

**The Kite  
Academy  
Trust**  
Flying high  
together



# **KITE ACADEMY TRUST**

## ACADEMY COMPLAINTS POLICY

P1080

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# 1 Introduction

The Kite Academy Trust and its academies endeavour to provide the best education possible for all of their pupils in an open and transparent environment. We welcome any feedback that we receive from parents, pupils and third parties, and we accept that not all of this will be positive. When concerns are raised, our academies intend for these to be dealt with fairly, openly, promptly and without prejudice in accordance with the procedures within this policy.

The procedure outlined in the policy is not limited to parents or carers of children that are registered at an academy with the Kite Academy Trust. Any person, including members of the public, may make a complaint to the Kite Academy Trust about any provision of facilities or services that we provide.

Anonymous complaints will be investigated as far as possible and at the discretion of the CEO/Chair of Trustees/Academy Head/Chair of Academy Council (as appropriate).

## 2 Concern or Complaint?

A concern may be defined as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*.

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

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. The Kite Academy Trust takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, you will be referred to an appropriate alternative staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, you will be referred to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

## 3 Raising a Concern

Where you have a concern about any aspect of an academy, or your child's education or wellbeing, raise this with your child's class teacher/phase leader or relevant subject leader via telephone, email or in person; they will be happy to talk to you and seek to establish a resolution to the issue.

All concerns will be dealt with confidentially between the parties involved, however, a staff member may need to take notes if it is felt that the matter may need to be taken further or it may arise again in the future. Any such notes will be kept in accordance with the principles of the General Data Protection Regulations 2018 and the Data Protection Act 2018. However, such notes would be able to be used as evidence if further investigation was required, or if the concern became a formal complaint.

A may also be made by a third party acting on behalf of the person with the concern, as long as they have appropriate consent to do so. In this instance, concerns should be raised with the Class Teacher or Academy Head. If you are not a parent of a child attending an academy, please raise your concern with the Academy Head.

It is to be hoped that most concerns can be expressed and resolved on an informal basis, within 10 school working days.

If you are not satisfied with the response and you believe the issue has not been resolved, the next step is to make a formal complaint.

## 4 Which Procedure do I need?

On occasion, when concerns are more specific, there are alternative and more appropriate policies for dealing with them. This procedure covers all complaints about any provision of community facilities or services by the Kite Academy Trust and its academies, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
Admissions to schools	<p>Concerns about admissions should be handled through the Local Authority's appeals process.</p> <p>Please see the Kite Academy Trust's Admissions Arrangements.</p>
Matters likely to require a child protection investigation	<p>Complaints about child protection matters are handled under our Child Protection &amp; Safeguarding Policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the Local Authority Designated Officer (LADO).</p> <p>For our academies in Surrey, Surrey Safeguarding Children Board procedures apply (<a href="http://www.surreyscb.org.uk">www.surreyscb.org.uk</a>). For further information, contact the Surrey County Council (SCC) Contact Centre on 0300 200 1004.</p> <p>For our academies in Hampshire, Hampshire Safeguarding Children Partnership procedures apply (<a href="http://www.hampshirescp.org.uk">www.hampshirescp.org.uk</a>). For further information, contact Hampshire Children's Services on 0300 555 1384.</p>
Exclusion of children from school*	<p>Please see the Kite Academy Trust's Suspension &amp; Exclusion Policy. Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a></p> <p><i>*complaints about the application of the Behaviour Policy can be made through the procedure outlined in this policy.</i></p>
Statutory Assessments of Special Educational Needs and Disability (SEND)	<p>For our academies in Surrey, please refer to the Surrey Local Offer website (<a href="http://www.surreylocaloffer.org">www.surreylocaloffer.org</a>).</p> <p>For our academies in Hampshire, please refer to the Hampshire Local Offer website <a href="https://fish.hants.gov.uk/kb5/hampshire/directory/localoffer.page">https://fish.hants.gov.uk/kb5/hampshire/directory/localoffer.page</a></p> <p>Alternatively, please contact the Local Authority where you live.</p>
Whistleblowing	<p>We have a Whistleblowing Policy for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>Volunteer staff who have concerns about any of our academies should complain through the procedure outlined in</p>

	<p>this policy. 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.</p> <p>Please see the Kite Academy Trust's Whistleblowing Policy.</p>
Staff Grievances	Complaints from staff will be dealt with under the Kite Academy Trust's Grievance Procedure.
Staff Conduct	<p>Complaints about staff will be dealt with under the Kite Academy Trust's Discipline Procedure., if appropriate.</p> <p>Complainants will not 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.</p>
Subject Access Requests and Freedom of Information Requests	Please see the Kite Academy Trust's Freedom of Information Policy or contact the Trust's Data Protection Officer at <a href="mailto:dpo@kite.academy">dpo@kite.academy</a> .
Complaints regarding Discrimination and Harassment based on Protected Characteristics as defined in the Equality Act 2010	The Academy Complaints Policy applies but the Complainant has a further right of appeal to SENDIST (Special Educational Needs and Disability First Tier Tribunal) for complaints about disability discrimination, or to the County Court for all other unresolved disputes regarding protected characteristics.
Complaints about services provided by other providers who may use academy premises or facilities	Where a complaint concerns a third party used by the academy, or a third party which uses the academy premises, please complain directly to the third party themselves.

