



Kingfisher Schools Trust

COMPLAINTS POLICY

VERSION 6

26/04/2022

Complaints Policy

Kingfisher Schools Trust aims to provide an excellent education in a healthy, safe, supportive learning environment, where people are valued and make positive contributions to the Trust and school communities.

Under section 29 of the Education Act 2002, the Trust is required to have in place clear procedures to manage any complaint made against the Trust, a school within the Trust or any associated individual.

Kingfisher Schools Trust deals with any complaints extremely seriously, ensuring that set procedures are followed.

This policy will be published on the Trust and school websites with hard copies available from the central trust and school offices upon request.

The Trust acknowledges that, besides parents/carers of children who are registered at one of our schools, any member of the general public can make a complaint about any facilities or services that we provide.

A complaint may be made by a third party acting on behalf of a complainant, so long as they are able to evidence that they have consent to do so.

A complaint received outside of a school day will be considered to have been received on the next academic day.

We will make every effort to support complainants who may require additional support to make a complaint. This could include providing a translator, providing information in alternative formats or holding meetings in accessible locations.

If other bodies are investigating aspects of the complaint (eg the police or Local Authority Safeguarding Teams) this may impact on the Trust's ability to adhere to agreed timescales or result in the process being suspended until those public bodies have completed their investigations.

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

If a complainant wants to withdraw their complaint, they will be asked to do so in writing.

Aims

- To deal with any complaint against the multi academy trust, any of our schools or any associated individuals by following the correct procedures.
- To deal with data protection complaints using the correct procedures.
- To deal with all complaints robustly, by being open, honest and fair.
- To ensure compliance with all relevant legislation connected to this policy.

Responsibilities

Kingfisher Schools Trust will:

- deal with all complaints impartially and in a non-adversarial manner
- work with the Trust's Data Protection Officer to ensure GDPR compliance and process complaints about data appropriately should they arise
- maintain accurate Complaint Registers and keep complainants updated at all stages of the process
- seek an interpreter if the need arises
- ensure full and fair investigations are undertaken by an appropriately experienced and independent individual
- ensure sensitive information remains confidential at all times, including details of HR procedures and outcomes which may be undertaken during, or as a result of, the complaints process
- ensure all complaints are resolved as quickly as possible within realistic time limits
- reserve the right not to investigate complaints considered to be vexatious or malicious
- only consider complaints regarding incidents or concerns occurring within the last six months
- not usually be able to consider a complaint if the student involved is no longer on roll at one of the schools within the Trust
- not usually be able to consider anonymous complaints unless the Trust considers that the nature of the issues and/or allegations warrants an investigation
- ensure the findings and recommendations of any complaint are made available for inspection by authorised bodies
- ensure confidential, written records are kept of all complaints made including the findings, outcomes, recommendations and actions taken.
- fully expect all parties to be supported and treated with respect at every stage of the process

The **Trust Board** will:

- ensure that the complaints policy complies with their obligations under the Equality Act 2010
- consider any local or national decisions that affect the complaints process, making any modifications necessary to this policy to ensure compliance with all relevant legislation
- ensure funding is in place to support this policy
- ensure the effective implementation, monitoring and evaluation of this policy
- ensure that the complaints policy is published on the Trust and school websites

The **Headteacher** will:

- nominate a Complaints Coordinator to manage the process with contact details available from the school office
- ensure concerns and complaints are logged and accurate records maintained
- ensure all school staff (including volunteers), students/pupils and parents/carers are aware of and comply with this policy

The **Complainant** will:

- clearly outline the details of their complaint in writing
- cooperate with the Trust and/or school to seek resolution to the complaint
- raise their complaint within six months of the alleged incident or, where a series of associated alleged incidents have occurred, within six months of the last of these. Complaints made outside of this time frame will only be considered if exceptional circumstances apply

Complaint Procedure

Stage 1

Complaints should be made, in the first instance, to the nominated Complaints Co-ordinator within the school or the Compliance Officer at the central trust office. Receipt of the complaint will be acknowledged within three academic days.

Complaint against	Responsible party for Stage 1 (RP1)*	Involved staff for Stage 1	Target date for written response
A school or academy	the headteacher	Staff witnesses to alleged incident	Within 10 academic days of the initial stage 1 discussion/meeting with the complainant
A staff member within a school/academy or central trust	the line manager/member of SLT	The staff member	
a headteacher	The Chair of the School Committee	the headteacher	
An individual connected to a school/academy or the central Trust	An appropriate member of school or Trust management	The connected individual	
The Chief Executive Officer or Chief Operating Officer	The Chair of the Trust Board	The CEO or COO	
The Trust	The Chair of the Trust Board	The Vice Chair of the Trust Board	

*The RP1 may delegate the responsibility to another appropriate party/individual, any delegation will be notified to the complainant.

- Every effort will be made to provide a response within 10 academic days of the receipt of the complaint but, where complex issues have been raised, this may not be possible. This is particularly relevant when other matters, such as Local Authority Strategy Meetings, police investigation or Trust HR procedures, need to be completed as part of the process.

- RP1 will consider the complaint, this may include discussions and/or meetings with the complainant, staff members or other individuals
- The complainant will receive a written response from RP1, outlining the outcome of the stage 1 process.

Every effort should be made by all parties to resolve the complaint at this informal stage. However, if resolution is not achieved, the complainant should escalate the process to Stage 2.

Stage 2

Complaint against	Responsible parties for Stage 2 (RP2)*	Target date for written response
A school or academy	The Chair of the School Committee	Within 20 academic days of the initial stage 2 meeting with the complainant
A staff member within a school/academy	The headteacher	
A staff member within central trust	The COO	
a headteacher	The CEO	
An individual connected to a school/academy	The headteacher	
An individual connected to the central Trust	The COO	
The Chief Executive Officer or Chief Operating Officer	The Trust Board	
The Trust	The Trust Board	

*The RP2 may delegate the responsibility to another appropriate party/individual, any delegation will be notified to the complainant.

- The complainant submits written details of the escalation of the complaint to stage 2, outlining any aspects of the complaint which remain unresolved at stage 1
- The details of the escalated complaint will be agreed at the outset of the process. Any subsequent complaints will be dealt with as a separate process, commencing at Stage 1
- Every effort will be made to provide a written response within 20 academic days of escalation to stage 2 but, where complex issues have been raised, this may not be possible. This is particularly relevant when other matters, such as Local Authority Strategy Meetings, police investigation or Trust HR procedures, need to be completed as part of the process
- The RP2 may request a meeting with the complainant
- The complainant may be accompanied at any such meeting by a relative or friend

- Notes will be taken of meetings and agreed by both parties
- Meetings will not be electronically recorded
- A full and fair investigation will be undertaken, without bias, by an appropriately experienced individual, appointed by RP2
- The complainant will be kept informed of the progress of the investigation
- RP2 will consider the complaint upon completion of the investigation
- The complainant will receive a written response from RP2, outlining the outcome of the stage 2 process

Every effort should be made by all parties to resolve the complaint at this stage. However, if resolution is not achieved, the complainant should escalate the process to Stage 3.

Stage 3 (Appeal Panel Hearing)

Complaint against	Responsible parties for Stage 3 (RP3)*	Target date for written response
A school or academy	The CEO	Within 10 academic days of the hearing
A staff member within a school/academy	The Chair of the School Committee	
A staff member within central trust	The CEO	
a headteacher	The Trust Board	
An individual connected to a school/academy	The Chair of the School Committee	
An individual connected to the central Trust	The CEO	
The Chief Executive Officer or Chief Operating Officer	The Members of the Trust	
The Trust	The Members of the Trust	

*The RP3 may delegate the responsibility to another appropriate party/individual, any delegation will be notified to the complainant.

- The appellant formally submits written details of their appeal, outlining the reasons for their dissatisfaction with the outcomes of stage 2.
- A hearing will be arranged and an appeal panel, consisting of at least 3 people, will be appointed by RP3, who will ensure that:
 - All panel members hold appropriate positions within the Trust structure or externally
 - All panel members have the necessary skills and experience to undertake the role
 - No panel member has been involved in any matters detailed within the original complaint or appeal
 - At least one member of the panel is independent of the management and running of the school against who the complaint has been made
 - The hearing is held on a mutually convenient date, at the earliest opportunity
- The appellant will be given the opportunity to attend the hearing and to be represented by an appropriate individual
- The Clerk of the Trust Board (or delegated individual) will attend the hearing to oversee the process and take written notes, the hearing will not be electronically recorded

- The purpose of the Appeal Hearing is:
 - to gain an understanding of the appellants dissatisfaction with the stage 2 complaints process and/or outcomes
 - to gain an understanding from the RP2 regarding the investigation process, its findings and the outcomes advised to the appellant
 - having heard from both parties, to consider the appeal and agree an outcome
- The panel will advise the RP3 of their agreed outcomes at the earliest opportunity, summarising their findings and recommendations
- The appellant will receive a written response from RP3 or the Chair of the panel, outlining the outcome of the stage 3 process, within 10 academic days of the hearing

Responses

At the conclusion of each stage of the process, the responsible party will either:

- uphold the complaint/appeal, in whole or in part
or
- not uphold (dismiss) the complaint/appeal

Within their written response, the responsible party will provide the complainant/appellant with the reasons for their decision.

Where a complaint/appeal is upheld in whole or in part, responsible parties will also:

- recommend changes as appropriate, to the Trust/school systems or procedures to prevent similar issues in the future
- decide on appropriate action(s) to be taken to resolve the complaint. This may include, but is not limited to:
 - An explanation
 - An apology
 - An admission that the situation could/should have been handled differently
 - An assurance that every effort will be made to ensure the incident will not be repeated, including information regarding the timeline for actions which will be taken to achieve this
 - An undertaking to review school policies/procedure

Complaints not resolved through the formal procedure

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Kingfisher Schools Trust. They will consider whether the Trust has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at www.education.gov.uk/contactus, by telephone on 0370 000 2288 or by writing to:

Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD

Complaints about Data

If the complainant believes data has been misused or that the organisation is not keeping data securely. The first point of contact should be the school's nominated Complaints Co-ordinator or the Compliance Officer at the central Trust office. Alternatively, the data subject has the right to complain to the Information Commissioner's Officer who can be contacted on 0303 123 1113.

Equality Impact Assessment

Under the Equality Act 2010 we have a duty not to discriminate against people on the basis of their age, disability, gender, gender identity, pregnancy or maternity, race, religion or belief and sexual orientation.

This policy has been equality impact assessed and we believe that it is in line with the Equality Act 2010 as it is fair, it does not prioritise or disadvantage any student and it helps to promote equality within Kingfisher Schools Trust.

Approval Date	26.04.2022	Review Date	25.04.2023
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