# Complaints Policy & Procedure

***Our Vision***

*Achieving More Together*

***Our Mission***

*Working together passionately to achieve the best outcomes for children and young people in our specialist SEND & AP settings*

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|---|---|
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**Version Control**

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| 1.1 | Formatting and contents page updates; added to section 3.6; Barring from School Premises section added | |
| 1.2 | Amended wording of Section 8 stages, removed stage 4. New flow chart | February 2023 |
| 1.3 | Minor addition to flowchart (see red text box) | October 2025 |
| 1.4 | Major re-write with new appendix | October 2026 |

## 1. Introduction

Enable Trust is committed to ensuring that concerns and complaints are dealt with effectively, fairly, and in a timely way. The Trust recognises that concerns are a normal part of school life and should be addressed promptly through open and respectful communication. The Trust views concerns or complaints raised, as an opportunity to improve services and outcomes for pupils and families.

We aim to resolve concerns at the earliest possible stage, usually through informal discussion. Where this is not possible, the Trust provides a structured complaints procedure to ensure that all parties are treated consistently and fairly and where all complaints are taken seriously and given careful consideration.

The complaints policy and procedure is published on the Trust's web site.

## 2. Legislation and Guidance

2. 1 This policy meets the following requirements:

- As set out in part 7 of the schedule - Independent School Standards - Guidance for Independent Schools Regulations 2014 which states that Academy Schools must have and make available a written procedure to deal with complaints from parents of pupils at the school**. Independent school standards guidance**

- As set out in Paragraph 31 of the schedule Non-Maintained Special Schools (England) Regulations 2015, which states that non-maintained special schools must have and make available a written procedure to deal with complaints relating to their school.

Non-Maintained Special Schools Regulations 2015 - GOV.UK

2.2 It is also based on guidance published by the Department for Education (DfE) on creating a complaints procedure that complies with the above regulations and refers to good practice guidance on setting up complaints procedures from the Department for Education (DfE) 2021. Best practice guidance for academies complaints procedures - GOV.UK

2.3 There is slightly different guidance related to how the DfE handles complaints about academies which can be found here: How DfE handles complaints about academies - GOV.UK

2.3 This policy complies with our Funding Agreement and Articles of Association.

## 3. Definitions

Enable Trust uses the DfE guidance (Best practice guidance for school complaints procedures 2020 - GOV.UK) in relation to the definition of a 'concern' or a 'complaint', as there is no alternative definition provided in the Academies guidance Best practice guidance for academies complaints procedures - GOV.UK

3.1 A concern is defined as *'an expression of worry or doubt, over an issue considered to be important for which reassurance is sought'.*

3.2 A complaint is defined *as 'an expression of dissatisfaction, however made, about actions taken or a lack of action'.*

## 4. Scope

4.1 This policy typically applies to complaints relating to:

- Education provision
- Behaviour management
- Staff conduct
- School systems and processes

4.2 Other areas may fall into the scope of this policy, but it does not cover complaints relating to:

- Admissions
- Statutory assessments of special educational needs
- Safeguarding and Child Protection matters
- Exclusions
- Whistleblowing
- Staff grievance
- Staff conduct
- Third-party providers

**Separate procedures apply in these cases.**

4.3 In addition, complaints about services provided by external providers, who use school premises or facilities, should be directed to the provider concerned. The Trust has confirmed that the provider using Trust premises has its own complaints procedure, and that the provider will inform the Trust of any such complaints received. Any issues or complaints directed to other providers using school facilities, which may impact on the school, need to be communicated with the school Headteacher as soon as possible. For example, damaged or broken equipment resulting in an injury.

## 5. Anonymous Complaints

The Trust will not typically investigate anonymous complaints. However, it reserves the right to do so where there are safeguarding or other serious concerns.

## 6. Principles of the Complaints Process

6.1 We aim to resolve concerns at the earliest possible stage and wherever possible through informal discussion. The procedure outlined in this policy is designed to ensure;

- it is impartial
- is non-adversarial
- it enables a full and fair investigation
- where necessary respects confidentiality
- it addresses all the points raised in any complaint and provides an effective response and appropriate redress
- where necessary, provides information to senior management teams so that services can be improved

6.2 If any member of staff or governor is contacted directly by a parent or other party regarding a complaint, then they will be referred to this complaints procedure. **Individual members of staff or governors cannot act unilaterally, by investigating a complaint or making any prior judgement about it, unless it is specifically within their role.** For example, the Headteacher has asked them to carry out the complaint investigation, or a governor has been asked to carry out an investigation into a complaint about a Headteacher.

