

# Complaints Policy and Procedure

<b>Policy Owner:</b>	<b>The Mercian Trust</b> AIMS Committee
<b>Date Adopted:</b>	01 October 2024
<b>Review Dates:</b>	This policy will be reviewed according to The Mercian Trust's Policy Schedule. If there are any changes in legislation or legal requirements, an earlier review will be conducted to ensure compliance and relevance.

Increasing Opportunities  
Improving Outcomes

## **Contents**

- 1 Aims and application
- 2 Key principles
- 3 Records of complaints
- 4 Part 1: Complaints procedure for parents
- 5 Part 2: Concerns or complaints from other persons
- 6 Part 3: Unreasonably persistent complainants and unreasonable complainant behaviour
- 7 Part 4: Complaint campaigns
- 8 Annex 1 - Matters excluded from scope of this policy
- 9 Annex 2 - Complaints Form
- 10 Annex 3 - Summary of Complaints Procedure for Parents & Carers (Part 1)

# COMPLAINTS POLICY AND PROCEDURE

## 1. AIMS AND APPLICATION

- 1.1 The aims of this policy and procedure are to deal with complaints and concerns:
- (a) about an academy, the academy trust ("Trust") or any individual connected with it by following the correct procedure;
  - (b) thoroughly; and
  - (c) in an open, honest, and fair manner.
- 1.2 This Complaints Policy and Procedure is not limited to parents or carers of pupils who are registered at one of the academies within the Trust. Any person, including members of the public, may make a complaint to an individual academy within the Trust, or the Trust itself, about any provision of facilities or services that we provide. Part 1 of this Policy outlines how parents/carers of registered pupils currently attending academies within the Trust can raise a concern or complaint. Concerns or complaints from other persons will be dealt with in accordance with Part 2 of this Policy.
- 1.3 This procedure does not apply to concerns and complaints relating to the matters listed in Annex 1.
- 1.4 Anonymous concerns or complaints will not normally be investigated under this procedure. The Head Teacher or Chair of Governors, if appropriate, will determine whether there are exceptional circumstances to justify conducting an investigation into any issues raised anonymously.
- 1.5 All staff will be made aware of this Complaints Policy and Procedure and are expected to review this policy regularly in order that they are familiar with our process of dealing with complaints and can be of assistance when an issue is brought to their attention.
- 1.6 In this procedure:
- (a) **'central governance team'** means one or more of the Governance Professionals working centrally for the Trust.
  - (b) **'complaint'** means an expression of dissatisfaction, however made, about actions taken or a lack of action.
  - (c) **'concern'** means an expression of worry or doubt over an issue considered to be important, for which reassurances are sought.
  - (d) **'meeting'** means an in-person or virtual meeting (i.e, telephone or video conference where all parties can participate verbally). Virtual meetings will only be held in the event that all parties have access to appropriate equipment to attend and are happy to do so. If the parties are unable to meet virtually, and the meeting must take place in person, the meeting may be postponed until it is deemed safe to hold an in-person meeting at the discretion of the Trust. This is particularly applicable in cases where there may have been verbal or physical abuse, or threats of abuse. The Trust will refer to its Code of Conduct for Parents to ensure that all parties adhere to appropriate standards of behaviour during any meeting or interaction.
  - (e) **'parent'** means a parent, carer, or anyone with legal parental responsibility for a child;
  - (f) **'school days'** are when pupils are in school and therefore exclude weekends and academy holidays, and periods of partial or total academy closure;
  - (g) **'trust'** means The Mercian Trust and/or any of the academies within the Trust.
- 1.7 The timeframes referred to in this Policy are our usual timeframes, and the academy will seek to adhere to these timeframes where possible.
- 1.8 Reasonable adjustments will be made to this Policy where required to ensure that all complainants can access and complete this complaints procedure. For example, providing information in alternative formats, assisting complainants in raising a formal complaint, or holding meetings in accessible locations.

- 1.9 Communication of Policy to Parents/Carers - The Trust will ensure that all parents and carers are made aware of this Complaints Policy and Procedure through the following methods:
- (a) The Complaints Policy and Procedure will be made available on the Trust's website and each academy's website will provide clear and accessible links to the Trust's website page for policies.
  - (b) Parents/carers will be informed of any significant updates to the policy through regular communication channels, including newsletters, parent meetings, or direct communications via email or letters.

