



Enable Trust

Complaints Policy & Procedure

Our Vision

Achieving More Together

Our Mission

Working together passionately to achieve the best outcomes for our SEND children and young people

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Contents

1	Introduction	0
2	Definitions.....	0
3	Scope.....	1
4	Legislation and Guidance	2
5	Roles and Responsibilities.....	2
6	Complaints Procedure - Principles.....	3
7	Principles of investigating a complaint	4
8	Stages of Complaint	5
8.3	Stage 1 – Informal Procedure	5
8.4	Stage 2 – Formal complaint heard by the Headteacher	6
8.5	Stage 3 – Formal complaint heard by the Local Governing Body	6
8.6	Stage 4 – Complaint heard by Trustees Panel	7
8.7	Stage 5 – Complaint Procedure referred to Education Skills Funding Agency	8
9	Timescales.....	8
10	Record Keeping	9
11	Serial and Persistent Complaints	10
11.1	Unreasonably persistent complaints	10
11.2	Duplicate Complaints	12
11.3	Complaint Campaigns	12
	Appendix 1 - Complaints Policy Flowchart.....	13
	Appendix 2 - Complaint Form	14
	Appendix 3 - Complaint Review Request Form to Escalate to Next Stage	16
	Appendix 4 – Investigation Procedure.....	17
	Appendix 5 - ESFA Guidance for Schools - Managing serial and persistent complaints.....	20

Version Control

Version No.	Amendments	Date
1.2	Formatting and contents page updates; added to section 3.6; Barring from School Premises section added	

1 Introduction

- 1.1 Enable Trust aims to meet its statutory obligations when responding to complaints from parents of pupils at the trust's schools, and others.
- 1.2 Our complaints policy and procedure is not intended to replace the normal informal discussions which take place between parents/carers, staff and the Headteacher on problems and concerns as they arise. Most issues can be resolved through this dialogue.

The complaints policy is based on a principle that concerns expressed by a pupil, parent, carer or any individual or organisation with a concern should be resolved as quickly as possible without the need to escalate to the more formal stages of the procedure. However, where resolution is not achieved quickly and the person raising the complaint remains dissatisfied and wishes to take the matter further, the formal procedure as explained in this policy will be invoked.

2 Definitions

- 2.1 The DfE guidance explains the difference between a concern and a complaint:

- A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”
- A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”

2.2 Concerns

The first point of contact regarding concerns should always be the class teacher. These concerns might include such matters as your child's work or progress, relations with staff, relations with other pupils including bullying, or your child's personal welfare.

Appointments to see the class teacher are available both before and after school and may be made via the office. Please bear in mind though that teachers require time immediately before school to prepare for the day and may have involvement with staff meetings after school, so may not always be available at short notice.

- 2.2.3 When meeting with the class teacher to raise your concerns, please be patient, the class teacher may need time to perform an investigation or put corrective measures in place and then determine their effectiveness.

- 2.2.4 This informal stage may require several meetings to reach a conclusion satisfactory to all parties. Time will need to be allowed to discuss desired actions for the school and parent, timescales, and may require further meetings.
- 2.2.5 If a parent/carer feels that a concern has not been solved through discussions with the class teacher, or that it is of a sufficiently serious nature, then an appointment to discuss it with the Headteacher should be made. The parent/carer should indicate that the appointment is regarding a complaint.

3 Scope

- 3.1 The Trust intends to resolve complaints informally where possible, at the earliest possible stage.
- 3.2 We will listen to all concerns, complaints, suggestions and compliments and see them as opportunities to improve the quality of the service we provide. Enable Trust aims to work in partnership with stakeholders in the best interests of the children.
- 3.3 Any complaint will be given careful consideration and will be dealt with fairly and honestly.
- 3.4 Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.
- 3.5 There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.
- 3.6 We will provide sufficient opportunity for any complaint to be fully discussed and aim to resolve it through open dialogue and mutual understanding.
- 3.6 This policy does not cover complaints procedures relating to:
- Admissions
 - Safeguarding matters
 - Suspension and permanent exclusion
 - Whistle-blowing
 - Staff grievances
 - Staff discipline
 - Staff conduct complaints
 - Complaints about services provided by other providers who may use school premises or facilities.

Please see our separate policies for procedures relating to these types of complaint.