The policies referred to above are available on individual academy or the Kite Academy Trust websites. Copies are also available from an academy or Kite Central office.

## 5 Making a Complaint

A complaint must be raised within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame only if exceptional circumstances apply (i.e. where new evidence has come to light, where the complaint is of an especially serious nature or where there is reasonable justification for why the Complainant has been unable to raise the complaint before this time). This will be at the discretion of the CEO/Chair of Trustees/Academy Head/Chair of Academy Council (as appropriate).

We will consider complaints made outside of term-time to have been received on the first school day after the holiday period.

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

The Kite Academy Trust operates a three stage formal complaints procedure as outlined below.

## 6 Resolving Complaints

At each stage in the procedure, the Kite Academy Trust will seek to resolve a 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 about 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.

In addition, mediation can provide a helpful mechanism for discussion when a complaint is raised, and can help to rebuild the relationship between parties once all of the investigative stages of the complaints procedure have been completed.

## 7 Audio or Video Evidence

Complainants should make sure they obtain informed consent from all parties present before recording conversations or meetings. In line with DfE guidance, we do not normally accept electronic recordings as evidence when we are asked to consider a complaint. We do not consider that covert recording of meetings or conversations without the permission of all parties is acceptable and under no circumstances would consider such recordings as evidence within an investigation.

## 8 Social Media

In order for complaints to be resolved as quickly and fairly as possible, the Kite Academy Trust requests that Complainants do not discuss complaints publicly via social media, such as Facebook and Twitter. Complaints will be dealt with confidentially for those involved, and we expect Complainants to also observe confidentiality.

## 9 Complaints that result in Staff Capability or Disciplinary Procedures

If at any formal stage of the complaint it is determined that staff disciplinary or capability proceedings are necessary in order to resolve the issue, the details of this action will remain confidential to the Academy Head and/or the individual's Line Manager. The Complainant is entitled to be informed that the matter is being dealt with appropriately, but they are not entitled to participate in the proceedings and will not receive any detail about them or the outcome.

Where a complaint appears to be likely to lead to potential disciplinary action, the Director of Operations should be informed.

## 10 Complaints about the Academy Head or Governors

Where a complaint concerns the Academy Head, the Complainant should first directly approach the Academy Head in an attempt to resolve the issue informally. If the Complainant is not satisfied with this outcome, or if they have good reason to feel it is inappropriate to approach the Academy Head in the first instance, they should notify the Clerk to the Trust Board (see Appendix 3 – Contact Details).

Stage 2 of the complaints procedure will then commence, with the Executive Head Teacher/Governor/Trustee (as appropriate) as the individual responsible for the investigation rather than the Academy Head.

Where a complaint concerns a Governor, the Complainant should contact the Clerk to the Trust Board. Informal resolution will be sought, but where this fails, the complaints procedure at Stage 2 will take immediate effect with the Chair of the Academy Council or another nominated Governor from within the Kite Academy Trust (as appropriate) undertaking the investigation.

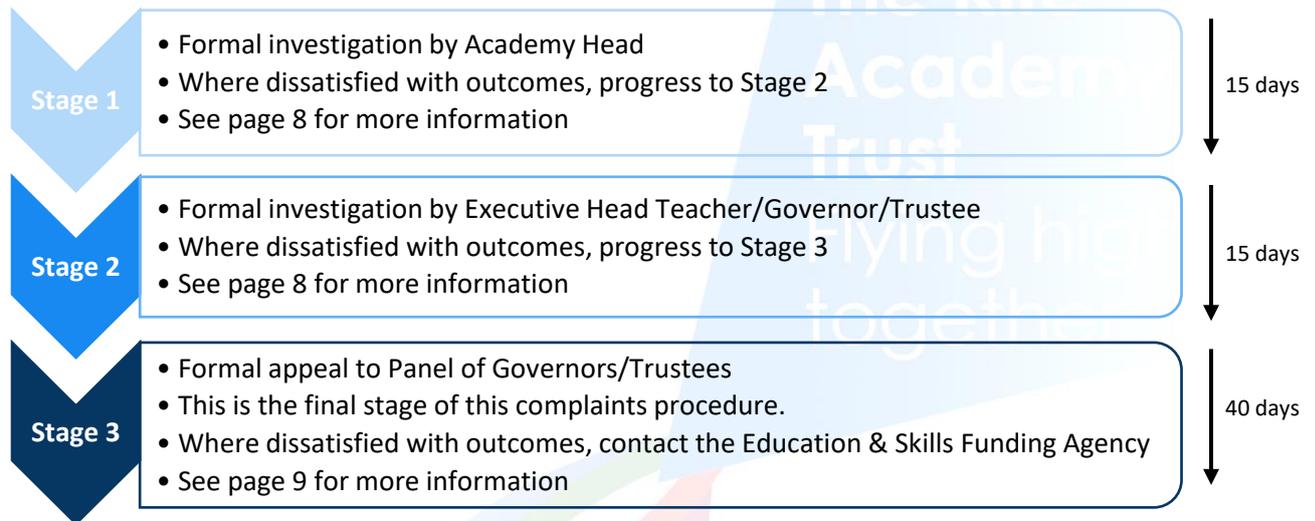
Where a complaint concerns the Chair and/or Vice Chair of the Academy Council, or the majority of/entire Academy Council, the investigation will be carried out by a Trustee. Should the complaint progress to Stage 3, this will be heard by a Committee of Trustees and an independent member.

