



Policy: Complaints

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COMPLAINTS

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RED KITE LEARNING TRUST

1. Introduction

- 1.1 RKLТ is committed to providing the very best education and school experience to pupils across all its schools. Feedback is welcomed as an important part of continuous improvement and we accept that this will not always be positive.
- 1.2 When concerns are raised, they will be dealt with promptly through a fair, transparent process and without prejudice.
- 1.3 The following policy explains how to raise a concern or make a complaint and what process RKLТ staff will follow to resolve the matter as quickly as possible.

2. Alternative processes

- 2.1 In some specific situations an alternative policy will need to be followed to deal with the concern appropriately. This is usually because a statutory process must be followed to meet our legal duty. The following list details some specific situations where this applies:

Subject of concern	Appropriate Policy	Available from
Pupil admissions	Individual school's Admissions Policy	School Website
Pupil exclusion	Individual school's Positive Behaviour Policy	School Website
Staff grievance, capability or disciplinary	RKLТ has trust-wide policies for grievance, capability and disciplinary	Internal policies available from RKLТ HR
Anonymous complaints	RKLТ Whistleblowing Policy	Available from RKLТ Website
Subject Access (Data Protection) and Freedom of Information requests	Data Protection & Freedom of Information Policy	Available from RKLТ Website
Safeguarding and Child Protection	Individual School's Safeguarding and Child Protection Policy	School's website

2.2 Where a complaint concerns a pupil's statutory assessment of Special Educational Needs please contact the Local Authority directly.

2.3 Where a complaint concerns a third party used by RKLТ or by an individual RKLТ school it may be more appropriate to contact the third party directly.

3. **Safeguarding**

3.1 Wherever a complaint indicates that a child's safety or wellbeing is at risk, RKLТ has a duty to report this immediately to the relevant Local Authority. Any action taken will follow the Safeguarding and Child Protection Policy, which is available from the school's website.

4. **Raising concerns**

4.1 Most concerns can be dealt with outside of the formal complaints process and should be raised by phone, email or in person with a relevant member of staff. The best person to speak to initially will be the member of staff who will have the best understanding of the situation and can best answer your queries, e.g.:

4.1.1 a concern regarding homework allocation for a particular subject could be raised with the subject teacher or class teacher

4.1.2 a parent's concern about their child's friendship with another child in their class could be raised with the class or form teacher

4.1.3 a concern about a member of staff could be raised with the Head of Department or Headteacher/Principal.

4.2 Wherever possible, informal concerns will be responded to quickly and resolved amicably. Ideally, your concern will be addressed within three school days or a meeting may be arranged with you to discuss the issue. Where a matter is regarding classroom-based staff please be mindful of their availability and reasonable in your expectation of response times, particularly to concerns received by email.

5. **Complaints that result in staff capability and disciplinary**

5.1 If, at any stage, it is necessary to undertake staff disciplinary or capability proceedings as the result of a complaint, the details of this action will remain confidential to the individual's line manager and any relevant member(s) of the RKLТ central team directly involved in the proceedings. The complainant is entitled to be informed that action is being taken but they are not entitled to participate in proceedings or receive any detail about them.

6. **Procedure and timescales**

6.1 Wherever possible, please raise initial concerns with the relevant member of staff as detailed in **Paragraph 4** of this policy. If you are not satisfied with the response and believe the issue has not been resolved, please follow the procedure below.

6.2 For the majority of complaints, RKLТ staff will follow the timescales in this policy. However, in complex cases more time may be needed to conduct a full and fair investigation or to convene a panel of Governors/Trustees. In this instance, extended timescales will be confirmed at the earliest possible opportunity.

6.3 RKLТ reserves the right not to investigate complaints that have been made more than three months after the subject of the complaint took place unless in exceptional circumstances, e.g., where new evidence has come to light; if the complaint is about an especially serious matter or where there is reasonable justification for why the complainant could not raise the matter sooner. The Headteacher/Principal (or CEO for complaints about RKLТ as a Trust) will make the decision on whether or not to invoke the complaints procedure in this instance and inform the CEO/Governance Lead of the decision.

Raising concerns		Timescales
Informal	<ul style="list-style-type: none"> Concern raised informally with relevant staff by email, phone or in person Quick response and resolution (usually within 3 working school days) or meeting scheduled to discuss 	3 school days
Stage 1	<ul style="list-style-type: none"> Concern escalated to Headteacher/Principal or Head of Team at RKLТ Central (or their nominated representative) for informal investigation. Where complainant is dissatisfied with outcome; submit formal complaint for progression to Stage 2. 	10 school days
Stage 2	<ul style="list-style-type: none"> Complaint escalated CEO/Chair of the Trust (or their nominated representative) for formal investigation. Where complainant dissatisfied with outcome; submit written request for formal appeal panel review. 	20 school days
Stage 3	<ul style="list-style-type: none"> Appeal panel will review Stage 1 and Stage 2 investigations and make final decision to uphold/reject all or part of complaint. Final stage of the RKLТ complaints procedure, if the complainant remains dissatisfied, they should contact the Department for Education (see Paragraph 13 of this policy). 	30 school days

7. Complaints about the Headteacher/Principal or Governors

7.1 Where a complaint is regarding a Headteacher/Principal this should first be raised directly with the Headteacher/Principal to try and resolve the issue informally. If the complainant is not satisfied with this outcome they should submit a written complaint to the CEO. The CEO will then begin the complaints process at **Stage 1**.