6.3 Written information regarding a complaint may be sent to a complainant in either electronic format (via email), or as a hard copy, via posted letter. Complainants can express a preference regarding communication, but the Trust is likely to use both methods to ensure communications are received. For example, an email followed by a postal delivery of a hard copy.

6.4 Parents are able to request additional support in communication with schools, such as the need for an interpretor, or translated documents. Additional requests for support may cause some delay in the process, but the trust will endeavour to keep to the expected timescales.

6.5 A written record will be kept of all formal complaints, including outcomes and actions taken. Records will be stored securely in line with data protection requirements and the Trust's

Records Retention Policy.

**6.6 If a Safeguarding issue emerges as part of a complaint, then Safeguarding protocols must take precedence over the complaint investigation. This may result in the timeline and complaint process being halted until any Safeguarding investigation has been completed.**

**6.7 Procedure Stages summary** (See Sections 7, 8 & 9 below for further information)

- **Stage 1 – Informal process** to review a concern / informal complaint. If the concern cannot be resolved at this informal level, it can be escalated to a formal complaint at Stage 2

- **Stage 2 – Formal complaint** – The Stage 2 process will be followed as a result of an unresolved Stage 1 concern, or an issue meeting the definition of a complaint, where informal processes are not adequate.

- **Stage 3 - If the complaint cannot be resolved at Stage 2,** it can be escalated to Stage 3, to be considered at a Stage 3 complaint panel hearing.

- A complainant wishing to appeal the decision and outcome following a Stage 3 panel hearing, can appeal to the DfE. Guidance can be found here; How DfE handles complaints about academies - GOV.UK

6.8 At each stage of the complaint's procedure, the member of staff, Governor or Trustee, responsible for overseeing the process, will consider how the complaint may be resolved. In considering how a complaint may be resolved, they will give due regard to the seriousness of the complaint. It may be appropriate to bring the complaint to a resolution by offering one or more of the following; either:

- An explanation
- An apology
- Mediation
- Reassurance of steps that have been taken to prevent a recurrence of the relevant events
- Reassurance that the school will undertake a review of its policies in light of the complaint

6.9 At all stages of the process, communication with the complainant and staff involved should be prioritised wherever possible, to reduce the risk of any additional stress or anxiety. In complex cases, or those being investigated over an extended period, additional support should be offered to staff involved, to support their well-being.

6.10 At any point during the process, parents/carers/professionals MUST NOT share images of pupils of a personal or private nature that could potentially be described as 'distribution of images' or

which may be seen to jeopardise an ongoing or future police investigation. If in doubt, seek advice from the school's Designated Safeguarding Lead or Headteacher.

## 7. Stage 1 – Informal Stage

7.1 Concerns should be raised initially with the most appropriate member of staff, such as a class teacher, or pastoral lead, such as a senior support worker.

7. 2 Concerns may be raised in person, by telephone or email.

7.3 A third party may act on behalf of a complainant with appropriate consent.

7.4 Concerns might include matters such as your child's work or progress, relations with staff, relations with other pupils including bullying, or your child's personal welfare.

7.5 Staff will make themselves available at the earliest opportunity to discuss a concern over the phone, via email, or in person. However, please be aware that staff are very unlikely to be available at short notice, without prior arrangement, due to other work commitments. The school office will be able to help you arrange an appointment or direct you to the correct person.

7.6 Once the concern has been raised informally, the school will agree the next steps and confirm a response timescale. Depending on the concern, this could be resolved through an immediate quick fix, such as those listed in 6.6 above, or the school may need time to investigate the concern. This should be explained to you.

7.7 In some cases, concerns raised may require several meetings over an extended period to find a resolution. This does not by itself mean a formal complaint should be triggered, as long as all parties are working through the issue to find a sensible way forward, there is ongoing clear communication, and all parties are happy with the process.

*7.8* Formal records are not required at Stage 1, although brief internal notes and actions may be kept. *(DfE Guidance Section 6 sub paragraph (j) stipulates written records are required for all formal complaints aligned to sub – paragraph (e). ie. Stage 2 and 3 only.*

7.9 The outcome of Stage 1 must be clearly communicated to the person who raised the concern in an appropriate format, depending upon the nature of the concern. In the vast majority of cases, we would expect the issue to be resolved at this informal stage. Once the outcome has been communicated, the school will consider the matter closed, unless they hear from a complainant within 5 school days.