In exceptional circumstances, and at the discretion of the Chair of Trustees, an independent person may be appointed to investigate a complaint.

## 11 Formal Procedure

All timescales below refer to academy working days i.e. excluding weekends, bank holidays, academy holidays etc.

### Timeline for formal complaints



A formal complaint should be submitted using the form at Appendix 5. If you require assistance with completing the form, please contact the academy office. You can also ask a third-party organisation such as Citizens Advice to help you.

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 a later stage of the procedure.

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.

Academies will endeavour to abide by timeframes stated under each stage however there may be occasions when it is necessary or reasonable to deviate from the timescales outlined above. If it becomes apparent that it is not possible to complete any stage of the complaints procedure within a stated timeframe, the individual responsible for handling the complaint will be kept informed and reasons for the deviation given.

If other bodies are investigating aspects of the complaint, for example the Police, Local Authority 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. If this happens, a revised timescale will be shared.

If a Complainant commences legal action against the Kite Academy Trust in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

## 12 Stages of the Formal Procedure

### Stage 1 – Investigation by Academy Head

Formal complaints must be made to the Academy Head (unless they are about the Academy Head), via the academy office. This may be done in person or in writing; it is preferable that the Formal Complaint Form (see Appendix 5) is completed to ensure that relevant information is communicated at the outset. Contact details for submission of the form can be found at Appendix 3.

The Academy Head will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 3 school days.

Within this response, the Academy Head will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the Complainant would like to see. The Academy Head can consider whether a face to face meeting is the most appropriate way of doing this.

During the investigation, the Academy Head 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.

At the conclusion of their investigation, the Academy Head will provide a formal written response within 15 school days of the date of receipt of the complaint.

If the Academy Head is unable to meet this deadline, they will provide the Complainant with an update and revised response date.

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 the academy will take to resolve the complaint.

The Academy Head will advise the Complainant of how to escalate their complaint if they believe it has not been fully addressed at this stage.

### Stage 2 – Investigation by Executive Head Teacher/Chair of Academy Council/Trustee

If the Complainant believes that their complaint has not been fully addressed at Stage 1, they may request a Stage 2 investigation. This should be done in writing, using the Formal Complaint Form (see Appendix 5) and submitted to the Clerk to the Trust Board within 10 days of receipt of the outcome letter at Stage 1. Contact details for submission of the form can be found at Appendix 3.

The investigation will be undertaken by the Executive Head Teacher/Chair of Academy Council/Trustee (the Investigator), as appropriate, who will have had no prior involvement in the complaint. In exceptional circumstances, and at the discretion of the Chair of Trustees, an independent person may be appointed to investigate the complaint.

The Investigator will acknowledge receipt of the complaint form within 3 days of receipt of the complaint.

In most cases the Complainant will be invited to meet with the Investigator at the outset of the process. The aim of this meeting is to enable the Investigator to understand the scope of the complaint and desired outcomes prior to commencing their investigation.

The Investigator will consider all relevant evidence; this may include, but is not limited to:

- evidence and outcome from Stage 1 investigation if applicable
- a statement from the Complainant
- where relevant a meeting with/statement from an individual who is the subject of the complaint
- any previous correspondence regarding the complaint
- any supporting documents from all parties
- interviews with /statements from anyone related to the complaint
- relevant policies and whether they were followed.

After considering the available evidence, the Investigator may:

- **uphold** the complaint and direct that certain action be taken to resolve it
- **not uphold** the complaint and provide the Complainant with details of the Stage 3 complaint review process
- **partially uphold** the complaint: in other words, the Investigator may find one aspect of the complaint to be valid, but not another aspect. They may recommend certain action to be taken to resolve any aspect that they find in favour of the Complainant.