These steps are intended to ensure that all parents and carers are aware of the process for raising concerns or complaints and can access the procedure easily when needed.

## **2. KEY PRINCIPLES**

- 2.1 The Trust expects all complainants to make every reasonable attempt to seek an informal resolution prior to engaging the formal complaints process. Informal resolution helps foster constructive dialogue and resolve issues at the earliest opportunity.
- 2.2 The Trust strongly encourages parents to approach the academy directly with any concerns rather than airing grievances on social media platforms. Posting negative or defamatory comments about the academy or its staff on social media can cause significant harm, disrupt the learning environment, and hinder positive outcomes for pupils. Social media should not be used to address school concerns; direct communication with the academy is a more productive and respectful approach.
- 2.3 To ensure your complaint is investigated properly, fairly, and efficiently, we have implemented a clear and structured staged approach. We anticipate that most complaints will be resolved at Stage 1 or Stage 2 of the procedure outlined below, promoting early resolution.
- 2.4 The Trust expects all members of staff to be addressed in a respectful and professional manner. We also expect communication between all parties to remain calm and focused on resolution. Part 3 of the procedure will only be invoked in exceptional cases or those involving unreasonably persistent complainants or unreasonable complainant behaviour.
- 2.5 Timely reporting of concerns or complaints is essential for proper investigation. Concerns should be brought to the academy's/Trust's attention as soon as possible, and complaints made more than 3 months after the incident (or series of incidents) may not be considered unless the Headteacher/Chair of Governors acknowledges valid reasons for the delay or determines the complaint relates to a serious matter.
- 2.6 Complaints received outside of term time will be recorded as being received on the first school day following the holiday period, ensuring prompt action.
- 2.7 On rare occasions, the academy may receive complaints from multiple parents regarding the same issue. In such cases, the academy will follow the procedure set out in Part 4, enabling an efficient and consolidated response.
- 2.8 If it becomes necessary to alter time limits or deadlines within this procedure, complainants will be informed in a timely manner, provided with an explanation, and given revised timescales. In circumstances where other bodies (e.g, police, local safeguarding teams, or legal tribunals) are investigating aspects of the complaint, the procedure may be suspended until those investigations are completed.
- 2.9 Complainants should not approach individual Governors or Trustees regarding complaints. Governors and Trustees cannot act independently and may be required to participate in later stages of the complaints process. Approaching them individually may compromise their ability to act impartially.
- 2.10 Should a complainant commence legal action against the Trust concerning their complaint, we will consider whether it is appropriate to suspend the complaints procedure until legal proceedings have concluded, ensuring no overlap or contradiction.

- 2.11 If a complainant wishes to withdraw their complaint or abort the process for any reason, they will be required to confirm this decision in writing. Once the complaint has been formally withdrawn, the complainant will not be able to reinitiate the same complaint at a later date. The Trust may continue an internal investigation as necessary if they feel this is appropriate.

### **3. RECORDS OF COMPLAINT**

- 3.1 The Trust will maintain a formal record of all written complaints, including the stage at which each complaint was resolved and any actions taken as a result, regardless of whether the complaint was upheld. These records ensure that the Trust can monitor the effectiveness of its complaints procedure and address any trends or areas of concern.
- 3.2 All correspondence, statements, and related documents concerning individual complaints will be treated as confidential and will only be disclosed under the following circumstances:
- (a) Access is requested by the Secretary of State;
  - (b) Disclosure is required as part of a school inspection;
  - (c) An individual has a legal right to access their own personal data contained within the documentation; or
  - (d) Other legal obligations necessitate disclosure.
- 3.3 Furthermore, the findings and recommendations of the complaints panel will be made available for inspection at the academy premises by the Trust and the Headteacher. This ensures transparency while upholding the confidentiality of individuals involved.

