



Complaints Policy

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Author	Governance and Compliance Manager
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Description of changes	i. Introduction added to make the policy clearer for external stakeholders ii. Section 3 – summary explanation of the difference between a concern and complaint. iii. Section 4 – Previous version sections 4, 5 and 6 merged. iv. 4.4 – addition of wording confirming that staff disciplinary matters would be dealt with outside of a complaints investigation. v. Section 8 - Complaints procedure updated to include Formal Stage 1 and Formal Stage 2 vi. Section 8 – parties dealing with different stages of complaint have been updated. vii. Section 8.4 – response time to a Stage 3 panel complaint amended from five to ten school days. viii. Section 10 – information added concerning duplicate complaints ix. Section 11 – Information added concerning complaint campaigns. x. New complaints form added (Appendix 1)

1. Introduction

- 1.1 The Trustees of SHINE Academies (the Trust) have a duty to establish a procedure for dealing with general complaints and to ensure these are publicised to parents/carers and other stakeholders.
- 1.2 The Trust undertakes to provide a friendly and safe environment in all our schools in which pupils will be helped to achieve their potential, both academically and socially. We recognise, however, that sometimes things can go wrong, and parents/carers and members of the public may need to make a complaint or raise concerns they have with an individual school or with the Trust.
- 1.3 This policy tells you what to do if this happens. This policy is intended to reflect the process for dealing with general complaints to an individual SHINE Academies school or to the Trust. However, some complaints are subject to separate statutory procedures instead of the general complaints' procedure. Further information concerning instances where complaints may be subject to statutory procedures can be found in section five of this policy.
- 1.4 Moreover, this policy does not relate to matters where principles of civil contract law would normally apply e.g. service/supply contracts entered into with a school or the Trust.
- 1.5 This policy is available via the Trust website under policies, and also on each schools' website.
- 1.6 This policy will be implemented at all SHINE schools and by the Trust central team.
- 1.7 If you wish to raise a concern, in the first instance you should contact the appropriate staff member at the individual school. Should you have a general concern or wish for independent advice and guidance at any stage of the process, please contact companysecretary@shineacademies.co.uk and the SHINE Company Secretary or their team will advise you appropriately.

2 Who Can Make a Complaint

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

3 The difference between a concern and a complaint

The majority of issues raised by parents/carers, the community or pupils/students, are concerns rather than complaints. We are committed to resolving all concerns and complaints at the

earliest possible point in the process, informally where possible, and where this is not possible, at the earliest point within the formal process.

4 General Principles

- 4.1 A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.
- 4.2 Any formal complaint must be raised within three months of the incident occurring. If the complaint is older than three months old, this will only be investigated in exceptional circumstances.
- 4.3 We will consider complaints made outside of term time to have been received on the first school day after the holiday period.
- 4.4 Complaints will be treated seriously and courteously and given the time necessary for the complainant to feel that the matter has been dealt with properly. It is important that the complainant has confidence in these procedures and knows that the matter will be investigated fully.
- 4.5 Any member of staff who is complained about will have the opportunity to respond to the complaint during the investigation and will be able to see any response sent as a result of the investigation. If, however, during the course of considering a complaint, the investigation determines that disciplinary procedures should be initiated, they will consider this as a separate action, as there is an entirely separate procedure to follow in terms of dealing with staff disciplinary matters. Complainants will be informed that the issue is being dealt with separately and outside of the Complaints Policy, but any further information will remain confidential.
- 4.6 Confidentiality must be maintained at all times. All conversations and correspondence must be treated with discretion. Parents/carers must feel confident a complaint will not disadvantage their child. All parties to a complaint will need to accept that some sharing of information will be inevitable if the complaint is to be investigated fully.
- 4.7 For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the school office. You may also ask third party organisations like the Citizens Advice to help you.
- 4.8 In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.
- 4.9 We will not normally investigate anonymous complaints. However, the Company Secretary in conjunction with the Headteacher of any of the Trust schools, or CEO of SHINE Academies, if appropriate, will determine whether the complaint warrants an investigation.

5 Scope of the Complaints Procedure

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

Exceptions	Who to contact
Admissions to schools	Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority.
Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).
Exclusion of children from school*	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions. <i>*complaints about the application of any of the schools' behaviour policies can be made through the school's complaints procedure.</i>
Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus. Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of

	your complaint.
Staff Grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.
Staff Conduct	Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.

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

5.3 If a complainant commences legal action against SHINE Academies or any school within the Trust in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

6 Resolving Complaints

At each stage in the procedure, SHINE Academies wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology.

7 Withdrawal of a Complaint

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

8 Procedure for Dealing with Complaints – Four Stage Process

Table 1

Complaint about	Investigator – Stage 1 Formal	Investigator – Stage 2 Formal	Complaints panel members - Stage 3 Panel Hearing
School staff member	Headteacher	SHINE Executive Leadership Team	Two local governors and an independent panel member (can be a Trustee)

School Headteacher / Head of School	SHINE Executive Leadership Team	Chair of LGB / AIB	Two local governors and independent panel member (can be a Trustee)
Local governor/ LGB	SHINE Executive Leadership Team	Chair of Trustees	Two local governors from another school in the MAT and an independent panel member (Can be a Trustee)
Central Team Member	N/A – Stage 2 Formal	CEO	Two Trustees and a Panel Member independent from the running of the school or the Trust
Individual Trustee (not Chair or Vice Chair)	N/A – Stage 2 Formal	CEO	Chair/Vice Chair of Trust Board, one other Trustee, and a Panel Member independent from the running of the school or the Trust
CEO	N/A – Stage 2 Formal	Independent Investigator	Three Panel Members independent from the running of the school or the Trust
Chair and Vice Chair / majority of / whole Trust Board	N/A – Stage 2 Formal	Independent investigator	Three Panel Members independent from the running of the school or the Trust

8.1 STAGE 1 Informal Stage

8.1.1 It is to be hoped that most concerns can be expressed and resolved on an informal basis.

8.1.2 Informal concerns should be raised with either the class teacher, phase or subject leader, or relevant member of staff who is involved with the circumstances which give rise to the complaint.

8.1.3 Please note that concerns or informal complaints may be addressed by a senior member of staff (teaching or non-teaching), rather than the headteacher or the CEO. This speeds up the process and ensures that the concern or complaint is addressed as soon as practicable and by a person best placed to deal with the matter.

8.1.4 Complainants must be able to initially raise the complaint in person, in writing or via a phone call with the appropriate person to resolve their initial complaint.

8.1.5 At the informal stage, the member of staff will undertake an initial investigation and decide on appropriate action. The school/trust will keep a record of the response and the complainant

will be kept appropriately informed. The school/trust will always want to resolve the complaint and maintain strong relationships with those concerned.

8.1.6 Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at further stages of the procedure.

8.1.7 At the conclusion of their investigation, the person investigating the concern/complaint will provide an informal written response within 15 working days of the date of receipt of the concern or complaint. The complainant will be advised how to make a formal complaint if they remain dissatisfied.

8.1.8 If the issue remains unresolved, the next step is to request this is progressed to **Stage 1 Formal**.

8.2 STAGE 1 Formal

8.2.1 If the concern or complaint cannot be resolved through informal discussion with a teacher or senior member of staff, it will be dealt with as a formal complaint.

8.2.2 To determine who will deal with a Stage 1 Formal complaint, please refer to Table 1 above. Complaints about any individual member of the SHINE Academies Central Team, Central Team as a whole, the CEO, Individual Trustee, Chair/Vice Chair of Trust Board or the majority/whole of Trust Board will be investigated at Stage 2 Formal in the first instance.

8.2.3 Please note: The formal staged process cannot cover all the potential circumstances that may arise. If a particular set of circumstances requires a different approach to ensure impartiality in dealing with a complaint, the complainant will be advised of the specific arrangements for dealing with their complaint.

8.2.4 Formal complaints at Stage 1 and Stage 2, and requests to progress a complaint to a Stage 3 hearing, will be received and acknowledged by the SHINE Academies Governance and Compliance Manager in the first instance, who will distribute to the appropriate person to investigate as per Table 1 above.

8.2.5 Your request to progress your complaint to Formal Stage 1 should be sent in writing to companysecretary@shineacademies.co.uk, or in writing to the school office. This will be acknowledged by the Governance and Compliance Manager within five school days of receipt. All requests should be marked as 'Confidential' and addressed to the SHINE Academies Governance and Compliance Manager.

8.2.6 Within the complaint, the complainant should clarify the nature of the complaint, identify what remains unresolved, and state clearly what outcome they are seeking. It is very important that the complaint includes a clear statement of the actions that the complainant would like the school/trust to take to resolve the complaint. The formal complaint should include details which might assist the investigation, such as names of potential witnesses, dates and times of events and copies of relevant documents.

8.2.7 The person dealing with the complaint may delegate the management and/or investigation of the complaint to an individual who is suitably qualified and in an appropriate role. The decision to be taken to resolve the complaint cannot be delegated.

8.2.8 During the investigation, the person leading the investigation will:

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

8.2.9 At the conclusion of the investigation, the person responsible for dealing with the complaint will provide a formal written response, usually within 15 working days of the date of receipt of the formal complaint.

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

8.2.11 The response will detail any actions taken to investigate the complaint and provide a full explanation of the decisions made and the reason(s). Where appropriate, it will include details of the actions that will be taken to resolve the complaint.

The person responsible for dealing with the complaint will advise the complainant on how to escalate their complaint should they remain dissatisfied with the outcome of Formal Stage 1.

8.2.12 If the complainant is dissatisfied with the written response received at Formal Stage 1 or the complaint is about any individual member of the SHINE Academies Central Team, Central Team as a whole, the CEO, Individual Trustee, Chair/Vice Chair of Trust Board or the majority/whole of Trust Board will be dealt with at **Stage 2 Formal**.

8.3 Stage 2 Formal

8.3.1 If the complaint cannot be resolved at Stage 1 Formal, complainants should contact the Governance and Compliance Manager for SHINE Academies at companysecretary@shineacademies.co.uk and ask for your complaint to be progressed to Stage 2 Formal. Your formal written complaint should be addressed clearly and marked 'Stage 2 Formal Complaint, Private and Confidential'.

8.3.2 The Governance and Compliance Manager will record the date of receipt of the complaint and acknowledge receipt in writing within five school days.

8.3.3 The acknowledgement will confirm that the complaint will now be investigated under Formal Stage 2 of this Complaints Policy, advise who will be responsible for dealing with the complaint, and confirm the date for providing a response to the complainant. The Governance and Compliance Manager will advise if the complaint should first be addressed at Formal Stage 1.

8.3.4 It would be helpful if your written complaint included details which might assist the investigation, such as:

- the nature of the complaint

- details of how the matter has been dealt with so far
- the names of potential witnesses
- dates and times of events and copies of all relevant documents.

8.3.5 The person responsible for dealing with the complaint at Stage 2 (see Table 1) may investigate the complaint themselves or appoint an individual without any involvement in the circumstances of the complaint, suitably qualified and in an appropriate role, to review the complaint and oversee any further investigation required (the investigator). This may be a member of the executive leadership team or a local governor. They may seek the assistance of local governors and/or staff who are independent of the complaint to assist in the investigation of the complaint.

8.3.6 The procedure at Formal Stage 2 will mirror that at Formal Stage 1

8.3.7 The person responsible for dealing with the complaint will provide a formal written response, usually within 15 working days of the date of receipt of the complaint/request for review. Every attempt will be made to meet this timeframe. However, if they are unable to meet this due date they will provide the complainant with an update and a revised response date.

8.3.8 The response will detail any actions taken to review the complaint and provide a full explanation of the decisions made and the reason(s). Where appropriate, it will include details of the actions that will be taken to resolve the complaint. It may offer the complainant an opportunity to discuss the outcome if this is appropriate in the circumstances.

8.3.9 If the complainant is dissatisfied with the outcome at Stage 2, and wishes to take the matter further, they can escalate the complaint to Stage 3 – a panel hearing consisting of at least three people who were not directly involved in the matters detailed in the complaint, including panel members who are completely independent from SHINE Academies or any schools within the Trust. This is the final stage of the Complaints Procedure.

8.4 Stage 3 – Panel Hearing

8.4.1 A request to escalate to Stage 3 must be made to the trust's Governance and Compliance Manager at companysecretary@shineacademies.co.uk or in writing to the address below within 10 working days of receipt of the written outcome from Formal Stage 2. Requests received outside of this timeframe will only be considered if exceptional circumstances apply.

SHINE Governance and Compliance Manager
SHINE Academies
Collingwood Road
Wolverhampton
WV10 8DS
companysecretary@shineacademies.co.uk

8.4.2 In their request for a complaints panel hearing, the complainant must state how they feel the previous stages of the procedure have not addressed their complaint sufficiently and what actions they feel would resolve the complaint.

8.4.3 The Governance and Compliance Manager will record the date the request is received and acknowledge receipt of the request, usually within 5 working days of receipt. The Governance and Compliance Manager will advise the complainant of the steps involved in escalating the complaint to a complaints panel hearing.

8.4.4 The aim of the hearing, which must be held in private, will always be to resolve the complaint and achieve reconciliation between the school/trust and the complainant.

8.4.5 The Governance and Compliance Manager or another suitably qualified individual, will be appointed as the clerk to the complaints panel (hereafter referred to as “the clerk”). The clerk provides an independent source of advice on procedure for all parties.

8.4.6 The clerk to the panel will be provided with all the details of the complaint and the records held.

8.4.7 The clerk will set up membership of a complaints panel as per Table 1 above.

8.4.8 The clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 20 working days of receipt of the request for a panel hearing at Stage 3. If this is not possible, the clerk will provide an anticipated date and keep the complainant informed.

8.4.9 As soon as reasonably practical, and in any event **at least 5 working days before the hearing**, you will be sent written notification of the date, time and place of the hearing, together with brief details of the panel members who will be present.

8.4.10 The complaints panel will decide whether to deal with the complaint by inviting parties to a meeting or through written representations. In making their decision they will be sensitive to the complainant’s needs. An assessment of the risk may be required where a complainant's previous behaviour indicates that there may be risks to the panel members or staff from holding a meeting with the complainant and/or a representative present. This includes both face-to-face meetings and online meetings.

8.4.11 The complainant must have reasonable notice of the date of the review panel; however, the complaints panel reserves the right to convene at their convenience rather than that of the complainant if all reasonable efforts have been made to accommodate the needs of the complainant. If the complainant rejects the offer of three proposed dates without good reason, the chair will decide when to hold the meeting. It will then proceed in the complainant’s absence on the basis of written submissions from both parties.

8.4.12 The following are entitled to attend a hearing, submit written representations and address the panel:

- The complainant(s) and a companion;
- The subject(s) of the complaint and/or one representative;
- Any other interested person whom the complaints panel considers to have a reasonable and just interest in the appeal and whose contribution would assist the panel in their decision-making.

8.4.13 When organising the hearing, the panel will ensure they are sensitive to all parties' needs and accessibility arrangements. This will be conducted in line with trust equality statements/policies and may include making provisions such as providing written representations and video conferencing.

8.4.14 We do not encourage legal representation at such meetings, with exceptions being considered – such as if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

8.4.15 The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

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

8.4.17 Unless otherwise stated, the procedure for an appeal is as follows:

- One member of the panel will be nominated in advance to act as Chair for the panel meeting.
- the complainant and representative of school/Trust will enter the hearing together
- the Chair of the panel will introduce the panel members and outline the process
- the complainant will explain the complaint
- the representative of school/Trust and committee members will question the complainant
- the representative of school/Trust will explain the Trust/school's actions
- the complainant and the committee members will question the representative of school/Trust
- the complainant will sum up their complaint
- the representative of school/Trust will sum up the Trust/academy's actions
- the Chair of the panel will explain that both parties will hear from the committee **within 5 school days of the meeting.**
- both parties will leave together while the panel deliberates
- A Clerk will be present for the meeting to take notes and will stay to assist the panel with its decision making

8.4.18 The panel will consider the complaint and all the evidence presented. The panel can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

8.4.19 If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school or Trust's systems or procedures to prevent similar issues in the future.

8.4.20 The Chair of the panel will provide the complainant and the school/Trust with a full explanation of their decision and the reason(s) for it, in writing, **within ten school days of the panel meeting.**

- The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled by SHINE Academies.
- The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions SHINE Academies will take to resolve the complaint.
- The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the school premises by the proprietor and the head teacher.
- 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.
- The decision taken by the Complaints Panel is final. Stage 3 concludes the SHINE Academies complaints procedure and there will be no further right of appeal under this or any other Trust or school policy.

9 Vexatious Complaints and unacceptable behaviour by the complainant

9.1 Where the trust considers that a complainant is demonstrating unreasonably persistent behaviour, for example making unduly frequent and/or repeated complaints, or the behaviour of the complainant is unacceptable in any meetings held under these procedures or any dealings that the trust/school has with the complainant, the trust will take such action as it thinks appropriate to manage such behaviour. This may include (but is not limited to) placing limits on contact with staff (frequency and/or mode of communication), asking the complainant to engage a third party to act on their behalf, stopping responding and/or taking no further action to deal with the complaint.

9.2 Where any such action is being considered by the Trust, the complainant will receive a written warning. Should the behaviour persist, the appropriate action will be determined proportionately in light of the nature of the behaviour in question and any other relevant circumstances. In instances where the complainant has demonstrated aggressive behaviour (verbal or physical) or has made use of inappropriate and/or malicious communications (e.g. posting on social media) the Trust will review the associated risks of continuing to engage with the complainant and the form any continuing engagement should take to ensure the safety and welfare of staff and others involved in the complaint process. If a complaint is at Stage 3 'Complaint Panel' the panel will consider hearing the case in the absence of the complainant following the submission of written evidence.

9.3 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.

9.4 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(s).

9.5 Examples of vexatious and/or unreasonable behaviour by the complainant include:

- The complainant has made the same complaint before, and it's already been resolved by following the trust's complaints procedure.
- The complainant makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive.
- The complainant knowingly provides false information.
- The complainant insists on pursuing an unfounded complaint, or out of the scope of the complaints procedure.
- The complainant pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refused 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.
- The complainant changes the basis of the complaint as the investigation goes on
- The complainant makes a complaint designed to cause disruption, annoyance or excessive demands on school time.
- The complainant seeks unrealistic outcomes, or a solution that lacks any serious purpose or value.
- The complainant unreasonably insists on different members of staff dealing with the complaint.

10 Duplicate Complaints

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

10.2 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 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 Complaint Campaigns

Where a school or the Trust 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 and/or trust website
- Sending a template response to all of the complainants

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

12 Next Steps

If the complainant believes the school / Trust did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education (DfE) after they have completed Stage 3.

The DfE will not normally reinvestigate the substance of complaints or overturn any decisions made by SHINE Academies. They will consider whether SHINE Academies has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed Part 7 of the Education (Independent School Standards) Regulations 2014.

The complainant can refer their complaint to the DfE online at:

[Complain about a school to the Department for Education - GOV.UK](https://www.gov.uk/complain-about-a-school)

13 Monitoring

This policy will be reviewed on an annual basis by the Governance and Compliance Manager for SHINE Academies and approved by the Board of Trustees thereafter.