7.2 Where a complaint is regarding a Governor, a complaint should be submitted to the Governance Lead who will inform the Trust Chair. The Trust Chair will then begin the complaints process at **Stage 1**.

8. **Complaints about the RKLТ Core Team**

- 8.1 Where a complaint is regarding a member of the RKLТ Core Team this should first be raised directly with the member of staff concerned to try and resolve the issue informally. If the complainant is not satisfied with this outcome they should notify the CEO (see **Paragraph 13** for contact details) who will then begin the complaints process at **Stage 1**.

9. **Complaints about the Chief Executive Officer or the Trustees**

- 9.1 Where a complaint is regarding the CEO this should first be raised directly with the CEO to try and resolve the issue informally. If the complainant is not satisfied with this outcome they should notify the Governance Lead. The complaints process will then begin at **Stage 1** with the Chair of Trustees as the individual responsible for the investigation.

- 9.2 Where a complaint is regarding a Trustee this should be raised with the Governance Lead who will inform the Trust Chair. Informal resolution will be sought but where this fails the complaints process will begin at **Stage 1** with a Trustee (who is unrelated to the complaint) responsible for the investigation. If the complaint is regarding the Trust Chair the Governance Lead will inform the Chair of Members who will be responsible for the investigation.

10. **Stages of a complaint**

- 10.1 All complaints will be handled in the order and procedure outlined below, from **Stage 1** to **Stage 3** consecutively. The first point of contact for making a complaint is the **school's main email address** (available on the school's website) or the Governance Team, Red Kite Learning Trust, info@rklт.co.uk who can forward your complaint onto the relevant party.

10.2 **Stage 1 – Informal Investigation**

If an initial concern has been raised and the complainant feels the issue has not been addressed or if the school recommends the initial concern warrants more detailed investigation, a **Stage 1** informal complaints investigation will be conducted following the below process:

- 10.2.1 Complainant contacts the **main school email address** (available on the school's website) or Trust email address to request their concern is investigated. The complainant should explain in writing:

10.2.1.1 a summary of the complaint so far

10.2.1.2 who has been involved (use job titles if names are not known)

10.2.1.3 why the complaint remains unresolved

10.2.1.4 what is needed to resolve the complaint (e.g., an explanation/apology/further action).

- 10.2.2 Within two school days¹ a response will be given to acknowledge receipt of the complaint, confirm who the complaint has been forwarded to for investigation and the timescales for a response.
- 10.2.3 The Headteacher/Principal may conduct the **Stage 1** informal investigation themselves or instruct an appropriate member of their team to conduct the investigation.
- 10.2.4 The outcome(s) of the investigation will be provided to the complainant in writing within 10 school days of confirming an informal investigation will be undertaken.
- 10.2.5 If the complainant is not satisfied with the outcome they may request the complaint is escalated to **Stage 2** by submitting a formal complaint to info@rkl.co.uk or Red Kite Learning Trust, Arthurs Avenue, Harrogate, HG2 0DZ. Where possible, please use the Formal Complaint Form (see **Schedule 1**) to submit a formal complaint however any complaint marked as 'formal' and submitted in writing will be accepted.
- 10.2.6 Written records of the complaint and informal investigation will be held at the school, in line with the principles of Data Protection legislation.

10.3 **Stage 2 – Formal Investigation**

- 10.3.1 If the complainant is not satisfied with the outcome at **Stage 1**, they may submit a formal complaint to the Red Kite Learning Trust, Arthurs Avenue, Harrogate, HG2 0DZ – info@rkl.co.uk
- 10.3.2 Within two school days a response will be given to acknowledge receipt of the formal complaint, confirm who the complaint has been forwarded to for formal investigation and the timescales for a response.
- 10.3.3 The CEO (or Chair of the Trust for complaints about RKL) may conduct the **Stage 2** formal investigation themselves or instruct an appropriate person to conduct the investigation. The investigating person should refer to the Trust guidance regarding the duties and role of the Investigating Officer.
- 10.3.4 The investigator will consider all relevant evidence to the complaint; this may include but is not limited to:
 - 10.3.4.1 the formal complaint from the complainant
 - 10.3.4.2 written records from the **Stage 1** informal investigation
 - 10.3.4.3 previous correspondence regarding the complaint
 - 10.3.4.4 a statement from the complainant
 - 10.3.4.5 a statement from any individual who is the subject of the complaint

¹ A school day does not include weekends, bank holidays or periods of time when the school is closed for school holidays.