4 Legislation and Guidance

4.1 This policy meets the following requirements:

- As set out in part 7 of the schedule to the Education (Independent School Standards) Regulations 2014, which states that we must have and make available a written procedure to deal with complaints from parents of pupils at the school.
- As set out in section 35 of the schedule to the Education (Non-Maintained Special Schools) (England) Regulations 2011, which states that non-maintained special schools must have and make available a written procedure to deal with complaints relating to their school.

4.2 It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on creating a complaints procedure that complies with the above regulations, and refers to good practice guidance on setting up complaints procedures from the Department for Education (DfE).

4.3 This policy complies with our funding agreement and articles of association.

5 Roles and Responsibilities

5.1 The complainant

The complainant will get a more effective and timely response to their complaint if they:

- Follow these procedures
- Co-operate with the school throughout the process, and respond to deadlines and communication promptly
- Ask for assistance as needed
- Treat all those involved with respect
- Not publish details about the complaint on social media

5.2 The investigator

An individual will be appointed to look into the complaint and establish the facts. They will:

- Interview all relevant parties, keeping notes
- Consider records and any written evidence and keep these securely
- Prepare a comprehensive report to the Headteacher or complaints committee which includes the facts and potential solutions.

5.3 The Governance Professional (Governance Professional to the governing board and board of trustees)

The Governance professional will:

- Be the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints committee meetings
- Arrange the complaints hearing
- Record and circulate the minutes and outcome of the hearing

5.4 Committee chair

The committee chair will:

- Chair the meeting, ensuring that everyone is treated with respect throughout
- Make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case.

6 Complaints Procedure - Principles

6.1 The following principles will apply to any complaint:

- The complaint will be handled with care and sensitivity.
- All stages of the complaints procedure will be investigatory rather than adversarial
- Confidentiality will be respected at all times
- Responses to any complaint will be prompt (timescales are detailed below)
- The Complainant will be given adequate feedback and kept informed of timescales
- The Complainant will be kept informed of the options to appeal during the process
- Any investigation will be thorough, objective and fair
- Any investigation will address all the points at issue
- Provides appropriate redress where necessary
- Reported to the senior leaders so that services can be improved where necessary

6.2 If an anonymous complaint is received it will not be investigated. However, if an anonymous complaint raises child protection issues then the complaint will be referred immediately to the Local Authority Designated Officer (LADO).

6.3 The Complainant should not attempt to bypass steps in the complaints procedure.

6.4 Headteachers' will investigate complaints or may delegate to senior leaders if they feel appropriate.

- 6.5 Where the complaint concerns Headteacher or Governor, the complainant will be referred to the Chair of Trustees who will consider the complaint as a Stage 3 formal complaint with the Trustees panel.
- 6.6 Where the complaint concerns the CEO, the Chair of the Trust Board will consider the complaint as a Stage 3 formal complaint.
- 6.7 If at any stage of a complaint it becomes apparent that the Complainant is seeking some sort of financial compensation then any investigation will be halted whilst legal advice is sought.
- 6.8 If any Governor is contacted directly by a parent regarding a complaint, then that Governor will refer the parent to this complaints procedure. Individual Governors cannot act unilaterally by investigating a complaint or making any prior judgement about it. The Governor can only refer the parent to the class teacher, the Headteacher or the Chair of Governors as appropriate.
- 6.9 It is in everyone's interest that complaints are resolved at the earliest possible stage.
- 6.10 Written information sent out to a complainant may be in either electronic format or in 'hard copy' as the School/Trust sees fit.
- 6.11 The complaints policy and procedure will be published on the Trust's web site.

7 Principles of investigating a complaint

- 7.1 The principles that will form the basis for all investigations of complaints will be that the investigation:
- Clarifies the nature of the complaint and what remains unresolved
 - Establish what has happened so far, and who has been involved
 - Clarifies what the complainant feels would put things right
 - Interviews those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
 - Conducts the interview with an open mind
 - Keeps a written record of the interview
- 7.2 The Headteacher will seek to meet or speak with all of the appropriate people in order to establish the facts relating to the complaint, if the information given on the complaints form necessitates this. This may include the complainant, staff and any other person.

- 7.3 Once all of the facts have been established the member of staff considering the complaint will then produce a written response to the complainant, or may wish to meet the complainant to discuss/resolve the matter directly.

8 Stages of Complaint

- 8.1 The policy is to try to deal with the complaint, to the satisfaction of the complainant, at the earliest possible level:

- Only if the complaint cannot be resolved at the informal level would it be escalated to the formal level.
- Only if the complaint cannot be subsequently resolved at the formal level, should it be escalated to a Governors' Panel.
- Only if the complaint cannot be subsequently resolved, should it be escalated to a Trustees' Panel.

- 8.2 At each stage of the complaints procedure the member of staff, Governor or Trustee responsible for overseeing the process will consider how the complaint may be resolved. In considering how a complaint may be resolved they will give due regard to the seriousness of the complaint. It may be appropriate in order to bring the complaint to a resolution for the offering of either:

- An explanation
- An apology
- Reassurance of steps that have been taken to prevent a recurrence of the relevant events
- Reassurance that the School will undertake a review of its policies in light of the complaint

8.3 Stage 1 – Informal Procedure

- 8.3.1 Most concerns and complaints can be satisfactorily resolved at this stage. The Trust values informal meetings and discussions to facilitate an early resolution. There is no suggested time-scale for resolution at this stage given the importance of dialogue through informal discussion although it would be expected that most issues would be resolved as swiftly as possible.
- 8.3.2 Should the initial discussions appear unlikely to resolve matters, either party may initiate a move to the next stage (Stage 2) of the procedure. A copy of the complaints

policy will be forwarded to the complainant at this stage. The complainant will be asked to complete the formal complaints form.

8.4 Stage 2 – Formal complaint heard by the Headteacher

- 8.4.1 The complainant will be notified within 2 school days of the receipt of the complaint.
- 8.4.2 The Headteacher will be notified of the complaint, record the date received and will address the complaint within 10 school days. If a meeting with the complainant is required, the Headteacher will endeavour to arrange this within 10 school days of the complaint being received.
- 8.4.3 If the complaint is very serious then the Headteacher, at their discretion, may escalate the procedure directly to Stage 3.

8.5 Stage 3 – Formal complaint heard by the Local Governing Body

- 8.5.1 If the complaint is not resolved by the Headteacher, the complainant may escalate the complaint to the Governance Professional to the Local Governing Body.
- 8.5.2 The Governance Professional should write to the complainant acknowledging receipt of the written request for the complaint to be heard. This acknowledgement must be sent within 5 working days and should inform the complainant of the arrangements for hearing the complaint within 20 working days of receiving it.

At the meeting:

- 8.5.3 The Governor Panel will be made up of between 3 to 5 members, one of which must be independent of the management and running of the School. No person involved should have previous involvement in the complaint.
- 8.5.4 At the review panel meeting, the complainant and representatives from the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.
- 8.5.5 The complainant must be allowed to attend the panel hearing and may be accompanied by a suitable companion if they wish. Neither the complainant or school/trust should bring legal representation to the hearing as these are not legal proceedings. Third parties may be permitted, for instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by their union. These will be considered on a case-by-case basis.

- 8.5.6 At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called as appropriate to present their evidence.
- 8.5.7 The panel, the complainant and the school representative will be given the chance to ask and reply to questions. Once the complainant and school representatives have completed presenting their cases, they will be asked to leave and evidence will then be considered.
- 8.5.8 The panel will then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the subject of the complaint, and make a copy of the findings and recommendations available for inspection by the Headteacher.

The Outcome

8.5.9 The committee can:

- Uphold the complaint, in whole or in part
- Dismiss the complaint, in whole or in part

If the complaint is upheld, the committee will:

- Decide the appropriate action to resolve the complaint
- Where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

8.5.10 The school will inform those involved of the decision in writing within 10 school days.

8.5.11 If the complainant is unhappy with the outcome at 'Stage 3' then a Trustees Panel, made up of 3 to 5 members that have had no previous involvement with the complaint, will hear it (stage 4).

8.6 Stage 4 – Complaint heard by Trustees Panel

8.6.1 The complainant needs to write to the Governance Professional.

8.6.2 The Governance Professional should write to the complainant acknowledging receipt of the written request for the complaint to be heard. This acknowledgement must be sent within 5 working days and should inform the complainant of the arrangements for hearing the complaint within 20 working days of receiving it.