7.10 At the conclusion of Stage 1, if the concern has not been resolved, or a parent or other party confirms they are not satisfied with the outcome; the process for making a formal complaint

MUST be explained, and a copy of the current complaints policy must be sent, if not shared earlier as part of the Stage 1 process.

**7.11 Even at this stage, schools should continue to offer alternatives, such as mediation.**

## 8. Stage 2 – Formal Complaint

8.1 Where a concern has not been resolved, or is of a serious nature~, **a formal complaint MUST be submitted using the Trust complaint form (Appendix 4) and returned via the school office.** Parents requiring help will be offered support or alternative options but must still contact the school office to request it.

8.2 An acknowledgement will be provided within 5 school working days*. Please contact the school office to request an update if you have not received an acknowledgement within 5 school working days*.

8.3 Complaints should be submitted within 3 months of the incident or last incident. The Trust may consider complaints outside this timeframe where exceptional circumstances apply.

8.4 A Stage 2 complaint will be investigated by the Headteacher or an appointed investigator (see Appendix2).

8.5 Evidence will be gathered, and relevant parties interviewed.

8.6 A written response will be issued within **20 school days*** of the complaint being received. If this is not possible, a revised timescale will be communicated.

8.7 The response will detail any actions taken to support the investigation, provide a full explanation of the decision/s made and the reason/s for it. Where appropriate, it will include details of actions the school and/or Trust will take to resolve the complaint.

8.8 Once the outcome is communicated, and where a complainant is not satisfied, the option to escalate the complaint to a Stage 3 review is available. This escalation request must be received within 5 school days* of stage 2 response being sent, otherwise the matter will be considered closed.

*~ A complaint received which does not meet the definiton outlined in section 3, or is considered by a member of the school's senior leadership team (SLT) as NOT serious, then the school may request the complainant explores the informal process outlined in section 7 above. If the issues remains unresolved then 8.1 applies.*

***School working days exclude all school holidays and INSET days**. For example, if a Stage 2 complaint is received on the penultimate day of term 6 and the last day is an INSET day, and the first day of Term 1 is an INSET day, you should expected to receive an acknowledgement by the end of the first week of Term 1 (within 5 days) and the written response by the end of week 4 (within 20 days), unless a revised timescale has been communicated with you as per 8.6 above.*

8.9 If at any stage of a complaint it becomes apparent that the complainant is seeking some sort of financial compensation, then it is likely that the investigation will be halted whilst legal advice is sought.

8.10 Complaints about Individuals

For complaints about individuals such as the Headteacher, Governors or the Trust Central Team, please refer to Appendix 3

## 9. Stage 3 – Process

9.1 If the complainant remains dissatisfied, they may request an escalation to Stage 3. Requests must be submitted to the Trust Governance Professional (panel clerk) via their email address, available from the school office.

9.2 A request for a Stage 3 Panel Hearing must be received within **5 school working days** of the complainant receiving the outcome of the Stage 2 investigation, **otherwise the complaint will be considered closed.** Requests received outside of this time frame will only be considered if exceptional circumstances apply.

9.3 A Stage 3 Panel will be established. The panel will consist of at least three members, who are likely to be school governors with no prior connection with the complaint, including one independent member. The DfE guidance stipulates (Section 6g);

> *This is to ensure that the panel has the benefit of an external source of scrutiny and challenge in its consideration of the complaint…*
>
> ***For schools within a multi-academy trust (MAT),** the DfE Best Practice Guidance 2021 suggest that the independent member should have no association with the trust. However, with the exception of the MAT's trustees, we are satisfied that a governor, from a local governing body at a different school within the MAT, who has no conflict of interest or prior knowledge of the complaint, can be an independent panel member. This is because such person would have no direct involvement with the management and running of the school being complained about.*

9.4 Therefore, the independent panel member could be;

- a local governor from another school within the trust, (as long as they have no conflict of interest or prior knowledge of the complaint).

**9.5** **At least 10 school days** before the meeting, the panel clerk will:

- confirm and notify the complainant of the date, time and venue of the Stage 3 Panel Hearing, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible.
- aim to convene the Panel Hearing, providing reasonable notice, **within 20 school days of receipt of the Stage 3 request**. If this is not possible, they will provide an anticipated date and keep the complainant informed.
- have requested copies of any further written material to be submitted to the panel at the earliest opportunity and collated no less than 10 school days before the meeting.
- Ensure the complainant is aware of their right to attend the Panel Hearing and may be accompanied by a suitable companion if they wish and/or to provide written submissions to present their case.

**9.6** If the complainant rejects the offer of three proposed dates without good reason, the panel clerk will decide when to hold the meeting. It will then proceed in the complainant's absence.

**9.7** The panel will have access to any existing records of the Stage 2 complaint process. The hearing will go ahead using written submissions from both parties.

**9.8** Any written material will be circulated to all parties at least **5 school days** before the panel meeting date.

**9.9** The committee will not accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

## 10. Stage 3 Panel Hearing Procedure

10.1 The aim of the panel hearing should be:

- Reconciliation (where necessary)
- to put right things that may have gone wrong

10.2 At the panel hearing, the complainant and representatives from the school, as appropriate, will be present. A panel clerk will also be present to keep accurate records of the hearing.

10.3 The chair of the panel will introduce all parties and explain the purpose and the process of the panel hearing.

10.4 Neither the complainant nor school/trust should bring legal representation to the hearing, as these are not legal proceedings. Third parties may be permitted, for instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by their union. These will be considered on a case-by-case basis.

10.5 Representatives from the media are not permitted to attend.

10.6 Each individual will have the opportunity to give statements and present their evidence, and witnesses will be called as appropriate to present their evidence.

10.7 The panel, the complainant and the school representative will be given the chance to ask and reply to questions. Once the complainant and school representatives have completed presenting their cases, they will be asked to leave, and evidence will then be considered by the panel.

10.8 The panel will then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the subject of the complaint, and make a copy of the findings and recommendations available for inspection by the Headteacher.

## 11. Stage 3 - Panel Hearing Outcome

The panel will decide whether to uphold or dismiss the complaint.

11.1 The Panel can:

- Uphold the complaint, in whole or in part
- Dismiss the complaint, in whole or in part

11.2 If the complaint is upheld, the Panel will:

- Decide the appropriate action to resolve the complaint

- Where appropriate, recommend changes to the school systems or procedures to prevent similar issues in the future.

11.3 The Governance Professional will write to the complainant to share the outcome within 5 school days of the hearing taking place, unless the panel needs longer to consider their responses. In which case the Governance Professional will confirm the expected adjusted timescale to the complainant within 5 school days.

11.4 The school's Headteacher will inform staff involved of the decision in writing, within 5 school days, but in recognition of the complexity, worry and anxiety such matters can create, information will be shared verbally asap.

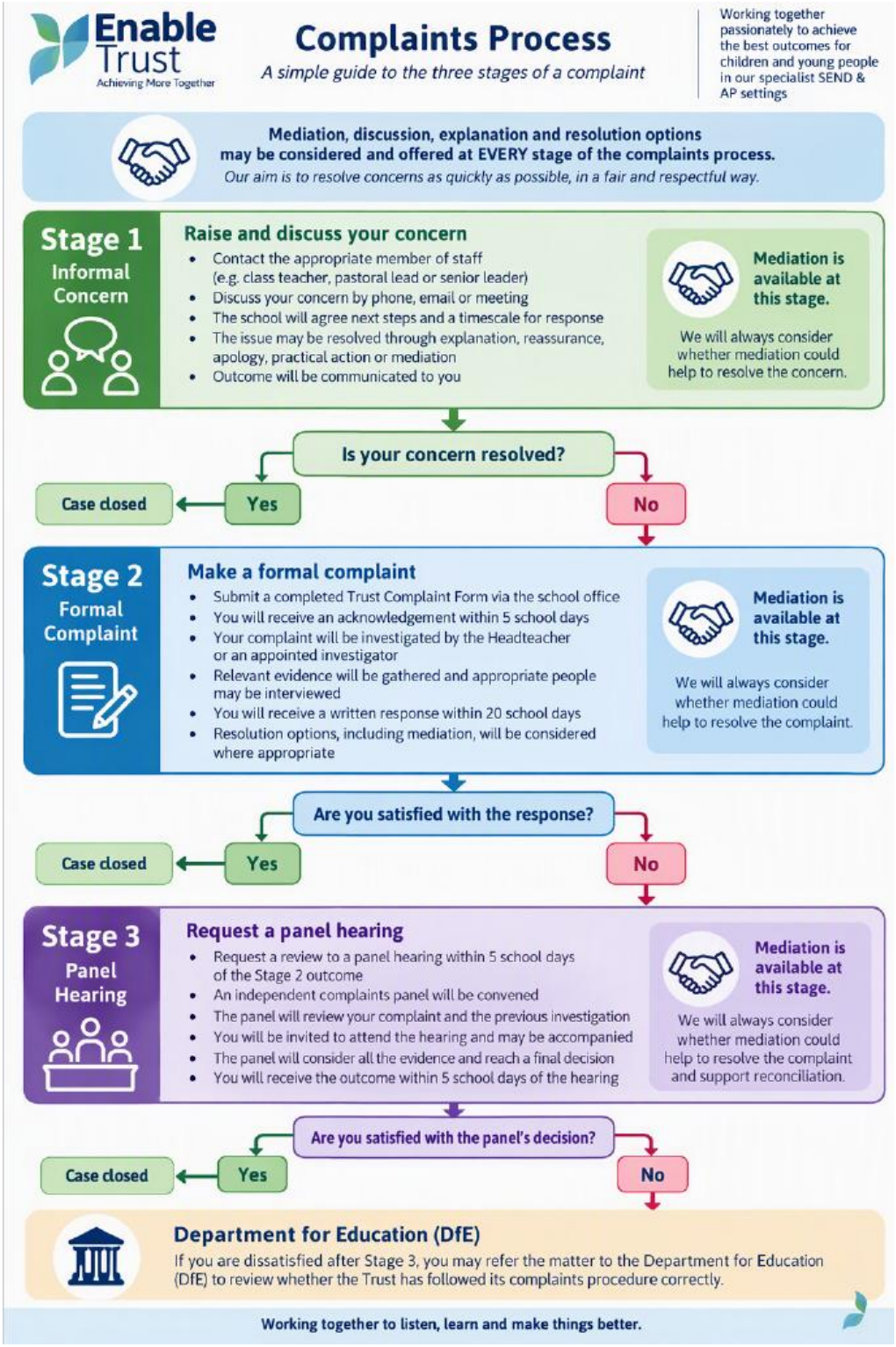
11. 5 The findings and decision made by the panel are final.

## 12. Referral to the DfE

- If the complainant remains dissatisfied after completing all stages of the Trust's complaints procedure, they can refer to the DfE. Their role is to review whether the Trust has followed its procedure correctly. They will not investigate the substance of the complaint or the Trust's decision.

Further information about referring the handling of a complaint to the DfE can be found at: Complain about a school: Types of complaints - GOV.UK and here How DfE handles complaints about academies - GOV.UK.

## Appendix 1 - Complaints Process



## Appendix 2 - Roles and Responsibilities

### The complainant

The complainant will get a more effective and timely response to their complaint if they:

- Follow these procedures
- Co-operate with the school throughout the process, and respond to deadlines and communication promptly
- Ask for assistance as needed
- Treat all those involved with respect
- Not publish details about the complaint on social media

### The investigator

An individual will be appointed by the Headteacher* to investigate the complaint and establish the facts. Due to the nature of the complaint, it is likely that the investigator appointed, where they are not the headteacher, will be a member of the senior leadership team, or extended leadership team. The investigator may request administrative support to help the process, but it would not be appropriate for a less senior member of staff, or administrator to act as the investigator.

The investigator will:

- Interview all relevant parties, keeping notes
- Consider records and any written evidence and keep these securely
- Prepare a comprehensive report to the Headteacher or complaints committee which includes the facts and potential solutions.
  *The Headteacher may also act as the investigator for issues related to their school, however, where the complaint is about the Headteacher see Appendix 3

### The Governance Professional (Governance Professional to the Governing Body and Board of Trustees)

The Governance professional will:

- be the contact point for the complainant of a Stage 3 complaint request
- be the contact point for the Stage 3 complaints panel members, including circulating the relevant papers and evidence before complaint panels meet
- arrange the complaints hearing
- record and circulate the minutes and outcome of the hearing
- receive any complaints concerning Governors or Trustees

### **Panel Hearing** chair

The Panel chair will:

- Chair the meeting, ensuring that everyone is treated with respect throughout

- Make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case.

## Appendix 3 - Complaints about Individuals

| Complaint relates to | Compliant should contact | How to contact | Who will carry out the investigation |
|---|---|---|---|
| School staff | School Headteacher* | Contact details available from the school office | Headteacher, or Headteacher nominated investigator* |
| Headteacher | Chair of Governors* | Email address: governance@enabletrust.org.uk | The Chair of Governors will seek advice and guidance from the CEO / Executive Team regarding who should carry out the investigation |
| A Governor | Governance Professional* | Email address: governance@enabletrust.org.uk | The Governance Professional will seek advice from the CEO / Chair of Trustees regarding who should carry out the investigation. |
| Trust Central Team | Trust Strategic Safeguarding Lead** | Contact details via the Two Bridges School Office 01454 553003 | Trust Leadership Team (TLT) as appropriate to the role being investigated |
| Trust Leadership Team | CEO | Email address: governance@enabletrust.org.uk | The CEO, who may seek independent advice, guidance, and support to carry out the investigation. |
| CEO | Chair of Trustees | Email address: governance@enabletrust.org.uk | Chair of Trustees who may seek independent advice, guidance, and support to carry out the investigation. |
| A Trustee | Chair of Trustees | Email address: governance@enabletrust.org.uk | Chair of Trustees who may seek independent advice, guidance, and support to carry out the investigation. |
| Chair of Trustees | Governance Professional | Email address: governance@enabletrust.org.uk | The Governance Professional will seek advice from the CEO and seek independent advice regarding who should carry out the investigation. |
| The Board if Trustees | Governance Professional | Email address: governance@enabletrust.org.uk | The Governance Professional will seek advice from the CEO and seek independent advice regarding who should carry out the investigation. |
| The Trust | CEO | Email address: governance@enabletrust.org.uk | The CEO, who may seek independent advice, guidance, and |

| | | | |
|---|---|---|---|
| | | | support to carry out the investigation. |

*/** Where you believe there is a conflict of interest in reporting a concern or allegation about a member of staff via these routes, please report directly to:*

**Trust's Director of Education and Strategic Lead for Safeguarding.*

*** The CEO of the Trust.*

*Both contacts are available via the Two Bridge's School Office* 01454 553003

## Appendix 4 - Complaint Form

**Enable Trust Complaint Form**

Please complete this form and return it to the school's headteacher **via the school office**, or the appropriate contact in all other cases (see Appendix 3 of the Policy). You should receive an acknowledgement and information about the next stage in the procedure, within 5 school days. **If you have NOT received an acknowledgement within 5 school days, please contact the school office and request an update.** Parents requiring help will be offered support or alternative options but must still contact the school office to request it.

Your name: ……

Relationship with school [e.g. parent of a pupil on the schools roll]:

……

Pupil's name [if relevant to your complaint]:

……

Your Address: ……

Daytime telephone number: ……..

Evening telephone number: ……..

Email address:……..

Please give concise details of your complaint, [including dates, names of witnesses etc…], to allow the matter to be fully investigated:

You may continue on separate paper, or attach additional documents, if you wish.

What action, if any, have you already taken to try to resolve your complaint? [I.e. who have you spoken with or written to and what was the outcome?]

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

Signature:

Date:

**School use:**

Date Form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

| | | | |
|---|---|---|---|
| Complaint referred to: | | | |
| Date: | | | |

## Appendix 5 – Complaint escalation request Form - Escalate to Stage 3

**Enable Trust Stage 3 complaint review request form**

If you wish to escalate a Stage 2 complaint to a Stage 3 Panel Hearing, please complete this form **within 5 school days of receiving the Stage 2 response.** Please complete this form and return it to the school's headteacher **via the school office**, or the appropriate contact in all other cases (see Appendix 3 of the Policy). You should receive an acknowledgement and information about the next stage in the procedure, within 5 school days. **If you have NOT received an acknowledgement within 5 school days, please contact the school office and request an update.**

Your name:
Your Address:

Daytime telephone number:
Evening telephone number:

Dear Sir/Madam

I submitted a formal complaint to the school on ……

I am dissatisfied with the outcome of the Stage 2 formal complaint, because: (Please select)

- I do not think the stage 2 process was followed correctly and I would like the Stage 2 process to be reviewed
- I am dissatisfied by the response received from ……

  on…… and I would like a Stage 3 Panel Hearing to review my complaint
- Other reason (Please specify) ……

I have attached copies of my formal complaint and of the response[s] from the school.

I am dissatisfied with the way in which the procedure was carried out, because:

……

……

……

I am dissatisfied with the response received because:

……

……

……

You may continue on separate paper, or attach additional documents, if you wish.

Number of Additional pages attached =

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

Signature: Date:

| **School Use:** | | | |
|---|---|---|---|
| Date form received: | | Received by: | |
| Date acknowledgement sent: | | Acknowledgement sent by: | |
| Request referred to: | | Date: | |

## Appendix 6 – Investigation Procedure

**Investigation Procedure**

The investigation of an allegation or a complaint should always be carried out thoroughly and responsibly, irrespective of whether the complaint appears to be trivial or serious. The outcome of such an investigation will be significant, not only for the complainant but also for any member of staff against whom a complaint has been made.

Any anonymous complaint will not be investigated, unless there are exceptional circumstances. These would include serious concerns such as Child Protection issues or bullying allegations, where the school should either involve appropriate external agencies, or else conduct its own internal review to test whether there is any corroborative evidence which might trigger a formal investigation.

**Preparing for an Investigation**

Where the school receives a **formal complaint (Stage 2)**, via the school office, the **date of receipt must be recorded**, and it should be **acknowledged within 5 school days of receipt,** confirming a commitment to ensure that the complaint will be investigated and the outcome of the investigation notified to the complainant **within 20 school days.**

**Where the time scales cannot be kept to, the complainant should be informed asap, and an explanation provided, and a renewed timescale agree**

It is essential that there is a clear understanding of the complaint. Where necessary the nature of the complaint should be confirmed with the complainant. e.g. through an initial meeting. (If an investigator is appointed there may need to be more detailed follow-up.)

Any member of staff against whom a complaint has been made, should be notified that a complaint has been received and that the appropriate school procedure will be followed. It is usually not appropriate to provide the member/s of staff with details of the evidence on which the complaint is based until any investigation has been completed. However, the member of staff does need to be able to understand the nature of any allegations against them.

Once any complaint has been confirmed the school needs to determine which procedure is most appropriate and to select an appropriate person to conduct any investigation.

**Conducting a stage 2 investigation**

The investigation must be carried out in accordance with the provisions of the relevant stage of the procedure.

Arrangements should be agreed so that accurate notes can be taken of all interviews and the outcome of the investigation be accurately recorded.

The complainant should be given the opportunity to offer documentation and to identify potential witnesses or sources of evidence.

The member/s of staff subject to the complaint should be advised that they may be accompanied by a friend or trade union representative when invited to be interviewed.

Where children are potential witnesses, discretion should be exercised over their involvement. Pupils should only be interviewed when the nature of the complaint is sufficiently serious to warrant it, and adult witnesses are not available. Only in extreme circumstances will younger pupils be interviewed.

Any interviews should be conducted as soon as possible to ensure that recollections are as fresh as possible and to minimise the possibility that evidence will become tainted through witnesses discussing alleged incidents with other people.

In conducting interviews, the investigator should prepare the questions to be asked prior to the interview. These can always be supplemented during the interview. The investigator should allow the interviewee to answer in their own way. Their responses should be listened to attentively. Any temptation to cut an interviewee short or to seek to "lead" them must be resisted. The interviewee should be given the opportunity of providing other relevant information at the end of the interview.

Interviewees should, however, be advised that their responses must be confined to the substance of the complaint. Any attempt by the interviewee to introduce information relating to other members of staff or to issues unrelated to the complaint should be resisted.

The investigator should avoid reaching conclusions or passing judgement until the investigation has been completed and their report is being written.

**Concluding the investigation**

The report may contain:

- a brief outline of the process that has been followed
- a statement of the complaint/concern
- a summary of the findings, linked to the relevant evidence
- any recommendations for future action
- annexes containing copies of witness statements and other evidence collected during the investigation

The report of the investigation will usually be confidential to the school, as it is likely to contain sensitive personal information. If a request is received to release the report, under either the Data Protection Act or Freedom of Information, the school should seek legal advice.

A summary of the process undertaken and the outcome of the investigation may be provided to the complainant. Caution must be exercised in reporting back to the complainant as revealing certain details may prejudice the ability of an employee to continue in post.

Following consideration of the report by the relevant body, any final recommendations may also be shared with the parties, unless there is good reason not so to do. Wherever possible, recommendations should be constructive and not punitive.

The complainant should be advised that he/she may, if they are not satisfied that the appropriate procedure has been followed, request a review of that process via a Stage 3 Panel Hearing.

## Appendix 7 – DfE Guidance for Schools - Managing serial and persistent complaints

At the point of production Enable Trust does not currently have a specific policy for managing serial or unreasonable complaints but will utilise this guidance to consider an appropriate response. In all scenarios, advice to Headteachers is to liaise with the central team regarding appropriate action.

This guidance is a copy of the guidance found at the following link:

Best practice guidance for academies complaints procedures - GOV.UK

You should do your best to be helpful to people who contact you with:

- a complaint or concern
- a request for information

However, there will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. If a complainant tries to re-open the same issue, you can inform them that the procedure has been completed and that the matter is now closed.

If the complainant contacts you again on the same issue, the correspondence may then be viewed as 'serial' or 'persistent' and you may choose not to respond. However, you should not mark a complaint as 'serial' before the complainant has completed the procedure.

Under no circumstances should a complainant be marked as 'serial' for exercising their right to refer their complaint to their MP, regardless of which stage the complaint has reached.

You may receive complaints you consider to be vexatious. The characteristics of a 'frivolous' or 'vexatious' complaint are:

- 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

Academies should not refuse to accept further correspondence or complaints from an individual they have had repeat or excessive contact with. The application of a 'serial or persistent' marking should be against the subject or complaint itself rather than the complainant.

Academies may find it useful to establish a policy for managing serial and unreasonable complaints, which we recommend is included in the school's published procedure.

**When to stop responding**

The decision to stop responding should never be taken lightly. You need to be able to say yes to all of the following:

- you have taken every reasonable step to address the complainant's concerns
- the complainant has been given a clear statement of your position and their options
- the complainant contacts you repeatedly, making substantially the same points each time.

The case to stop responding is stronger if you agree with one or more of these statements:

- their letters, emails, or telephone calls are often or always abusive or aggressive
- they make insulting personal comments about or threats towards staff
- you have reason to believe the individual is contacting you with the intention of causing disruption or inconvenience.

You should not stop responding just because an individual is difficult to deal with or asks complex questions.

**Communication strategy for persistent correspondents**

If an individual's behaviour is causing a significant level of disruption, regardless of whether or not they have raised a complaint, academies can implement a tailored communication strategy. For example, they can:

- restrict the individual to a single point of contact via an email address
- limit the number of times they can make contact, such as a fixed number of contacts per term

However, regardless of the application of any communication strategy, you must provide parents and carers with the information they are entitled to under The Education (Pupil Information) (England) Regulations 2005, within the statutory time frame.

Different procedures apply to freedom of information (FOI) and data protection (DP) correspondence. You should talk to your FOI and DP advisor about those or approach the Information Commissioner's Office for further advice.

You need to make sure that you act reasonably and consider any new complaint. Anyone has the right to raise a new complaint at any time and failure to respond could result in the school failing to act reasonably.

You can also suggest that the complainant asks a third party to act on their behalf, such as the local Citizen's Advice Bureau.

If an individual persists to the point that may constitute harassment, you should seek legal advice. In some cases, injunctions and other court orders have been issued to individuals preventing them from contacting academies direct.

Once you've decided that it's appropriate to stop responding, you will need to inform the individual.

**Barring from school premises**

Although fulfilling a public function, academies are private places. The public has no automatic right of entry. Schools will therefore need to act to ensure they remain a safe place for pupils, staff and other members of their community.

If an individual's behaviour is a cause for concern, a Headteacher can ask them to leave school premises. In some cases, individuals can be barred from entering school premises. You should always give the individual the opportunity to express formally their views on a decision to bar.

The Headteacher's decision to bar should then be reviewed by either:

- the Chair of Governors
- a committee of governors

They should take into account any representations made by the individual and decide whether to either confirm or lift the bar. If the decision is confirmed, the individual should be notified in writing, explaining:

1. how long the bar will be in place
2. when the decision will be reviewed

Once the school's appeal process has been completed, individuals may be able to apply to the Courts. Individuals wishing to exercise this option should seek independent legal advice.

Controlling access to school premises provides more guidance on access to school premises.