- 10.3.4.6 any supporting evidence in either case
- 10.3.4.7 interview with anyone relevant to the complaint.
- 10.3.5 The investigator may decide to meet with the complainant, or anyone who is the subject of the complaint, if they feel it would be appropriate for the investigation; however, there is no expectation that an investigation will always include this.
- 10.3.6 The CEO/Chair will consider the findings and evidence from the formal investigation and confirm the outcome in writing within 20 school days of confirming a formal investigation will be undertaken.
- 10.3.7 The CEO/Chair can:
 - 10.3.7.1 uphold the complaint and direct relevant action to resolve it
 - 10.3.7.2 reject the complaint, stating the rationale for this decision, and provide the complainant with details of the **Stage 3** appeals process
 - 10.3.7.3 uphold the complaint in part, i.e., uphold part of the complaint but not all of it, and direct relevant action to resolve the specific aspect of the complaint which has been upheld.
- 10.3.8 If the complainant is not satisfied with the outcome of the **Stage 2** formal investigation, they may appeal to a Complaint Review Panel (**Stage 3**). This request should be made in writing to info@rklt.co.uk
- 10.4 **Stage 3 – Complaint Review Panel (final stage)**
- 10.5 If the complainant is not satisfied with the decision made at **Stage 2** formal investigation, or unhappy with the investigation process, they may appeal to a Complaint Review Panel.
- 10.6 Where the complaint is regarding an individual RKLT school the Complaint Review Panel will be made up of two Governors from the School’s Local Governing Body (“LGB”) and one person who is independent of the management and running of the school.
- 10.7 Where the complaint is regarding RKLT as a Trust, the Complaint Review Panel will be made up of two RKLT Trustees and one person independent of the Trust.
- 10.8 The complainant must request an appeal panel in writing within 20 school days of receiving the decision after the **Stage 2** formal investigation or it will not be considered, except in exceptional circumstances. The request should be sent to info@rklt.co.uk, on receipt of this request, the following process will be followed:
 - 10.8.1 The Complaint Review Panel clerk will write to the complainant within five school days to confirm receipt of the request and provide details of further action to be taken.
 - 10.8.2 The clerk will convene a panel of two Governors/Trustees and one independent person. All three panel members will have had no prior involvement in the matter.

- 10.8.3 The appeal meeting will take place within 30 school days from the date the clerk acknowledged the complainant's request for an appeal panel.
- 10.8.4 All supporting evidence and paperwork will be circulated to panel members and attendees five school days prior to the meeting. Only in exceptional cases will late papers or written evidence will be considered.
- 10.8.5 In addition to the three panel members the following parties will be invited to attend the meeting:
- 10.8.5.1 the complainant
 - 10.8.5.2 the person responsible for the **Stage 2** formal investigation
 - 10.8.5.3 where the complaint regards a member of staff; the staff member who is the subject of the complaint.
- 10.8.6 The complainant is also able to bring a companion with them to the hearing if they wish. Where the subject of the complaint is about a member of staff, that member of staff may also bring a companion with them.
- 10.8.7 The companion will be a friend or colleague. Neither party may bring legal representation with them. If, after the hearing, any party feels that legal action is necessary, please contact the Governance Lead (see **Paragraph 13** for contact details).
- 10.8.8 If the attendance of any pupil is required at the hearing, parental permission will be sought if they are under the age of 18. Extra care will be taken when a panel hearing involves the attendance of children and, where possible, alternative methods of providing the child's evidence/input will be used.
- 10.8.9 The panel can make the following decisions:
- 10.8.9.1 dismiss the complaint in whole or in part
 - 10.8.9.2 uphold the complaint in whole or in part
 - 10.8.9.3 decide on the appropriate action to be taken to resolve the complaint
 - 10.8.9.4 recommend changes to the Trust or school's systems or procedures to ensure that problems of a similar nature do not recur.
- 10.8.10 All parties who attend the meeting will be informed in writing of the outcome of the appeal within five school days of the hearing date. A copy of the panel's findings and recommendations will be provided to the complainant and, where relevant, the person complained about.
- 10.9 **Stage 3** Complaint Review Panel is the final stage of RKL's complaints process. The Trust or School will not consider the complaint beyond this point. If the complainant remains dissatisfied and wishes to take the complaint further, they should contact the Department for Education via the RSC Office (see **Paragraph 13** for details).