- 8.6.3 The Trustees Panel will be made up of between 3 to 5 members, one of which must be independent of the management and running of the School. No person involved should have previous involvement in the complaint.
- 8.6.4 If the complaint is about the Chair, then the Vice Chair will hear it as a Stage 4 complaint.
- 8.6.5 The findings of the Trustees Panel are final.
- 8.6.6 Intervention of parallel investigations relevant to the complaint by the Police or social services may cause variation to these time scales. Any such variation will be notified to the complainant.
- 8.6.7 The Governance Professional will send a formal written response to the complainant within 10 working days of the panel meeting.
- 8.7 Stage 5 – Complaint Procedure referred to Education Skills Funding Agency
 - 8.7.1 If a complaint has been through all the stages of the Trust’s complaints procedure but the complainant remains dissatisfied, they can ask the Education Skills Funding Agency (ESFA) to review the handling of the complaint.
 - 8.7.2 Further information about referring the handling of a complaint to the EFA can be found at:
<https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy>

9 Timescales

- 9.1 The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.
- 9.2 We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.
- 9.3 The complaints procedure sets out the time limits for each stage of the complaints processes. However, The complainant will be sent the details of any changes to the deadlines with an explanation for the delay

- 9.4 When complaints are made out of term time, we will consider them to have been received on the first school day after the holiday period.
- 9.5 If at any point we cannot meet the time scales we have set out in this policy, where a complaint is of a particularly complex nature, or further investigations are required to ascertain facts, new time limits can be set we will:
- Set new time limits with the complainant
 - Send the complainant details of the new deadline and explain the delay.
- 9.6 A written acknowledgement is provided to the complainant within 5 school days of receiving a complaint. The acknowledgement will give an explanation of the complaints procedure and will give a target date for providing a response to the complaint, which should normally be within 10 school days. If the target cannot be met a letter should be written within 10 school days explaining the reason for the delay and providing a revised target date.
- 9.7 When the investigation has been concluded, the complainant will be informed in writing of the outcome, which should also inform the complainant that should he/she wish the complaint to progress to the third stage of this procedure then he/she should send a written request stating this to the Headteacher within 10 school days of receiving the response. They may use the “Enable Trust Complaint Review Request Form” (Appendix 2) to escalate to next stage.
- 9.8 If no further communication is received from the complainant within 10 working days it is deemed that the complaint has been resolved and is closed.

10 Record Keeping

- 10.1 The schools will retain a written record of all complaints and whether they were resolved at the informal, formal or panel level.
- 10.2 A written response should contain an outline of the complaint and a summary of the response to the complaint including the decision reached and the reasons for it. Where appropriate this should also include what response the School will take to resolve the complaint. This may be by way of a general description e.g. ‘Action taken within the Disciplinary Procedure’.
- 10.3 All written records, statements and correspondence relating to an individual complaint will be treated with complete confidentiality. However, the School is required to make these records available to the Secretary of State, the Regional

Schools Commissioner or a body conducting an inspection such as OFSTED if they request access to them.

- 10.4 Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and [records management policy/record retention schedule.

11 Serial and Persistent Complaints

Further guidance can be found in Appendix 5

11.1 Unreasonably persistent complaints

- 11.1.1 Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- Has made the same complaint before, and it's already been resolved by following the school's complaints procedure
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- Knowingly provides false information
- Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure
- Pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refuses to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the time frames it sets out
- Changes the basis of the complaint as the investigation goes on
- Makes a complaint designed to cause disruption, annoyance or excessive demands on school time
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value.

11.1.2 Steps we will take

We will take every reasonable step to address the complainant's concerns and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

If the complainant continues to contact the school in a disruptive way, we may implement a tailored communications strategies in place. For example we may:

- Give the complainant a single point of contact via an email address

- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third party to act on their behalf, such as Citizens Advice
- Seek legal advice
- Put any other strategy in place as necessary

11.1.3 Stopping responding

We may stop responding to the complainant when all of these factors are met:

- We believe we have taken all reasonable steps to help address their concerns
- We have provided a clear statement of our position and their options
- The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

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 our school site.

11.1.4 Barring from school premises

Although fulfilling a public function, schools are private places and the public has no right of entry. We will therefore act to ensure our schools remain a safe place for pupils, staff and other members of the community.

If an individual's behaviour is a cause for concern, a head teacher can ask them to leave school premises. In some cases, individuals can be barred from entering school premises. In such circumstances, the individual will always be given the opportunity to express formally their views on a decision to bar.

The head teacher's decision to bar should then be reviewed by either:

- the chair of governors
- a committee of governors

They should take into account any representations made by the individual and decide whether to either confirm or lift the bar. If the decision is confirmed, the individual should be notified in writing, explaining:

- how long the bar will be in place
- when the decision will be reviewed

The DfE provide further guidance: [Controlling access to school premises](#).

11.2 Duplicate Complaints

11.2.1 If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.

11.2.2 If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and the local process is complete
- Direct them to the DfE if they are dissatisfied with our original handling of the complaint

If there are new aspects, we will follow this procedure again.

11.2.3 The purpose of the complaints procedure is to identify all of the facts that are pertinent to the complaint so that it can be resolved to the satisfaction of the complainant. However, there may be occasions when, despite all stages of the procedure being followed, the complainant remains dissatisfied. If the complainant then tries to reopen the same issue, the CEO or Chair of the Trustees is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

11.3 Complaint Campaigns

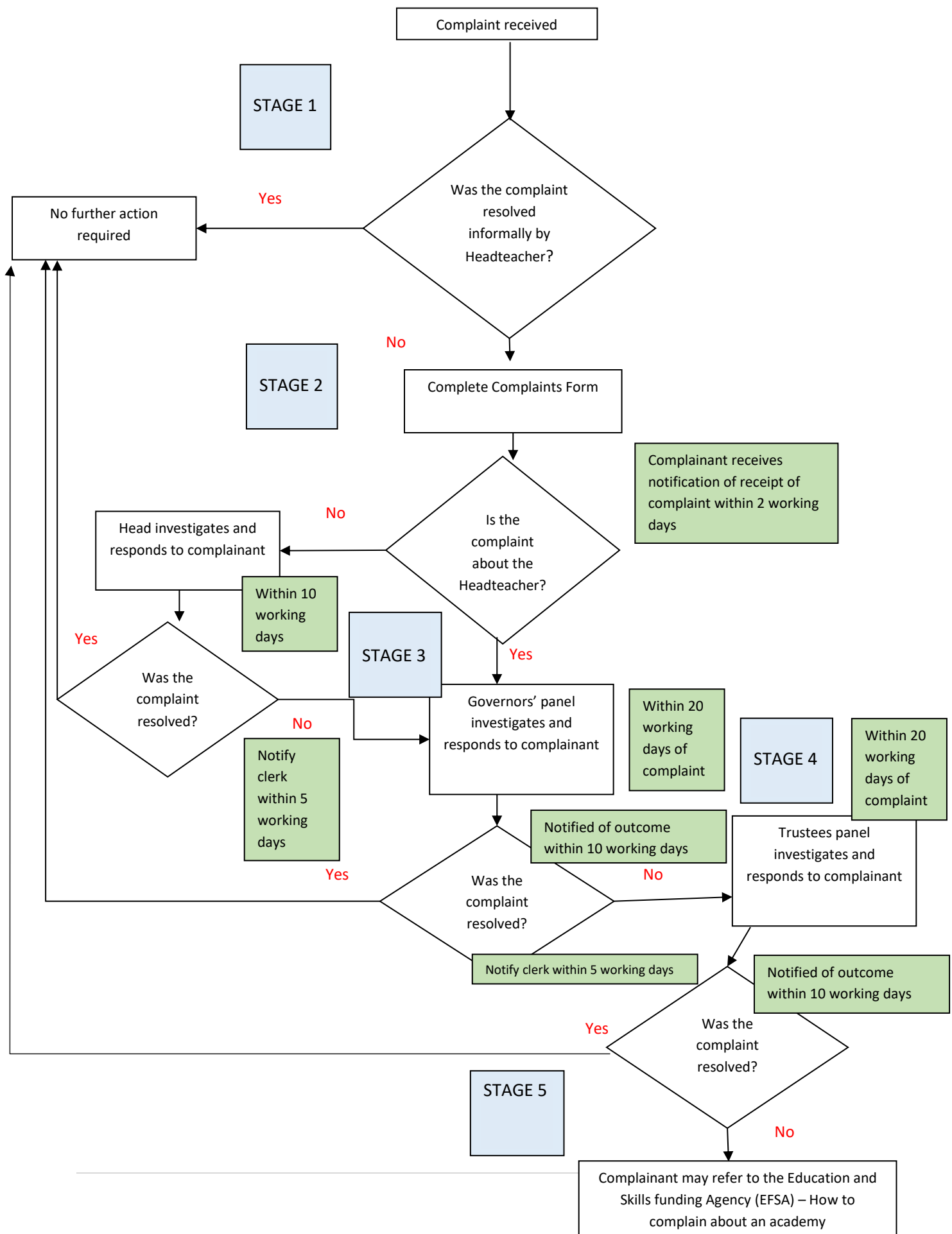
Where the school receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school may respond to these complaints by:

- Publishing a single response on the school website
- Sending a template response to all of the complainants

If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply.

The ESFA published guidance regarding "Managing serial and persistent complaints" is reproduced in Appendix 5 to provide further information.

Appendix 1 - Complaints Policy Flowchart



Appendix 2 - Complaint Form



Enable Trust Complaint Form

Please complete this form and return it to the Headteacher (or Governance Professional to the Local Governing Body), who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name:

Relationship with school [e.g. parent of a pupil on the schools roll]:

.....

Pupil's name [if relevant to your complaint]:

.....

Your Address:

Daytime telephone number:

Evening telephone number:

Please give concise details of your complaint, [including dates, names of witnesses etc...], to allow the matter to be fully investigated:

You may continue on separate paper, or attach additional documents, if you wish.

What action, if any, have you already taken to try to resolve your complaint? [I.e. who have you spoken with or written to and what was the outcome?]

What actions do you feel might resolve the problem at this stage?

Signature:

Date:

School use:

Date Form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

Complaint referred to:			
Date:			

Appendix 3 - Complaint Review Request Form to Escalate to Next Stage



Enable Trust complaint review request form to escalate to next stage

Please complete this form and return it to the Head Teacher or Governance Professional to the governing body, who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name:

Your Address:

Daytime telephone number:

Evening telephone number:

Dear Sir/Madam

I submitted a formal complaint to the school onand am dissatisfied by the procedure that has been followed.

My complaint was submitted to and I received a response fromOn.....

I have attached copies of my formal complaint and of the response[s] from the school. I am dissatisfied with the way in which the procedure was carried out, because:

You may continue on separate paper, or attach additional documents, if you wish.

Number of Additional pages attached =

What actions do you feel might resolve the problem at this stage?

Signature:

Date:

School Use:			
Date form received:		Received by:	
Date acknowledgement sent:		Acknowledgement sent by:	
Request referred to:		Date:	

Appendix 4 – Investigation Procedure

Investigation Procedure

The investigation of an allegation or a complaint should always be carried out thoroughly and responsibly, irrespective of whether the complaint appears to be trivial or serious. The outcome of such an investigation will have significance not only for the complainant but also for any member of staff against whom a complaint has been made.

Any anonymous complaint will not be investigated, unless there are exceptional circumstances. These would include serious concerns such as Child Protection issues or bullying allegations, where the school should either involve appropriate external agencies or else conduct its own internal review to test whether there is any corroborative evidence which might trigger a formal investigation.

Preparing for an Investigation

Where the school receives a formal complaint, the date of receipt must be recorded and it should be acknowledged and a commitment made that the complaint will be investigated and the outcome of the investigation notified to the complainant in due course.

It is essential that there is a clear understanding of the complaint. Where necessary the nature of the complaint should be confirmed with the complainant. E.g. through an initial meeting. (If an investigator is appointed there may need to be more detailed follow-up.)

Any member of staff against whom a complaint has been made, should be notified that a complaint has been received and that the appropriate school procedure will be followed. It is usually not appropriate to provide the member of staff with details of the evidence on which the complaint is based until any investigation has been completed. However the member of staff does need to be able to understand the nature of any allegations against them.

Once any complaint has been confirmed the school needs to determine which procedure (school or LA) is most appropriate and to select an appropriate person to conduct any investigation.

Conducting the investigation

The investigation must be carried out in accordance with the provisions of the relevant procedure.

Arrangements should be agreed so that accurate notes can be taken of all interviews and the outcome of the investigation be accurately recorded.

The complainant should be given the opportunity to offer documentation and to identify potential witnesses or sources of evidence.

The member of staff subject to the complaint should be advised that they may be accompanied by a friend or trade union representative when invited to be interviewed.

Where children are potential witnesses, discretion should be exercised over their involvement. Pupils should only be interviewed when the nature of the complaint is sufficiently serious to warrant it and adult witnesses are not available. Only in extreme circumstances will younger pupils be interviewed.

Any interviews should be conducted as soon as possible to ensure that recollections are as fresh as possible and to minimise the possibility that evidence will become tainted through witnesses discussing alleged incidents with other persons.

In conducting interviews, the investigator should prepare the questions to be asked prior to the interview. These can always be supplemented during the interview. The investigator should allow the interviewee to answer in their own way. Their responses should be listened to attentively. Any temptation to cut an interviewee short or to seek to "lead" them must be resisted. The interviewee should be given the opportunity of providing other relevant information at the end of the interview.

Interviewees should, however, be advised that their responses must be confined to the substance of the complaint. Any attempt by the interviewee to introduce information relating to other members of staff or to issues unrelated to the complaint should be resisted.

The investigator should avoid reaching conclusions or passing judgement until the investigation has been completed and their report is being written.

Concluding the investigation

The report may contain:

- a brief outline of the process that has been followed
- a statement of the complaint/concern
- a summary of the findings, linked to the relevant evidence
- any recommendations for future action
- annexes containing copies of witness statements and other evidence collected during the investigation

The report of the investigation will usually be confidential to the school, as it is likely to contain sensitive personal information. If a request is received to release the report, under

either the Data Protection Act or Freedom of Information, the school should seek legal advice from the LA.

A summary of the process undertaken and the outcome of the investigation may be provided to the complainant. Caution must be exercised in reporting back to the complainant as revealing certain details may prejudice the ability of an employee to continue in post.

Following consideration of the report by the relevant body, any final recommendations may also be shared with the parties, unless there is good reason not so to do. Wherever possible, recommendations should be constructive and not punitive.

The complainant should be advised that he/she may, if they are not satisfied that the appropriate procedure has been followed, request a review of that process by the governing body.

Taken from the National Association of Head Teachers Policy and Guidance (2009)

Appendix 5 - ESFA Guidance for Schools - Managing serial and persistent complaints

ESFA Guidance for Schools - Managing serial and persistent complaints

This guidance is a copy of the guidance found at the following link:

<https://www.gov.uk/government/publications/school-complaints-procedures/best-practice-advice-for-school-complaints-procedures-2019#managing-serial-and-persistent-complaints>

You should do your best to be helpful to people who contact you with:

- a complaint or concern
- a request for information

However, there will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. If a complainant tries to re-open the same issue, you can inform them that the procedure has been completed and that the matter is now closed.

If the complainant contacts you again on the same issue, the correspondence may then be viewed as 'serial' or 'persistent' and you may choose not to respond. However, you should not mark a complaint as 'serial' before the complainant has completed the procedure. Under no circumstances should a complainant be marked as 'serial' for exercising their right to refer their complaint to their MP, regardless of which stage the complaint has reached.

You may receive complaints you consider to be vexatious. The characteristics of a 'frivolous' or 'vexatious' complaint are:

- complaints which are obsessive, persistent, harassing, prolific, repetitious
- insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason
- insistence upon pursuing meritorious complaints in an unreasonable manner
- complaints which are designed to cause disruption or annoyance
- demands for redress that lack any serious purpose or value

Academies should not refuse to accept further correspondence or complaints from an individual they have had repeat or excessive contact with. The application of a 'serial or persistent' marking should be against the subject or complaint itself rather than the complainant.

Academies may find it useful to establish a policy for managing serial and unreasonable complaints, which we recommend is included in the school's published procedure.

When to stop responding

The decision to stop responding should never be taken lightly. You need to be able to say yes to all of the following:

- you have taken every reasonable step to address the complainant's concerns
- the complainant has been given a clear statement of your position and their options
- the complainant contacts you repeatedly, making substantially the same points each time.