### **4. PART 1: COMPLAINTS PROCEDURE FOR PARENTS**

#### ***Stage 1: Informal Concerns***

- 4.1 An informal concern can be raised either in person, by telephone, or through a third party acting on behalf of the complainant, provided that appropriate authority has been granted. In most cases, concerns can be effectively addressed by the Class Teacher, Head of Year, or other relevant members of staff, without the need for escalation to the formal process. The Trust values open dialogue and encourages parents/carers to discuss any issues directly with staff to achieve resolution through mutual understanding and constructive discussion.
- 4.2 When raising a concern, it is important to clearly explain the issue and identify the desired outcome. Where appropriate, an informal meeting may be arranged with the staff member best suited to address the concern. During this meeting, the staff member will ensure that both parties agree on the steps to be taken (if any). If helpful, these steps may be provided in writing to avoid any misunderstandings and to confirm mutual expectations.
- 4.3 If the concern is escalated to the Headteacher, they may choose to handle the matter personally at this stage or delegate the matter to an appropriate senior member of staff. However, if the concern directly relates to the Headteacher, it should be referred [by the complainant] directly to the Clerk of the Local Governing Body, under Stage 2 of the procedure.
- 4.4 The academy will respect the views of any complainant who indicates discomfort with discussing the issue with a particular staff member. In such cases, the Headteacher will assign another member of staff to manage the concern. Likewise, if the staff member involved feels unable to address the concern impartially, the Headteacher may reassign the matter to another appropriate member of staff. It is not essential that this person be more senior, but they must be capable of addressing the issue impartially.
- 4.5 All informal complaints should be logged by staff on the school management information system, to ensure proper record-keeping and transparency. Any serious concerns must be brought to the Headteacher's attention for review.
- 4.6 While no fixed timescale is enforced for resolving informal concerns, most issues are expected to be resolved within 15 school days, through informal dialogue. In cases where no satisfactory resolution

is reached within this timeframe, the complainant will be informed of their option to escalate the matter under Stage 2 of this procedure. Should the complainant wish to proceed, they should submit a formal written complaint to the Headteacher within 15 school days. Requests submitted outside of this timeframe will only be considered if exceptional circumstances apply.

### **Stage 2: Formal Written Complaints**

- 4.7 If your concerns are not resolved under Stage 1, you should submit your complaint in writing and send it to the Headteacher of the relevant academy.
- 4.8 It is essential that your written complaint includes a clear statement of the actions you expect to be taken to resolve the issue. We strongly encourage the use of the Complaint Form provided in Annex 2 of this procedure. If you require assistance in completing the form, the school office is available to help. You can also seek help from third-party organisations such as Citizens Advice. Your written complaint must include the following:
- (a) The nature of the complaint;
  - (b) Details of how the matter has been handled so far;
  - (c) The names of potential witnesses, relevant dates and times of events, and copies of any relevant documents;
  - (d) A clear statement of the actions you expect to resolve your complaint.
- 4.9 Upon receiving your complaint, the academy will provide a written acknowledgment within five (5) school days. The acknowledgment will outline the academy’s complaints procedure and provide a target date for the formal and more detailed response, which will normally be within 15 school days from receipt of the complaint.
- 4.10 If appropriate, the Headteacher (or an appointed representative) may invite you to a meeting to clarify the complaint and explore potential resolutions. You may bring one other person, such as a friend, relative, advocate, or interpreter, to support you during the meeting. Where possible, this meeting will take place within 10 school days of receiving the written complaint.
- 4.11 If required, witnesses will be interviewed and statements taken from those involved in the complaint. If the complaint involves a pupil, the pupil will also be interviewed. Typically, pupils will be interviewed with a parent present, unless this would cause an undue delay in investigating a serious or urgent complaint, or if the pupil has specifically requested that their parents not be involved. In such cases, another staff member with whom the pupil feels comfortable, will be present. If the complaint involves a member of staff, that individual will have the opportunity to respond to the complaint.
- 4.12 Once all relevant facts have been established as far as possible, the complainant will receive a written response outlining the decision and the reasoning behind it. The response will also detail any actions to be taken to resolve the complaint (if applicable).
- 4.13 Should the complainant be dissatisfied with the outcome, they will be advised on how to request that the complaint be escalated to the Complaints Committee, under Stage 3 of this procedure.
- 4.14 In certain situations, the Trust may engage an independent, external investigator to conduct the Stage 2 investigation or to review the findings and response. This step may be taken if the complaint is particularly complex or involves legal issues.
- 4.15 **Frequently Asked Questions**

<b>Question</b>	<b>Response</b>
What if the complaint is about the Headteacher or the Headteacher has already considered the complaint under Stage 1?	In these cases, your complaint should be sent to the Clerk of the Local Governing Body at the academy’s address, who will arrange for a Governor to carry out the Stage 2 procedure.
What if the complaint is about a member of the Local Governing Body?	Complaints about the Chair of Governors, any individual Governor or the whole Local Governing Body, should be addressed to the Clerk of the Local Governing Body via the school office. Please mark them as Private and Confidential. The Clerk will liaise with the Central Governance Team to arrange for another Governor (likely from another academy within the Trust

	<p>or external to the Trust itself) to investigate the concerns in accordance with Stage 2.</p> <p>If the complaint is about the Clerk of the Local Governing Body or the Local Governing Body as a whole, you should send your complaint to the Central Governance Team c/o The Mercian Trust, Mercian House, Sutton Road, Walsall, WS1 2PG or via email to <a href="mailto:governance@merciantrust.org.uk">governance@merciantrust.org.uk</a>, who will then determine the most appropriate action with regards stage 2 and stage 3.</p>
What if the complaint is about the Chief Executive Officer?	If the complaint is about the Chief Executive Officer of the Trust, or if they have been closely involved at Stage 1, your complaint should be sent to the Central Governance Team c/o The Mercian Trust, Mercian House, Sutton Road, Walsall, WS1 2PG or via email to <a href="mailto:governance@merciantrust.org.uk">governance@merciantrust.org.uk</a> , who will arrange for a Trustee to carry out all the Stage 2 procedures.
What if the complaint is about a Trustee or a Member of the Trust?	You should contact the Central Governance Team c/o The Mercian Trust, Mercian House, Sutton Road, Walsall, WS1 2PG or via email to <a href="mailto:governance@merciantrust.org.uk">governance@merciantrust.org.uk</a> , who will arrange for another Trustee to carry out all the Stage 2 procedures.
What if the complaint is about the Central Governance Team of the Trust?	If the complaint is about the Central Governance Team, your complaint should be sent to the Chair of the Trustees c/o The Mercian Trust, Mercian House, Sutton Road, Walsall, WS1 2PG.
What if the complaint is about the Board of Trustees of the Trust?	If your complaint is about the Trust Board as a whole, you should send your complaint to the Central Governance Professional c/o The Mercian Trust, Mercian House, Sutton Road, Walsall, WS1 2PG or via email to <a href="mailto:governance@merciantrust.org.uk">governance@merciantrust.org.uk</a> , who will arrange for the matter to be independently investigated.

Please be aware that where your complaint relates to an employee, a copy of the complaint may be shared with them in order to investigate the issues raised.

### **Stage 3: Referral to the Complaints Committee**

- 4.16 If you are dissatisfied with the decision made under Stage 2, you may request that a Complaints Committee be convened to review your complaint. The Complaints Committee will not consider any new complaints or unrelated evidence at this stage. Any new complaints must be initiated from Stage 1 of the procedure.
- 4.17 To request a hearing before the Complaints Committee, you should write to the Central Governance Team at The Mercian Trust, Mercian House, Sutton Road, Walsall, WS1 2PG, or via email at [governance@merciantrust.org.uk](mailto:governance@merciantrust.org.uk), within 15 school days of receiving the Stage 2 outcome. Requests submitted outside of this timeframe will only be considered if exceptional circumstances apply. Please include copies of all relevant documents, along with the grounds for your complaint and the outcome you are seeking.
- 4.18 Your written request will be acknowledged within 5 school days of receipt.
- 4.19 The Central Governance Team will arrange for a Complaints Committee to be convened. The Committee will comprise at least three (3) members, including:
- (a) Members of the Local Governing Body and/or Trustees of the Academy Trust (as appropriate), with no prior involvement in the matter, and
  - (b) One individual who is independent of the management and operations of the academy involved in the complaint or an independent person from outside the trust if the complaint involves members of the Trust Board. The Central Governance Team will appoint one of these panel members as the Chair of the Committee.
- 4.20 Every effort will be made to hold the hearing within 20 school days of the receipt of your request and at least 5 school days before the hearing, complainants will receive written notification of the date, time, and location of the hearing, along with outline details of the Committee Members. The complainant will also be informed of the name(s) of the academy representative, who may be the subject of the complaint, the person who conducted the Stage 2 investigation, or another individual with sufficient knowledge of the issue. If you have any relevant objections to a specific member of the Committee, these will be given fair consideration.
- 4.21 If it is not possible to find a mutually convenient date for the hearing within a reasonable timeframe,

the Central Governance Team may decide to proceed with the hearing based on written submissions from both parties.

- 4.22 The complainant is entitled to be accompanied at the hearing by a friend, relative, advocate, or interpreter. Please notify the Central Governance Team ([governance@merciantrust.org.uk](mailto:governance@merciantrust.org.uk)), in advance if you plan to bring someone with you. Legal representatives are not encouraged to attend, and representatives from the media are not permitted. The Complaints Committee may seek legal advice on matters of law and procedure if necessary.
- 4.23 Copies of your complaint, as well as any supporting documents or materials provided by the academy representative, will be shared with the Complaints Committee as soon as possible. These documents will also be shared with you and the academy representative at least 5 school days prior to the hearing. The Committee reserves the right not to consider any documents submitted after this period. The Committee is not required to hear oral testimony from witnesses but may choose to do so or accept written statements. Covert recordings or recordings without the consent of all parties involved will not be accepted.
- 4.24 The hearing will ensure that each party has an opportunity to present their case to the Complaints Committee. The procedure for the hearing will be outlined in advance. The Central Governance Team will ensure that a Governance Professional is present to take accurate notes of the proceedings. Electronic recordings of the hearing are not normally permitted and would only be allowed with the consent of all participants.
- 4.25 The typical procedure for the Stage 3 hearing is as follows:
- (a) The Committee will hold a pre-meeting of up to 30 mins to agree the format and make a decision on any late submissions.
  - (b) Both the complainant and the academy representative(s) will enter the hearing together.
  - (c) The Chair of the Committee will introduce the committee members and explain the process.
  - (d) The complainant will present their complaint.
  - (e) The academy representative(s) and the committee members may ask questions of the complainant.
  - (f) The academy representative(s) will explain the academy's/trust's actions in response to the complaint.
  - (g) The complainant and the committee members may ask questions of the academy representative(s).
  - (h) The complainant will sum up their complaint.
  - (i) The academy representative will sum up the academy's/trust's response.
  - (j) The Chair of the Committee will explain that a decision will be communicated to both parties within 5 school days.
  - (k) Both parties will leave the hearing, allowing the committee to deliberate.
  - (l) The Governance Professional/Central Governance Team will remain to assist the committee during their decision-making process.

The Central Governance Team and/or Complaints Committee reserves the right to modify the procedure at their discretion. For instance, they may require the complainant and the academy representative to present their cases separately, without the other party present and reasons will be provided for any modifications.

- 4.26 The Complaints Committee may adjourn the hearing if further evidence is required or in exceptional circumstances, such as the need for clarification of key points. Any adjournment will be scheduled as soon as possible.
- 4.27 After the hearing, the Complaints Committee will deliberate and provide both the complainant and the person subject to the complaint with a written decision within 5 school days. The decision will include an explanation of the committee's findings and reasoning. The committee may:
- (a) **Dismiss** the complaint in whole or in part;
  - (b) **Uphold** the complaint in whole or in part;
  - (c) **Determine actions** to resolve the complaint;
  - (d) **Recommend changes** to academy or trust procedures to prevent similar issues from recurring.



#### **Stage 4: Referral to the Department for Education**

- 4.28 If the complainant believes the Trust did not handle their complaint in accordance with the published Complaints Policy and Procedure, or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the DfE after they have completed Stage 3.
- 4.29 The DfE will not normally reinvestigate the substance of complaints or overturn any decisions made by the Trust. They will consider whether the Trust has adhered to education legislation and any statutory policies connected with the complaint.
- (a) An academy's complaints procedure must comply with part 7 of the [Education \(Independent School Standards\) Regulations 2014](#).
  - (b) Academy trusts must adhere to the [exclusion from maintained schools, academies and pupil referral units in England](#) statutory guidance (Annex C is a guide for parents/carers).
- 4.30 If, after reading the DfE's guide, the complainant believes the DfE should consider their complaint, they can contact them using their online [enquiry form](#) and tick the box that says 'complaint'.

Using the online enquiry form is the quickest way to contact the DfE, but they can also accept hard-copy documents sent to:

Department for Education  
School complaints compliance unit  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

#### **Roles and Responsibilities**

- 4.31 The **Clerk/Central Governance Team** (as appropriate) is the contact point for the complainant and the Complaints Committee, and should:
- (a) Ensure that the complainant is fully updated at each stage of the procedure;
  - (b) Liaise with staff, Headteacher, CEO, Chair of Governors and Chair of Trustees (where relevant) to ensure the smooth running of the complaints procedure;
  - (c) Be mindful of the timescales to respond to complaints;
  - (d) Ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR);
  - (e) Ensure that the Complaints Committee has access to legal advice, where appropriate;
  - (f) Set the date, time and venue of the meeting, taking reasonable steps to find a date that is convenient to all parties and that the venue and proceedings are accessible;
  - (g) Support the collation of any written material relevant to the complaint (for example: Stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within the agreed timescale;
  - (h) Minute the meeting;
  - (i) Notify all parties of the Complaint Committee's decision;
  - (j) Assist the academy/trust in issuing a summary letter to the complainant.
- 4.32 The **Headteacher** (or other party investigating, as applicable, in accordance with the procedure) at Stage 2
- (a) Ensure that the complainant is fully updated at each stage of the procedure;
  - (b) Ensure that the correct procedure has been followed;
  - (c) Ensure that an investigation is carried out, and a report compiled;
  - (d) Arrange/offer to meet the complainant (if appropriate);

- (e) Notify the Clerk to arrange the Complaints Committee if the complaint is being referred to Stage 3.

4.33 The **Chair of the Complaints Committee** has a key role, ensuring that:

- (a) The meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy;
- (b) Complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child or if a child is present;
- (c) The remit of the Complaints Committee is explained to the complainant;
- (d) The written material is seen by everyone in attendance (provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR);
- (e) Key findings of fact are made, and that any issues not previously mentioned in writing should not be raised at the meeting and, if they are mentioned at the meeting, these should not be noted or considered by the Complaints Committee;
- (f) Both the complainant and the academy/Trust are given the opportunity to make their case, and seek clarity, either through written submissions ahead of the meeting, or verbally in the meeting itself;
- (g) The Complaints Committee is open-minded, acts independently and no Complaints Committee member has an external interest in the outcome or any involvement in an earlier stage of the procedure;
- (h) The meeting is minuted.

## 5. PART 2: CONCERNS OR COMPLAINTS FROM OTHER PERSONS

5.1 Part 1 of this Complaints Policy and Procedure applies only to complaints made by parents or carers of current registered pupils of academies within the Trust. However, the Trust wishes to work closely with other members of the local stakeholder community and will deal with their concerns and complaints as follows:

- (a) **Stage 1** - A concern regarding an academy or its operations may be made to any member of staff. That member of staff will attempt to resolve the matter immediately or may, if appropriate, refer the matter to their Line Manager or member of the Senior Leadership Team (SLT) who is best placed to deal with the concern. It is expected that most concerns will be responded to orally or in writing within 5 school days. If a longer period is required, the complainant will be kept informed of the progress of the investigation.
- (b) **Stage 2** - Where a concern is not resolved at Stage 1, or the complainant wishes their concerns to be dealt with immediately as a formal complaint, they should put the complaint in writing and send this to the Headteacher of the relevant academy to investigate. The Headteacher may delegate the task of investigation and/or responding to the complaint, to a member of SLT or may escalate the complaint straight to Stage 3. A formal response to the complaint will usually be provided within 10 school days of receipt of the letter of complaint, although if a longer period is required to respond, the complainant will be kept updated.
- (c) **Stage 3** - If the complainant is not satisfied with the response at Stage 2, they may request a review by writing to the Clerk of the Local Governing Body of the academy. The complainant should write to the Clerk within 10 school days of receipt of the letter at Stage 2. Requests received outside of this time frame will only be considered if exceptional circumstances apply. The Clerk will arrange for a Governor to consider the complaint alone or may convene a Complaints Committee on the same terms as set out in Part 1 of this Complaints Policy. The decision at this stage will usually be sent to the complainant within 20 school days of receipt of the request for a review. The decision at Stage 3 is full and final and therefore exhausts the academy's complaints procedure.

5.2 Concerns or complaints regarding the Headteacher or the Trust as a whole should be referred directly to the Central Governance Team, c/o The Mercian Trust, Mercian House, Sutton Road, Walsall, WS1 2PG or via email to [governance@merciantrust.org.uk](mailto:governance@merciantrust.org.uk), who will arrange for the stages above to be considered by an appropriate person.

## 6. PART 3: UNREASONABLY PERSISTENT COMPLAINANTS AND UNREASONABLE COMPLAINANT BEHAVIOUR

- 6.1 There are rare circumstances where the Trust will deviate from the Complaints Procedure set out in Parts 1 and 2. These circumstances include, but are not limited to, the following:
- (a) Where the complainant's behaviour or language towards staff, members of the Local Governing Body, or Trustees is abusive, offensive, discriminatory, or threatening and in violation of the Code of Conduct for Parents (where relevant).
  - (b) Where the complainant's behaviour hinders the consideration of complaints and/or the proper running of the academy due to the frequency or nature of contact. This may include situations where the complainant:
    - Refuses to articulate their complaint, specify the grounds of the complaint, or outline the desired outcomes, despite being offered assistance.
    - Refuses to cooperate with the complaints investigation process.
    - Refuses to accept that certain issues are outside the scope of the complaints procedure.
    - Insists on the complaint being handled in ways that are incompatible with the established procedure or good practice.
    - Introduces trivial or irrelevant information and demands that it be considered, despite its lack of relevance.
    - Raises a large number of detailed but unimportant questions, demanding immediate responses to their own imposed timescales.
    - Makes unjustified complaints about staff who are trying to address the issues and attempts to have them replaced.
    - Changes the basis of the complaint as the investigation progresses.
    - Seeks an unrealistic outcome, such as the inappropriate dismissal of staff.
    - Makes excessive demands on school time by engaging in frequent, lengthy, and complicated contact with staff in person, in writing, by email, or by telephone.
    - Knowingly provides falsified information.
    - Publishes unacceptable information on social media or other public forums, in violation of the academy's Code of Conduct for Parents.
  - (c) Where the complainant's complaint is clearly frivolous, vexatious and/or has patently insufficient grounds. The Office of the Independent Adjudicator defines the characteristics of a 'frivolous' or 'vexatious' complaint as:
    - 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
  - (d) Where the complainant's complaint is the same, similar to or based on the same facts of a complaint which has already been considered in full. In these circumstances, the Trust may:
    - Inform the complainant that their behaviour is unacceptable or unreasonably persistent and ask them to change it;
    - Restrict the complainant's access to the academy e.g requesting contact in a particular form (for example, letters/emails only), requiring contact to take place with a named person only, restricting telephone calls to specified days and times or banning the complainant from the academy's premises. Any such arrangements will be reviewed after a specific timescale notified in writing or within six months;
    - Conduct the Complaints Committee on the papers only i.e not hold a hearing;
    - Refuse to consider the complaint and, where Part 1 of this procedure applies, refer the complainant directly to Stage 4 (Referral to the DfE).
  - (e) In all cases the Trust will write to tell the complainant why it believes their behaviour is unacceptable or unreasonably persistent, what action the Trust is taking and the duration of that action. The Trust may take the decision not to respond to any further correspondence where:

- The Trust has taken every reasonable step to address the complainant's concerns,
  - The complainant has been given a clear statement of the Trust's position and options and,
  - The complainant makes repeated contact, making substantially the same points each time.
- (f) The case for ceasing further correspondence is stronger where:
- Letters, emails, or telephone calls are often or always abusive or aggressive or make insulting personal comments about or threats towards staff
  - There is reason to believe the complainant is contacting the Trust with the intention of causing disruption or inconvenience
- 6.2 Where the behaviour is so extreme that it threatens the immediate safety and welfare of staff, members of the Local Governing Body or Trustees, the Trust will consider other options, for example reporting the matter to the Police or taking legal action. In such cases, the Trust may not give the complainant prior warning of that action.

## **7. PART 4: COMPLAINT CAMPAIGNS**

- 7.1 For the purposes of this Policy, a complaint campaign is defined as a complaint from 3 or more separate individuals (whether or not connected with an academy or the Trust) which are all based on the same subject.
- 7.2 Depending on the subject in question, the Trust may deviate from the procedure set out in this Policy and instead:
- (a) Send a template response to all complainants and/or
  - (b) Publish a single response on the academy/Trust's website (as applicable)

## 8. MATTERS EXCLUDED FROM SCOPE OF THIS POLICY

Excluded Matters	Signposting
Admissions	The process for challenging admissions decisions is set out in our Admissions Policy (available via the relevant academy website) in accordance with relevant statutory guidance.
Child Protection Matters	Complaints about child protection matters are handled under our Child Protection and Safeguarding Policy (available via the relevant academy website) and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the Local Authority Designated Officer (LADO) (within the area of the relevant academy) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).
Suspensions and Exclusions	The process for challenging suspensions and exclusions decisions is set out in the DfE's statutory guidance, and information can be found at: <a href="https://www.gov.uk/government/publications/school-suspensions-and-permanent-exclusions">School suspensions and permanent exclusions - GOV.UK (www.gov.uk)</a>
National Curriculum Content	Please contact the Department for Education at <a href="https://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>
School Re-organisation Proposals	Where concerns are not adequately addressed by the Trust, complaints can be raised directly with the Department for Education.
Complaints about services provided by other providers who may use school premises or facilities	Providers should have their own complaints procedure to deal with complaints about services. Please contact them directly.
Staff Grievances	Complaints from staff will be dealt with under the Trust's internal grievance procedures.
Staff Conduct	Certain complaints about staff may need to be dealt with under the Trust's internal disciplinary procedures, if appropriate. Complainants <b>will not</b> be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.
Statutory Assessments Of Special Educational Needs (SEN)	Concerns about statutory assessments of special educational needs should be raised directly with the local authority for the relevant academy.
Whistleblowing	There is an internal whistleblowing procedure for all employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for whistleblowers in education who do not want to raise matters directly with their employer. Referrals can be made at: <a href="https://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a> . Volunteer staff who have concerns should complain through the academy's complaints procedure. You may also be able to complain direct to the Department for Education (see link above), depending on the substance of the complaint

## 9. COMPLAINTS FORM

<b>Your name:</b>
<b>Pupil's name:</b>
<b>Your relationship to pupil:</b>
<b>Your address and postcode:</b>
<b>Your daytime telephone number:</b>
<b>Your evening telephone number:</b>
<b>Your email address:</b>
<b>Your complaint is: (if you have more than one complaint, please number these)</b>
<b>What action have you already taken to try and resolve your complaint(s) in accordance with Stage 1 of the complaints procedure? (Who did you speak to and what was the response?)</b>

**What would you like as an outcome from your complaint(s)?**

**Are you attaching any paperwork? If so, give details here:**

**Your signature**

**Date**

All functions of the complaints procedure must adhere to the requirements of the Data Protection Act 2018 and the Freedom of Information Act 2000.

Please complete and return to the academy office in a sealed envelope addressed to the Headteacher, Clerk of the Local Governing Body or the Central Governance Team (as appropriate).

***Office use only***

Date Received:

Date Acknowledgement Sent:

By Whom:

By Whom:

Action Taken With Dates:

## 10. SUMMARY OF COMPLAINTS PROCEDURE FOR PARENTS &amp; CARERS (PART 1)

Stage	Action Required	Completed
<b>Stage 1: Informal concerns</b>	Parent brings complaint to the attention of a member of staff	Yes No
	Issue to be resolved within 15 school days	Yes No
	Where no satisfactory solution has been found, parent to be advised that they should proceed to Stage 2	Yes No
<b>Stage 2: Formal Written Complaint</b>	Parent to put complaint in writing using Complaint Form within 15 school days	Yes No
	Complaint to be acknowledged within 5 school days	Yes No
	(Optional) Meeting with parents within 10 school days	Yes No
	Response to the complaint sent within 15 school days	Yes No
<b>Stage 3: Referral to Complaints Committee</b>	Parent to request hearing within 15 school days of receiving notice of the outcome of Stage 2	Yes No
	Request to be acknowledged within 5 school days	Yes No
	Hearing to take place within 20 school days of receipt of request	Yes No
	Notification of date, time and place of the hearing and details of the committee members present, sent at least 5 school days before the hearing	Yes No
	Academy representative and parents to submit evidence in support of their case to Clerk at least 6 school days before the hearing	Yes No
	Complaints Committee decision sent not more than 5 school days after the hearing	Yes No