11. **Reporting and Recording Complaints**

- 11.1 A written record of all formal complaints will be held centrally by RKL, including at which stage of the complaints procedure they were resolved, and any action taken by the school as a result of the complaint (regardless of whether it was upheld or not).
- 11.2 Where a complaint progresses to **Stage 3** (Review Panel), the findings and recommendations made by the panel will be sent in writing to all parties and made available for inspection on the school premises by a representative of RKL and the Headteacher/Principal.
- 11.3 All correspondence, statements and records relating to individual complaints will be kept confidential, except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

12. **Serial, Unreasonable and Duplicate Complaints**

12.1 **Serial Complaints**

- 12.2 Where a complainant raises an issue that has already been dealt with via the complaints process in this policy, and the procedure has been completed, the issue will not be reinvestigated unless in exceptional circumstances, such as where new and relevant evidence has been provided.
- 12.3 If a complainant persists in raising the same, or substantially similar, issue the Governance Lead will confirm in writing that their complaint has been dealt with fully in line with this policy and the case is now closed. They will also provide details of how to raise the issue with the Department for Education if they wish to take the matter further.

12.4 **Unreasonable Complaints**

- 12.5 The Headteacher/Principal/Head of Team will use their discretion to choose not to investigate complaints which are deemed to be unreasonable. Where this decision has been made, they must inform the CEO of this decision, explaining the nature of the complaint and their reasons for choosing not to investigate. If the CEO deems it appropriate they may redirect the Headteacher/Principal/Head of Team to investigate the complaint. The full complaints procedure will then commence from **Stage 1**.

- 12.6 Unreasonable complaints include, but are not limited to, the following scenarios:

- 12.6.1 the complainant refuses to cooperate with the school's relevant procedures
- 12.6.2 the complainant changes the basis of their complaint as the investigation progresses
- 12.6.3 the complainant seeks an unrealistic outcome
- 12.6.4 excessive demands are made of the time of staff and Governors which are clearly intended to aggravate and/or cause disruption
- 12.6.5 the complainant acts in a way that is offensive, abusive or discriminatory.
- 12.7 If the CEO upholds the decision not to investigate an unreasonable complaint and the complainant deems this decision to be so unreasonable that no other rational body in the

same position would have made this decision, then the complainant may write to the Department for Education (see **Paragraph 13** for contact details).

12.8 **Duplicate Complaints**

12.9 When a complaint has been through the full complaints process and is closed, any subsequent complaint received from a spouse, partner, grandparent or child (where the child is a subject in the complaint) about the same subject matter will be deemed a duplicate complaint.

12.10 In this instance, the complainant will be informed that the matter has already been considered and the full complaint process completed. RKLТ will therefore not re-investigate the matter. The complainant will be advised to contact the Department for Education if they are unhappy with RKLТ's handling of the original complaint.

12.11 Before deciding that a complaint will be treated as 'duplicate', RKLТ will take care to ensure there are no new aspects to the complaint that have not previously been considered. Any new aspect identified will be investigated through the full complaint process as a new complaint.

13. **Contact Details**

13.1 Initial concerns and **Stage 1** complaints should be submitted to the school's main email address (available on the school's website). **Stage 1** complaints can also be submitted to the Governance Lead info@rklт.co.uk who will forward your concern to the relevant person.

13.2 Queries about the complaints process and **Stage 2**/formal complaints should be sent to info@rklт.co.uk

13.3 Complaints about Governors, Directors and Trustees should be sent to info@rklт.co.uk, addressed to the CEO.

13.4 If the complainant feels that RKLТ has acted 'unreasonably' in the handling of a complaint, they can complain to the Department for Education after the complaints process has been fully completed. Please note that 'unreasonable' is used in a legal sense and means acting in a way that no reasonable school or authority would act in the same circumstances.

www.education.gov.uk/contactus Tel: 0370 000 2288

Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD

14. **Relevant Legislation and Guidance**

14.1 The Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/contents>

14.2 The Data Protection Act 2018 <http://www.legislation.gov.uk/ukpga/2018/12/contents>

14.3 The Education (Independent School Standards) Regulations 2014
<http://www.legislation.gov.uk/uksi/2014/3283/contents/made>

- 14.4 Education Act 2002 <http://www.legislation.gov.uk/ukpga/2002/32/contents>
- 14.5 The Department for Education *Best practice guidance for school complaints procedures* <https://www.gov.uk/government/publications/school-complaints-procedures>

SCHEDULE 1

COMPLAINTS FORM

Complaint Form

Please complete and return to (Head/Principal) who will acknowledge receipt and explain what action will be taken.

Your name:
Student's name:
Your relationship to the Pupil/Student:
Address: Postcode: Daytime telephone number: Evening telephone number:
Please give details of your complaint:
What action, if any, have you already taken to resolve your complaint. (Who did you speak to, when and what was the response)?

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

Are you attaching any paperwork? (If so please give details)

Signature:

Date:

OFFICIAL USE

Date acknowledgement sent:

By whom:

Complaint referred to:

Date: