



Star

NURTURING TODAY'S **YOUNG PEOPLE**,  
INSPIRING TOMORROW'S **LEADERS**

# COMPLAINTS POLICY





## Document control

<b>This document has been approved for operation within:</b>	All Trust Establishments
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## Introduction

1. This policy applies to all complaints made against Star Academies and its establishments about any provision of facilities or services provided with the following exceptions, for which there are separate (statutory) procedures:
  - Admissions to schools;
  - statutory assessments of Special Educational Needs (SEN);
  - school re-organisation proposals; and
  - matters likely to require a Child Protection Investigation.

## Aims

2. To provide a fair complaints procedure which is clear and easy to use for anyone wishing to make a complaint.
3. To publicise the existence of our complaints procedure so that people know how to contact us to make a complaint.
4. To ensure all complaints are investigated fairly and in a timely way.
5. To ensure that complaints are, wherever possible, resolved and that relationships are repaired.
6. To gather information which helps us to improve what we do.
7. To support the mission, vision and values of the Trust and its establishments.

## Who is responsible for this policy?

8. The Trust has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory or Trust framework. The Trust has delegated day-to-day responsibility for operating the policy to Star Central, the Local Governing Body and the Head of each establishment.
9. The Local Governing Body and Senior Leadership Team at each establishment has a specific responsibility to ensure the fair application of this policy and all members of staff are responsible for supporting colleagues and ensuring its success.

## Stage one – informal resolution

10. The Trust expects that before seeking to use formal procedures, the complainant:
  - will have raised the issue with the relevant staff member within the Establishment; and
  - will have made reasonable attempts to seek an informal resolution.
11. Where a minor problem arises at source, or where a minor complaint is made directly and verbally, this should be dealt with at source with explanation and mediation being the key forms of resolution.

## Stage two – formal procedure

12. A Head of Establishment shall have a discretion, which will be exercised reasonably, not to allow a written complaint to be pursued where an Informal Resolution has not been sought.
13. The Complainant must put the complaint in writing using the Trust's Complaint Reporting Form (Appendix 1) unless the complainant has a disability which prevents this, in which case the



- complainant may contact the Establishment for assistance. The complaint should be addressed to the Head of Establishment.
14. The Head of Establishment should immediately forward a copy of the Complaint Reporting Form to the Regulatory Team at Star Central ([regulatory@staracademies.org](mailto:regulatory@staracademies.org)), who will oversee the progress of the complaint and provide advice and guidance as required.
  15. The Head of Establishment will acknowledge receipt of the complaint by letter, and pass the complaint to a nominated senior member of staff as appropriate for investigation.
  16. An investigation of the complaint will be carried out by the nominated senior member of staff who will report to the Head of Establishment.
  17. The investigation should aim to be concluded within 15 working days (in the case of a school, this will be 15 school days) of the complaint being received. An extension of this deadline should only be considered where there is a genuine delay in the availability of information required to consider the investigation and clear attempts to obtain the information in a timely manner can be demonstrated. If an extension to the investigation is required, this should be communicated along with the revised deadline, in writing, to the complainant.
  18. The Head of Establishment will discuss the findings of the investigation with the complainant. This may be during a meeting or over the telephone. Whenever reasonably possible, such discussion will take place within 20 working days (in the case of a school, this will be 20 school days) of the complaint being received. If there has been a delay in the investigation, this should be within 5 days of the revised deadline that was communicated to the complainant.
  19. The Head of Establishment will then put their findings in writing and indicate what steps, if any, should be taken in order to resolve the matter. Whenever reasonably possible, this will be done within 10 working days (in the case of a school, this will be 10 school days) of the discussion with the complainant at paragraph 18 above.
  20. A copy of the Complaint Form and the written response will be submitted to the Regulatory Team at Star Central by the Head of Establishment.
  21. Where a complaint relates directly to the Head of Establishment, a member of Star Central will take over this role. Otherwise, the procedure for the Stage Two will remain the same.

### Stage three – panel hearing

22. If the complainant is not satisfied with the outcome of the first and second stage, the complainant may request that the complaint be considered by the Complaint Appeals Panel of the Establishment which will comprise of two members of the Establishment's Governing Body who have not previously been involved in the complaint, and one person independent of the management and running of the establishment. The selection of the independent member will be supported by the Star Central Regulatory Team.
23. A request to use the third stage must be in writing, addressed to the Head of Establishment within 10 working days (in the case of a school, this will be 10 school days) of the Stage Two response being sent to the complainant and must set out clearly the reasons why the complainant is dissatisfied with the response.
24. The Head of Establishment will put in writing its response to the complainant's reasons for requesting the Appeal. The Establishment will do this within 15 working days (in the case of a school, this will be 15 school days).
25. At the end of that 15 day period (whether or not the Establishment has responded to the complainant's reasons for requesting the Appeal) the Clerk to the Governing Body will convene



- a hearing of the Complaint Appeals Panel. That hearing will be held as quickly as practicable given the need to find a date that is reasonably convenient for the complainant, the Establishment and the members of the Panel. Whenever possible, the hearing will be held within 15 working days (in the case of a school, this will be 15 school days) of the end of the Establishment's response time.
26. All parties will be provided with a minimum of 5 working days' notice of the date of the Complaints Appeals Panel (in the case of a school, this will be 5 school days).
  27. The following are entitled to attend the Panel hearing, submit written representations and address the Panel:
    - the complainant/s and/or one representative;
    - the Head of Establishment and/or one representative; and
    - any other interested person whom the Complaint Appeals Panel considers to have a reasonable and just interest in the appeal and whose contribution would assist the Panel in their decision-making.
  28. The Panel will formulate its response as quickly as reasonably possible, aiming to do so within 10 working days (in the case of a school, this will be 10 school days), and the Clerk to the Governing Body will notify all concerned.
  29. The Panel findings and recommendations will be:
    - sent in writing to the complainant within the 'Completion of Procedure' letter (template at Appendix 2);
    - sent, where relevant, to the person complained about; and
    - available for inspection on the Establishment's premises.
  30. A written record will be kept of all complaints by the Establishment and by the Star Central Regulatory Team.
  31. 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 162A of the Education Act 2002 requests access to them or where the Trust is otherwise required by law to disclose them.

## **Dealing with unreasonably persistent or vexatious complaints**

32. We define unreasonably persistent and vexatious complaints as those which, because of the frequency or nature of the complainants' contacts, hinder our consideration of their or other people's complaints. The description 'unreasonably persistent' and 'vexatious' may apply separately or jointly to a particular complaint.
33. Features of an unreasonably persistent and/or vexatious complaint include those detailed within Appendix 3. Please note that this list is not exhaustive, nor does one single feature on its own necessarily imply that the complaint will be so defined.
34. The Establishment will ensure that the complaint is being, or has been, investigated in accordance with this Complaints Policy. If there are concerns that a complaint may fall within the category of being unreasonably persistent and/or vexatious the Head of Establishment will seek guidance and advice from the Star Central Regulatory Team.
35. If a complainant is found to be unreasonably persistent and/or vexatious the Star Central Regulatory Team will write to the complainant advising them of the decision and the reasons for



- this. The letter should state that all future correspondence from them with regards to complaints should be directed to them who will consider whether it raises any substantive new issue(s).
36. The complainant will be advised that if no substantive new issue is raised, any future complaints will not receive a response. They will also be advised of their right to complain about the decision to the Education and Skills Funding Agency (ESFA).
  37. There is no internal route of appeal against the decision that a complaint is persistent and/or vexatious.
  38. If future complaints do raise substantive new issues, it will be investigated in accordance with the Complaints Policy.

## Accountability

39. The Head of Establishment holds delegated responsibility for discharging the sound application of all establishment policies.
40. The Head of Establishment should inform the Star Central and their Governing Body of all matters relating to serious breaches of this policy including any major incident to be addressed under this policy promptly, preferably prior to action being taken insofar as is reasonably practicable.

## Monitoring, evaluation and review

41. The policy will be promoted and implemented throughout all Trust establishments.
42. The Trust will monitor the operation and effectiveness of arrangements referred to in this policy at each Trust establishment.
43. The Trust will review this policy every two years in consultation with each Trust establishment.





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

**To whom did you speak to and what was the response?** (An informal resolution should have been sought)

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

**Are you attaching any paperwork? If so, please give details.**

**Signature:**

**Date:**

**For official use only**

Date acknowledgement sent

Complaint referred to

Acknowledgement sent by

Complaint referred on (date)

## Appendix 2: Template completion of procedures letter

<\* Please add required detail/ deletion options as appropriate. Do NOT delete any non\* parts within the letter as it is a statutory template. Seek guidance from the Regulatory Team of Star Central if required>

<Establishment Letter Head>

Dear <\*Name of complainant>

### Completion of Procedures Letter

This letter confirms that the internal procedures of this establishment in relation to your complaint regarding <\*please describe> have been completed.

The issues that you raised in your complaint were <\*please summarise>.

The issues that were considered in relation to complaint were: <\*brief summary of the complaint >.

The final decision of the Establishment is <\*detail> because <\*reasons>.

The <\*procedure/ policy / regulation> applied were: <\*details >.

\*Establishment to delete one of the following paragraphs as applicable:

\*Either:

Complainants who are dissatisfied about the handling of their complaint for a Trust school may contact the Education and Skills Funding Agency (ESFA) using their [online school complaints form \(www.gov.uk/complain-about-school\)](http://www.gov.uk/complain-about-school).

\* Or, in the case of SCITT:

Under the Higher Education Act 2004, the Establishment subscribes to the independent scheme for the review of student complaints. If you are dissatisfied with the outcome, you may be able to apply for a review of your complaint to the Office of the Independent Adjudicator for Higher Education (OIA) providing that the complaint you take to the OIA is eligible under its Rules.

Should you decide to make a complaint to the OIA, your OIA Complaint Form must be received by the OIA within three months of the date of this letter, that is, it must be received by the OIA on or before <insert date - e.g. if the Completion of Procedures Letter is dated 7 January, this date should be 7 April>.

The OIA's leaflet, 'An Introduction to the OIA for Students', can be downloaded from [http://www.oiahe.org.uk/media/34396/oia\\_intro\\_leaflet.pdf](http://www.oiahe.org.uk/media/34396/oia_intro_leaflet.pdf) and a link to the OIA Complaint Form is available on page 8. Alternatively, you can telephone or write to the OIA for a form. **You should send a copy of this letter to the OIA with your OIA Complaint Form.** Guidance on submitting a complaint to the OIA and the OIA Complaint Form can also be found on the OIA's website <http://www.oiahe.org.uk/making-a-complaint-to-the-oia.aspx>. You may also wish to seek advice from the Students' Union about taking your complaint to the OIA.

Please note that the <\*ESFA / OIA> will normally only review issues that have been dealt with through the Establishment's internal procedures.

Yours sincerely

<Authorised signatory>

### Appendix 3: Examples of unreasonably persistent and/or vexatious complaints

*Please note that this list is not exhaustive, nor does one single feature on its own necessarily imply that the complaint will be so defined.*

- a. There are insufficient or no grounds for the complaint and it is made only to annoy (or for reasons that the complainant does not admit or make obvious).
- b. There are no specified grounds for the complaint despite offers of assistance.
- c. The complainant refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- d. The complaint is about issues not within the power of the Establishment to investigate, change or influence and where the complainant refuses to accept this.
- e. The complainant insists on the complaint being dealt with in ways which are incompatible with the Complaints Policy (insisting, for example, that there must not be any written record of the complaint or insisting the complaint is only dealt with by the Trust Chief Executive).
- f. There appears to be groundless complaints about the staff dealing with the complaint investigation, and an attempt to have them replaced.
- g. There is an unreasonable number of contacts with us, by any means, in relation to a specific complaint or complaints.
- h. There are persistent and unreasonable demands or expectations of staff and/or the complaints process after the unreasonableness has been explained to the complainant (an example of this could be a complainant who insists on immediate responses to numerous, frequent and/or complex communication).
- i. Attempts to harass, verbally abuse or otherwise seek to intimidate staff dealing with their complaint by use of foul or inappropriate language or by the use of offensive or discriminatory language.
- j. Subsidiary or new issues are raised whilst a complaint is being addressed that were not part of the complaint at the start of the complaint process.
- k. Trivial or irrelevant new information is introduced whilst the complaint is being investigated and an expectation that this to be taken into account and commented on.
- l. There is a change to the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed.
- m. The complainant denies statements he or she made at an earlier stage in the complaint process.
- n. The complainant electronically records meetings and conversations without the prior knowledge and consent of the other person involved.
- o. The complainant refuses to accept the outcome of the complaint process after its conclusion, repeatedly arguing the point, complaining about the outcome, and/or denying that an adequate response has been given.
- p. The same complaint is made repeatedly, perhaps with minor differences, after the complaints process has been concluded and where the complainant insists that the minor differences make these 'new' complaints which should be put through the full complaints process.
- q. Documented evidence is not accepted as factual by the complainant.
- r. The complaint relates to an issue based on a historic and irreversible decision or incident.