing, and the Clerk will seek agreement from the Chair of the Panel. If the additional person is attending as an advocate, they will be presenting the complainant's case and speaking on their behalf, and therefore the complainant will not be able to address the Panel directly. If the additional person is attending as a supportive companion they will not be able to address the Panel directly.

As this is not a legal process, neither party may bring legal representation with them except in exceptional circumstances, by prior agreement of the panel.

If the attendance of any pupils is required at the Hearing, parental permission will be sought if the pupil is under the age of 18. Extra care will be taken to consider the vulnerability of children where they are present at a Complaints Hearing. The Panel should respect the views of the child and give them equal consideration to those of adults. If the child is the complainant, the Panel should ask in advance if any support is needed to help them present their complaint. Where the child's parent is the complainant, the Panel should give the parent the opportunity to say which parts of the meeting, if any, the child needs to attend. However, the parent should be advised that agreement might not always be possible if the parent wishes the child to attend a part of the meeting that the Panel considers is not in the child best interests. The welfare of the child is paramount.

Representatives from the media are not permitted to attend.

### **Conduct of the meeting**

The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations. Financial compensation is not a possible outcome of the process.

The panel hearing will consider the complaint as was submitted at Stage 1 and 2. Any new issues will need to be dealt with by a separate complaint procedure.

The Panel will not only consider the handling of the complaint at the previous Stages, but will also consider those aspects of the original complaint which the complainant believes have not been fully addressed.

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

The format of the meeting is that the complainant is given a set amount of time to make their case. The Panel and the School may then ask the complainant questions for clarification. The School then has the same amount

of time to make their case. The Panel and complainant then have the opportunity to seek clarification from the School. Both parties then leave the meeting and the Panel will deliberate.

The Panel will consider the complaint and all the evidence presented and will come to their decisions on the balance of probabilities. The Panel can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part
- determine that all or part of the complaint is out of their scope to consider.

If the complaint is upheld in whole or in part, the Panel 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 Panel will provide the complainant and The SWAN Trust with a full explanation of their decision and the reason(s) for it, in writing, and a copy of the minutes of the Panel Hearing, **within 10 school days**.

The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they believe that their complaint has been handled unreasonably or unlawfully by The SWAN 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 SWAN Trust will take to resolve the complaint.

The Panel will ensure that those findings and recommendations are sent by post, electronic mail or otherwise given to the complainant and, where relevant, the person complained about, with a copy to the Headteacher.

The Complaint Investigator/the Chair of the Complaint Review Panel will ensure that a copy of all relevant information relating to the complaint is kept at the School in a secure, confidential\* file, separate from staff and pupil records. This information should be retained for six years from the date of the complaint, in line with guidance from the Information and Records Management Society ([www.irms.org.uk](http://www.irms.org.uk)) and in accordance with the principles of the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR). The complainant should be informed that this will be done.

\* Please note that the Secretary of State or a body conducting an inspection under s 109 of the Education and Skills Act 2008 may request access to complaints documentation.

## Complaints about Governors

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire Local Governing Committee or
- the majority of the Local Governing Committee

Stage 3 will be heard by a panel of Trustees and an independent panel member.

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

If a complaint is escalated to The SWAN Trust “the Trust” or if a complainant wishes to complain directly about the Trust, then the complaint should be sent to the CEO to be investigated.

The CEO will write to the complainant acknowledging the complaint within **5 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 **15 school days** of the date that the letter was received. If this time limit cannot be met, the CEO will write to the Complainant 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 **10 school days**. The procedure will mirror that outlined under Stage 3 – Panel Hearing above.

If the complaint is:

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

the complaint will be heard by a completely independent panel.

## 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 The SWAN Trust. They will consider whether the School 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.

## Investigator

The investigator's role is to provide a comprehensive, open, transparent and fair consideration of the complaint through:

- sensitive and thorough discussion with the Complainant to establish their perspective and desired outcomes
- interviewing staff 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.

## Clerk to the Stage 3 Panel Hearing

The Clerk is the contact point for the Complainant and the Panel 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 Panel's decision.

## Panel Chair

The Panel's chair, who is nominated in advance of the complaint meeting, will ensure that the meeting is conducted in line with the complaints procedure and best practice principles.

## Panel Members

Panel Members should be aware that:

- The meeting must be independent and impartial, and should be seen to be so
- No Governor / Trustee may sit on the Panel if they have had a prior involvement in the complaint or in the circumstances surrounding it
- They should read all documentation and understand the aims and purpose of the meeting.

## Procedure for managing serial and unreasonable complaints

The SWAN Trust 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 our Schools. 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.

The SWAN Trust 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 complaints 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.

### Procedure for dealing with unreasonably persistent complaints

Only the Headteacher, with the agreement of the Local Chair of Governors, may deem a complainant 'unreasonably persistent'.

Whenever possible, the Headteacher or Local Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' judgement. The Headteacher will ensure that there is sufficient evidence available to justify the decision. If the behaviour continues the Headteacher will write to the complainant explaining that his/her behaviour is unreasonable and asking him/her to change it.

The Headteacher or Local Chair of Governors will write to the complainant to explain the decision and the way that future complaints will be dealt with. Any restrictions imposed will be appropriate and proportionate.

Some or all of the following actions may be taken, depending on the particular circumstances of the case:

- Insisting that no member of staff should meet the complainant on his/her own
- Restricting responses to telephone calls and emails from the complainant to specified days and times
- Requiring that all future contacts with the academy are in writing, except in emergencies; this includes contacts with members of the Local Governing Committee, who should only be contacted at the academy address
- Merely acknowledging correspondence from the complainant that raises issues that have already been dealt with
- Banning the complainant from the academy premises where the complainant's behaviour constitutes a nuisance or disturbance, with any appointments with staff to be agreed in writing via the Headteacher

This will usually be reviewed after six months.

If the behaviour continues, the Headteacher will write to the Complainant explaining that their behaviour is unreasonable and ask them to change it. For Complainants who excessively contact the 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 the School.

### **Vexatious, Malicious Harassment and Serial Complaints**

Complaints that cause considerable disruption to our work, disproportionate cost and time to deal with and impact the wellbeing of our staff (because of the way the complaint is made or because of its repetitive nature) may be considered to be vexatious.

In addition, if a complaint is considered to cause harassment or is intended to cause harm to the wellbeing of a member of staff, or causes a detriment to the academy in any way, this may be considered to be malicious.

In this instance the complaint will be handled in line with this Policy.

### **Barring from the school premises**

Although fulfilling a public function, schools/academies are private places. The public has no automatic right of entry. The SWAN Trust Board/Local Governing Committees have a responsibility to ensure the wellbeing of pupils and staff, and will therefore act to ensure the academy remains a safe place.

If a parent's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the Headteacher or the local authority can notify them in writing that their implied permission to be on

academy premises has been temporarily revoked subject to any representations that the parent may wish to make. Academies should always give the parent the opportunity to formally express their views on the decision to bar in writing.

The decision to bar should then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent should be notified in writing, explaining how long the bar will be in place. Anyone wishing to complain about being barred can do so, by letter or email, to the Headteacher or Local Chair of Governors. However, complaints about barring cannot be escalated to the Department of Education. Once the Academy Complaints Policy procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

## **Procedure for managing complaint campaigns**

In the rare event that the school receives a large volume of complaints all based on the same subject, from Complainants unconnected with the school, we will either send a template response to all Complainants or publish a single response on the school's website.

## **Area Schools Support Service**

The role of the Area Schools Support Service is to provide impartial advice and guidance to school staff, governors and complainants at all stages of the complaints process.\*

*\*For those schools which purchase the service.*

### **North West Surrey**

(Runnymede, Surrey Heath, Woking)

#### **Kate Prince**

#### **Area Schools Officer**

Telephone: 01483 518106

Email: [kate.prince@surreycc.gov.uk](mailto:kate.prince@surreycc.gov.uk)

### **Natalie Cull**

#### **Area Schools Assistant**

Telephone: 01483 518106

Email: [natalie.cull@surreycc.gov.uk](mailto:natalie.cull@surreycc.gov.uk)

Quadrant Court, Guildford Rd,

Woking, Surrey GU22 7QQ

## Appendix A – School contact details

### Appendix A

#### (school specific) (Clerk to Governors)

#### (school specific)

Surrey

GU21

#### (school specific) Local Chair of Governors contact details

#### (school specific)

Woking

GU21

#### Elaine Cooper (CEO of The SWAN Trust)

[ceo@swantrust.co.uk](mailto:ceo@swantrust.co.uk)

**The SWAN Trust**

c/o The Horsell Village School

Horsell

Woking

Surrey

GU21 4QQ

#### Ian Girdler (Chair of Trustees)

[Trustees@swantrust.co.uk](mailto:Trustees@swantrust.co.uk)

**The SWAN Trust**

c/o The Horsell Village School

Horsell

Woking

Surrey

GU21 4QQ

## Appendix B – Complaint form for Stage 1 and 2

Please complete the form below and return to

Complaint about		Please send form to
School complaint	Headteacher	
Headteacher	Chair of Local Governor	
CEO	Chair of Trustee	Elaine Cooper
Local Governor	Chair of Local Governor	
Trustee	Chair of Trustee	Ian Girdler
Trust Board	Clerk of Trustees	Nicky Dicken

They will then acknowledge receipt and explain what action will be taken within **5 school days**.

<b>Your name:</b>		
<b>Child's name (if relevant):</b>		
<b>Your relationship to the child (if relevant):</b>		
<b>Contact details:</b>		
<b>Contact Address</b>		
<b>Contact Phone Number (day)</b>		
<b>Contact Phone Number (evening)</b>		
<b>Contact Email</b>		
<b>Please give details of your complaint (adding extra pages if necessary):</b>		
<b>No.</b>	<b>Details of issue</b>	<b>What action has been taken to resolve the matter and by whom?</b>
1		
2		

3		
etc		

**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:**

<b>By who:</b>
<b>Complaint referred to:</b>
<b>Action taken:</b>
<b>Date:</b>



## Appendix C – Complaint form for Stage 3

<b>Your name:</b>		
<b>Child's name (if relevant):</b>		
<b>Your relationship to the child (if relevant):</b>		
<b>Contact details:</b>		
<b>Contact Address</b>		
<b>Contact Phone Number (day)</b>		
<b>Contact Phone Number (evening)</b>		
<b>Contact Email</b>		
<b>Please give details of your complaint (adding extra pages if necessary):</b>		
<b>No.</b>	<b>Details of issue</b>	<b>Reasons why you feel your concerns have not been fully addressed, and any evidence that you feel has not been fully considered</b>
<b>1</b>		
<b>2</b>		
<b>3</b>		
<b>etc</b>		

<b>What outcome are you seeking from the Stage 3 Complaint Review?</b>
<b>Are you attaching any paperwork? If so, please give details.</b>
<b>Signature:</b>
<b>Date:</b>
<b>Official use</b>
<b>Date acknowledgement sent:</b>
<b>By who:</b>
<b>Complaint referred to:</b>
<b>Action taken:</b>
<b>Date:</b>