The case to stop responding is stronger if you agree with one or more of these statements:

- their letters, emails, or telephone calls are often or always abusive or aggressive
- they make insulting personal comments about or threats towards staff
- you have reason to believe the individual is contacting you with the intention of causing disruption or inconvenience.

You should not stop responding just because an individual is difficult to deal with or asks complex questions.

Communication strategy for persistent correspondents

If an individual's behaviour is causing a significant level of disruption, regardless of whether or not they have raised a complaint, academies can implement a tailored communication strategy. For example, they can:

- restrict the individual to a single point of contact via an email address
- limit the number of times they can make contact, such as a fixed number of contacts per term

However, regardless of the application of any communication strategy, you must provide parents and carers with the information they are entitled to under The Education (Pupil Information) (England) Regulations 2005, within the statutory time frame.

Different procedures apply to freedom of information (FOI) and data protection (DP) correspondence. You should talk to your FOI and DP advisor about those or approach the Information Commissioner's Office for further advice.

You need to make sure that you act reasonably and consider any new complaint. Anyone has the right to raise a new complaint at any time and failure to respond could result in the school failing to act reasonably.

You can also suggest that the complainant asks a third party to act on their behalf, such as the local Citizen's Advice Bureau.

If an individual persists to the point that may constitute harassment, you should seek legal advice. In some cases, injunctions and other court orders have been issued to individuals preventing them from contacting academies direct.

Once you've decided that it's appropriate to stop responding, you will need to inform the individual.

Barring from school premises

Although fulfilling a public function, academies are private places. The public has no automatic right of entry. Schools will therefore need to act to ensure they remain a safe place for pupils, staff and other members of their community.

If an individual's behaviour is a cause for concern, a head teacher can ask them to leave school premises. In some cases, individuals can be barred from entering school premises. You should always give the individual the opportunity to express formally their views on a decision to bar.

The head teacher's decision to bar should then be reviewed by either:

- the chair of governors
- a committee of governors

They should take into account any representations made by the individual and decide whether to either confirm or lift the bar. If the decision is confirmed, the individual should be notified in writing, explaining:

1. how long the bar will be in place
2. when the decision will be reviewed

Once the school's appeal process has been completed, individuals may be able to apply to the Courts. Individuals wishing to exercise this option should seek independent legal advice. Controlling access to school premises provides more guidance on access to school premises.

ESFA's role in relation to complaints about academy schools

Anyone can raise a complaint about a school or a member of the school's staff to us. Before escalating an academy complaint to us, we expect that complainants will have completed local complaints procedures first. Our contact form clearly explains this and advises them to complete local procedures before submitting their complaint.

The exceptions to this include when:

- children are at risk of harm
- missing education

We cannot overturn the decision about a complaint. Our role is to make sure the complaint is handled properly by following a published procedure that complies with part 7 of the Education (Independent School Standards) Regulations 2014.

We will only consider the complaint if the complainant can provide evidence that the school or trust:

- does not have a complaints procedure
- did not provide a copy of its complaints procedure when requested
- does not have a procedure that complies with statutory regulations
- has not followed its published complaints procedure
- has not allowed its complaints procedure to be completed

We inform the complainant that we are not able to:

- overturn the panel's decision
- re-investigate the original complaint
- review the accuracy of minutes taken or documents provided
- order that compensation is paid
- direct the school to discipline / exclude pupils
- force the school to discipline / dismiss staff
- instruct the school to apologise

Action ESFA can take against a school or trust

We'll intervene when a school or trust has:

- breached a clause in its funding agreement
- failed to act in accordance with its duties under education law
- acted (or is proposing to act) unreasonably when exercising related education functions.

When considering a complaint, we review all the evidence provided to us, including the school's published policies, to determine whether it is appropriate to take any action. Action taken by us, where appropriate, typically involves explaining the legislative framework and what it means in practice at the trust level or recommending improvements to statutory policies.

However, in some instances it may be appropriate to issue a warning notice (where leadership and governance has broken down or safety is threatened) and then issue a Notice to Improve (NtI). The NtI would set out the conditions that would need to be fulfilled for the NtI to be lifted.

If serious failings are identified, we may share information about the complaint and our findings with relevant bodies, such as local authorities and Ofsted, to make sure that appropriate safeguarding, remedial or preventative action is taken.

If an immediate safeguarding concern is raised, we will always refer this immediately to the LADO.