The Investigator should inform the Complainant of their decision in writing within 15 days of receipt of the complaint. They should explain clearly how they have come to their decision. They should detail any agreed actions as a result of the complaint. Finally, they should provide the Complainant with details of how to progress the complaint to Stage 3 if they believe their complaint has not been fully addressed, providing them with the contact details of the Clerk to the Trust Board (see Appendix 3). Should the complaint not be resolved mediation should be considered. This can be arranged through the Area Schools Support Service and will be impartial and objective.

### **Stage 3 – Complaint Appeal Panel**

If the Complainant does not believe that their complaint has been fully addressed at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3. This consists of a panel hearing with two Governors/Trustees from the Kite Academy Trust and one independent member, none of whom were directly involved in the matters detailed in the complaint or in any previous investigation of the complaint.

The independent member of the Complaint Appeal Panel will not be a Trustee, Governor or employee of the Trust.

Complainants can request an independent Complaint Appeal Panel if they believe there is likely to be bias in the proceedings and evidence of any bias should be provided in support of their request. If the appearance of bias is sufficient to taint the decision reached, then it is recommended that the Complaint Appeal Panel grants such requests, however the decision to grant any request is solely at the discretion of the Complaint Appeal Panel.

### **Timescales**

A request to escalate to Stage 3 must be made to the Clerk to the Trust Board in writing, using the Formal Complaint Form (see Appendix 5) and submitted to the Clerk to the Trust Board within 10 days of receipt of the outcome letter at Stage 2. Please see Appendix 3 for contact details for submission of the form.

Requests received outside of this time frame will only be considered if exceptional circumstances apply and are explained to the Clerk at the same time that the request for a Stage 3 hearing is submitted.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 3 school days.

The Clerk will write to the Complainant to inform them of the date of the Complaint Appeal Panel hearing. They will aim to convene a hearing within 30 school days of receipt of the Stage 3 request. If this is not possible, the Clerk will provide an anticipated date and keep the Complainant informed. If the Complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the hearing. In this case, the Complaint Appeal Panel will meet with the Clerk and Area Schools Officer in attendance, and consider the complaint on the basis of written submissions from both parties, with neither party being present.

At least 15 school days before the hearing, the Clerk will:

- confirm and notify both parties of the date, time and venue of the hearing, ensuring that, if the Complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible; and

- inform both parties that copies of any further written material should be submitted to the Clerk at least 10 school days before the hearing. Any evidence submitted after this, including on the day of the hearing, will only be considered in exceptional circumstances with the agreement of the Complaint Appeal Panel, whose decision is final.

Any written material will be collated and circulated by the Clerk to all parties so that it is received at least 5 school days before the date of the meeting. The Panel will not accept recordings of conversations that were obtained covertly as evidence. Informed consent of all parties must be obtained before being recorded for a recording to be considered as evidence.

### **Attendees at the Hearing**

The Clerk will invite the following parties as applicable:

- a panel of two Governors/Trustees from the Kite Academy Trust and one independent member
- the Complainant
- the Academy Head
- the Executive Head Teacher/Chair of Academy Council/Trustee involved at Stage 2 of the complaint
- relevant witnesses
- Area Schools Support Service representative (for procedural advice)

The Complainant may ask to be accompanied to the hearing by a supportive companion, interpreter or advocate. It is not advisable for this person to be a member of the school community, for reasons of confidentiality and to avoid conflict of interest. The Complainant must advise the Clerk to the Complaint Appeal Panel of the name and role of this additional person prior to the hearing, and the Clerk will seek agreement from the Chair of the Complaint Appeal Panel. If the additional person is attending as an advocate, they will be presenting the Complainant's case and speaking on their behalf, and therefore the Complainant will not be able to address the Complaint Appeal Panel directly. If the additional person is attending as a supportive companion, they will not be able to address the Panel directly.

As this is not a legal process, neither party may bring legal representation with them except in exceptional circumstances, by prior agreement of the Complaint Appeal Panel.

If the attendance of any pupils is required at the hearing, parental permission will be sought if the pupil is under the age of 18. Extra care will be taken to consider the vulnerability of children where they are present at a Complaint Appeal Panel hearing. As the Complainant, a child's parent will be given the opportunity to say which parts of the hearing, if any, the child needs to attend. However, the parent should be advised that agreement might not always be possible if the parent wishes the child person to attend a part of the meeting that the Complaint Appeal Panel considers is not in the child's best interests - the welfare of the child is paramount.

Representatives from the media are not permitted to attend.

### **Conduct of the Hearing**

The Panel will:

- Consider those aspects of the complaint which the Complainant believes have not been fully addressed at the previous stages in the complaints procedure and where the Complainant believes that the Academy Complaints Policy has not been followed;
- Consider the effectiveness of the investigation process at Stage 1 and 2;
- Consider ways to resolve the complaint and, if possible, achieve reconciliation between the academy and the Complainant.

We recognise that the Complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations. Financial compensation is not a possible outcome of the process.

The Complaint Appeal Panel hearing will consider the complaint as was submitted at Stage 1 and 2. Any new issues will need to be dealt with as a separate complaint.

The Complaint Appeal Panel will not only consider the handling of the complaint at the previous stages, but will also consider those aspects of the original complaint which the Complainant believes have not been fully addressed.

The hearing will be held in private and is confidential. Electronic recordings of meetings or conversations are not normally permitted unless a Complainant's own disability or additional needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations are recorded. Consent will be recorded in any minutes taken.

The format of the hearing is:

- the Complainant is given a set amount of time to make their case.
- the Complaint Appeal Panel and the academy representatives have the opportunity to seek clarification from the Complainant
- the academy representatives have the same amount of time to make their case
- the Complaint Appeal Panel and the Complainant have the opportunity to seek clarification from the academy representatives
- both parties then leave the hearing and the Complaint Appeal Panel will deliberate

The Complaint Appeal Panel will consider the complaint and all the evidence presented and will come to their decisions on the balance of probabilities. The Complaint Appeal Panel can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part
- determine that all or part of the complaint is out of their scope to consider

If the complaint is upheld in whole or in part, the Complaint Appeal Panel will:

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

The Chair of the Complaint Appeal Panel will provide the Complainant and the academy with a full explanation of their decision and the reason(s) for it, in writing, and a copy of the minutes of the hearing, within 10 school days.

The letter to the Complainant will include details of how to contact the Education & Skills Funding Agency (ESFA) if they believe that their complaint has been handled unreasonably or unlawfully by the Trust.

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 that the academy will take to resolve the complaint.

The Complaint Appeal Panel will ensure that those findings and recommendations are sent by post, electronic mail or otherwise given to the Complainant and, where relevant, the person complained about, with a copy to the Academy Head.

The Clerk to the Trust Board will ensure that a copy of all relevant information relating to the complaint is kept in a secure, confidential<sup>1</sup> file, separate from staff and pupil records. This information should be retained for six years from the date of the complaint, in line with guidance from the Information and Records Management Society ([www.irms.org.uk](http://www.irms.org.uk)) and in accordance with the principles of the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR).

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<sup>1</sup> Please note that the Secretary of State or a body conducting an inspection under s 109 of the Education and Skills Act 2008 may request access to complaints documentation.

This is the final stage of the Trust's complaints procedure.

**Note: In all cases and at all stages of the procedure, timescales refer to school days so exclude weekends, school holidays and INSET days.**

## 13 Complaints about the Trust, a Trustee or the CEO

If a Complainant wishes to complain directly about the Trust, a completed Formal Complaint Form (see Appendix 5) should be sent to the CEO to be investigated (see Appendix 3 for contact details).

The CEO will write to the Complainant acknowledging the complaint within 5 school days of the date that the written request was received. The acknowledgement will confirm that the complaint will now be investigated under Stage 2 of this policy and will confirm the date for providing a response to the Complainant.

Following the investigation, the CEO will write to the Complainant confirming the outcome within 15 school days of the date that the letter was received. If this time limit cannot be met, the CEO will write to the Complainant explaining the reason for the delay and providing a revised date.

If the complaint concerns the CEO or a Trustee, a completed Formal Complaint Form (see Appendix 5) should be sent to the Chair of the Trust Board to be investigated (see Appendix 3 for contact details). If a complaint is received about the Chair, the complaint will be referred to the Vice Chair for investigation.

Note: Where the Chair of the Trust Board has investigated the complaint, they will write the letter of outcome to the Complainant and provide a copy to the CEO.

If the Complainant is not satisfied with the outcome of the previous stage, the Complainant should write to the Clerk to the Trust Board (see Appendix 3 for contact details) asking for the complaint to be heard by a panel within 10 school days. The procedure will mirror that outlined under Stage 3 – Complaint Appeal Panel Hearing above.

If the complaint is jointly about the Chair and Vice Chair or the majority of/entire Trust Board, the complaint will be heard by a completely independent panel.

## 14 Unreasonable & Persistent Complainants

The Kite Academy Trust and its academies are committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact Complainants have with the academy. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Persistent and unreasonable Complainants are defined as *'those who, because of the frequency or nature of their contacts with the academy, hinder our consideration of their or other people's complaints'*.

The Kite Academy Trust defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- refuses to co-operate with the complaints investigation process
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on

- raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- changes the basis of the complaint as the investigation proceeds
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- refuses to accept the findings of the investigation into that complaint where the Trust's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education
- seeks an unrealistic outcome
- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums.

Complainants should limit the numbers of communications with an academy while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the Academy Head (or other appropriate personnel) will discuss any concerns with the Complainant informally before determining that they may be acting unreasonably.

If the behaviour continues, the Academy Head (or other appropriate personnel) will write to the Complainant explaining that their behaviour is unreasonable and asking them to change it. For Complainants who excessively contact an academy, causing a significant level of disruption, the Trust may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

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 banning an individual from the academy premises.

## 15 Vexatious, Malicious Harassment and Serial Complaints

Complaints that cause considerable disruption to our work, disproportionate cost and time to deal with and impact the wellbeing of our staff (because of the way the complaint is made or because of its repetitive nature) may be considered to be vexatious.

In addition, if a complaint is considered to cause harassment or is intended to cause harm to the wellbeing of a member of staff, or causes a detriment to the academy in any way, this may be considered to be malicious.

In this instance the complaint will be handled within the Kite Academy Trust's Vexatious, Malicious Harassment Procedure (see Appendix 2)

## 16 Complaint Campaigns

In the rare event that the Trust or one of its academies receives a large volume of complaints all based on the same subject, from complainants unconnected with the Trust or the academy, either a template response will be sent to all complainants or a single response will be published on the Trust/academy website.

## 17 Barring from Academy Premises

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. The Trustees of the Kite Academy Trust have a responsibility to ensure the wellbeing of pupils and staff, and will therefore act to ensure an academy remains a safe place.

If a parent's behaviour is a cause for concern, an academy can ask them to leave the academy premises. In serious cases, the Academy Head (or other appropriate personnel) can notify them in writing that their implied permission to be on academy premises has been temporarily revoked subject to any representations that the parent may wish to make. Academies should always give the parent the opportunity to formally express their views on the decision to bar in writing.

The decision to bar should then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed, the parent should be notified in writing, explaining how long the bar will be in place. Anyone wishing to complain about being barred can do so, by letter or email, to the Head Teacher or Chair of Academy Council. Complaints about barring cannot be escalated to the Department of Education. Once the Academy Complaints Policy procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

## 18 Next Steps

If you have any queries regarding any aspect of the complaints procedure, please direct these to the Clerk to the Trust Board (see Appendix 3 for contact details) or the Local Authority Area Schools Officer (see Appendix 4 for contact details).

If the Complainant remains dissatisfied with the outcomes of the complaints procedure in full and feels that the Kite Academy Trust did not handle their complaint in accordance with this published complaints procedure, or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the ESFA after Stage 3 has been completed. Please note that unreasonable is used in a legal sense and means acting in a way that no reasonable school or authority would act in the same circumstances.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by the Kite Academy Trust. The ESFA will consider whether the Kite Academy Trust 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 ESFA online at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by telephone on: 0370 000 2288 or by writing to:

Academy Complaints and Customer Insight Unit  
Education and Skills Funding Agency  
Cheylesmore House  
5 Quinton Road  
Coventry  
CV1 2WT

Ofsted will also consider complaints about schools. Complainants can contact Ofsted if they think a school isn't run properly and needs inspecting. Ofsted will not look into problems with individual pupils. This course of action is only available if the complaints procedure has already been followed.

[Ofsted Complaints Form](#)

## 19 Relevant Legislation and Guidance

This policy has been written with consideration of the following:

[The Equality Act 2010](#)

[The Data Protection Act 2018](#)

[The Education \(Independent School Standards\) Regulations 2014](#)

[The Education Act 2002](#)

[Department for Education Best Practice Advice for School Complaints Procedures](#)

### Document Management

<b>Document ID:</b>	P1080		
<b>Last Review:</b>	March 2023	<b>Review Period:</b>	2 years
<b>Responsibility of:</b>	CEO	<b>Ratified by:</b>	Trustees (29.03.23)



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## Appendix 1 – Roles & Responsibilities

### Academy

Parents/carers and members of the public who raise either informal concerns or formal complaints can expect an academy to:

- regularly communicate to the Complainant in writing
- respond in a reasonable time
- be available for consultation within a reasonable time limit bearing in mind the needs of the children in the academy and the nature of the complaint
- respond with courtesy and respect
- attempt to resolve issues using reasonable means in line with this policy, other policies and practices and any advice from the Local Authority or other bodies, and to keep Complainants informed of progress towards resolution of the issue raised

### Complainant

The Kite Academy Trust expects parents/carers and members of the public who raise either informal concerns or formal complaints to:

- treat all staff with courtesy and respect
- respect the needs and wellbeing of children and staff in the academy
- avoid any use, or threatened use, of violence to people or property
- avoid any aggression or verbal abuse
- recognise the time constraints under which members of staff within academies work and allow the academy a reasonable time to respond
- recognise that resolving a specific problem can sometimes take time

The Complainant will receive a more effective response to their complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

### Investigator

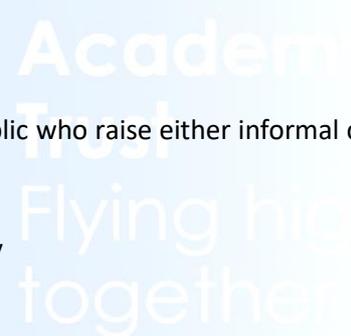
The investigator is the person involved in Stage 1 or 2 of the procedure. The investigator's role is to provide a comprehensive, open, transparent and fair consideration of the complaint through:

- sensitive and thorough discussion with the Complainant to establish their perspective and desired outcomes
- interviewing staff and other people relevant to the complaint
- consideration of records and other relevant information
- analysing information
- liaising with the Complainant to clarify what they feel would put things right.

### Clerk to the Stage 3 Complaint Appeal Panel Hearing

The Clerk is the contact point for the Complainant and the Complaint Appeal Panel and should:

- 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)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible



- collate any written material relevant to the complaint and send it to the parties in advance of the meeting within an agreed timescale
- take minutes of the proceedings
- circulate the minutes of the meeting
- notify all parties of the Complaint Appeal Panel's decision.

### **Panel Chair**

The Chair of the Complaint Appeal Panel, who is nominated in advance of the hearing, will ensure that the hearing is conducted in line with the complaints procedure and best practice principles. The Chair will ensure that:

- the procedure for the hearing is explained
- the role of the Clerk and the Area Schools Officer is explained (including that they take no part in the decision-making but are there to record proceedings and provide procedural advice)
- the remit of the panel is explained to the Complainant and both they and the academy have the opportunity of putting their case without undue interruption
- the issues are addressed
- the hearing is conducted in a manner whereby everyone is treated with respect and courtesy
- the panel is open-minded and acts independently
- no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure

### **Complaint Appeal Panel Members**

Complaint Appeal Panel members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so
- no Governor/Trustee may sit on the Complaint Appeal Panel if they have had a prior involvement in the complaint or in the circumstances surrounding it
- they should read all documentation and understand the aims and purpose of the meeting.

### **Area Schools Support Service**

The role of the Area Schools Support Service is to provide impartial advice and guidance to academy staff, Governors/Trustees and Complainants at all stages of the complaints process

## Appendix 2 - Vexatious, Malicious Harassment Procedure

The majority of complaints are handled informally and are resolved quickly, sensitively and to the satisfaction of the Complainant. However, there are occasions when the Complainant behaves in an unreasonable manner when raising or pursuing concerns. Consequently, the Complainant's actions begin to impact negatively on the day-to-day running of academies and, directly or indirectly, the overall wellbeing of the children or staff in the academy. In these exceptional circumstances, the academy may act in accordance with this procedure.

At the point that the decision is made to act in accordance with this procedure, the 3 stages of complaints process will be redundant. The decision to move away from the Complaints Policy and instigate use of this procedure will be at the discretion of the CEO and/or Chair of the Trust Board.

The aims of this procedure are to:

- Uphold the standards of courtesy and reasonableness that should characterize all communication between the academy and persons wishing to express a concern or make a complaint;
- Support the wellbeing of staff, children and everyone else who has legitimate interest in the work of the academy, including governors and parents;
- Deal fairly, honestly, openly and transparently with those who make persistent or vexatious complaints and those who harass members of staff in the academy while ensuring that other stakeholders suffer no detriment

For the purpose of this procedure, a **persistent/serial** Complainant is someone who complains regularly about issues, either formally or informally, or frequently raises issues that the Complainant considers to be within the remit of the academy, and whose behaviour is unreasonable. Such behaviour may be characterised by:

- Actions which are obsessive, persistent, harassing, prolific, repetitious;
- Prolific correspondence or excessive email or telephone contact about a concern or complaint;
- Insistence to pursue unsubstantial complaints and/or unrealistic or unreasonable outcomes;
- An insistence upon pursuing complaints in an unreasonable manner;
- An insistence on only dealing with the Academy Head on all occasions irrespective of the issue and the level of delegation in the academy to deal with such matters;
- An insistence upon repeatedly pursuing a complaint when the outcome is not satisfactory to the Complainant but cannot be changed, for example, if the desired outcome is beyond the remit of the academy because it is unlawful

For the purpose of this policy, **harassment** is the unreasonable pursuit of such actions as above in such a way that they:

- Appear to be targeted over a significant period of time at one or more members of staff; and/or
- Causing ongoing distress to individual member(s) of staff; and/or
- Have a significant adverse effect on the whole or parts of the academy community; and/or
- Are pursued in a manner which can be perceived as intimidating and oppressive by the recipient. This could include situations where persistent demands and criticisms, whilst not particularly taxing or serious when viewed in isolation, have cumulative effect over time of undermining confidence, wellbeing and health.

### Academy Actions in cases of Persistent or Vexatious Complaints or Harassment

Initially, staff will verbally inform the Complainant that their behaviour is considered to be becoming unreasonable/unacceptable and, if it is not modified, action may be taken in accordance with this procedure. This will be confirmed in writing.

If the behaviour is not modified, the academy will take some or all of the following actions as necessary, having regard to the nature of the Complainant's behaviour and the effect of this on the academy community:

1. Inform the Complainant in writing that their behaviour is now considered by the academy to be unreasonable/unacceptable and, therefore, falls under the terms of this procedure
2. Inform the Complainant that all meetings with a member of staff will be conducted with a second person present and that notes of all meetings will be taken in the interests of all parties
3. Inform the Complainant that, except in emergencies, all routine communication from the Complainant to the academy should be in writing only
4. In the case of Physical or verbal aggression, legal advice and/or advice from the Local Authority will be sought. Consideration will be given to banning Complainant from the academy site –in all cases a temporary ban could be issued initially
5. Consideration will be given to taking legal action to pursue a case under harassment/discrimination legislation
6. Consideration will be given to imposing procedures for dealing with complaints from the Complainant as appropriate to each case and may involve taking legal advice and/or advice from the Local Authority. Such procedures may be that complaints or concerns from a Complainant can only be made directly to another Academy Head, Governor from within the Trust or the CEO, to protect an Academy Head or members of academy staff from distress or damage to their wellbeing. This 'other' person will then decide if the complaint is reasonable or vexatious and advise the Academy Head accordingly  
This means that legitimate 'new' complaints may then be considered even if the person making them has been, or currently is, subject to this procedure. In this instance, a decision will be made regarding who the appropriate person to handle the 'new' complaint might be
7. If a Complainant's persistent complaining/harassing behaviour is modified and is then resumed at a later date within a reasonable period of time, the academy may resume the process above at the appropriate level. At this time legal advice may be sought.

The Kite Academy Trust will review any sanctions imposed within this procedure at an appropriate time and in all cases after 6 months.

## Appendix 3 – Contact Details

<p><b>Kite Academy Trust</b>  c/o Holly Lodge Primary Academy, Stratford Road, Ash Vale, Surrey, GU12 5PX  01252 984930 <a href="mailto:info@kite.academy">info@kite.academy</a>  <b>CEO:</b> <a href="mailto:ceo@kite.academy">ceo@kite.academy</a> <b>Clerk to the Trust Board:</b> <a href="mailto:clerk@kite.academy">clerk@kite.academy</a></p>	
<p><b>Cross Farm Infant Academy</b>  Gresham Way  Frimley Green  Surrey  GU16 6LZ  01252 835847  <a href="mailto:info@crossfarm.kite.academy">info@crossfarm.kite.academy</a>  <b>Academy Head:</b> <a href="mailto:head@crossfarm.kite.academy">head@crossfarm.kite.academy</a></p>	<p><b>Folly Hill Infant Academy</b>  Coniston Way  Farnham  Surrey  GU9 0DB  01252 716121  <a href="mailto:info@follyhill.kite.academy">info@follyhill.kite.academy</a>  <b>Academy Head:</b> <a href="mailto:head@follyhill.kite.academy">head@follyhill.kite.academy</a></p>
<p><b>The Ferns Primary Academy</b>  Field Road  Farnborough  Hampshire  GU14 9FX  01276 31554  <a href="mailto:info@ferns.kite.academy">info@ferns.kite.academy</a>  <b>Academy Head:</b> <a href="mailto:head@ferns.kite.academy">head@ferns.kite.academy</a></p>	<p><b>The Grove Primary Academy</b>  Chobham Road  Frimley  Surrey  GU16 8PG  01276 22447  <a href="mailto:info@grove.kite.academy">info@grove.kite.academy</a>  <b>Academy Head:</b> <a href="mailto:head@grove.kite.academy">head@grove.kite.academy</a></p>
<p><b>Hale Nursery &amp; Primary Academy</b>  Upper Hale Road  Farnham  Surrey  GU9 0LR  01252 716729  <a href="mailto:info@hale.kite.academy">info@hale.kite.academy</a>  <b>Academy Head:</b> <a href="mailto:head@hale.kite.academy">head@hale.kite.academy</a></p>	<p><b>Holly Lodge Primary Academy</b>  Stratford Road  Ash Vale  Surrey  GU12 5PX  01252 548390  <a href="mailto:info@hollylodge.kite.academy">info@hollylodge.kite.academy</a>  <b>Academy Head:</b> <a href="mailto:head@hollylodge.kite.academy">head@hollylodge.kite.academy</a></p>
<p><b>Lakeside Nursery &amp; Primary Academy</b>  Alphington Avenue  Frimley  Surrey  GU16 8LL  01276 469200  <a href="mailto:info@lakeside.kite.academy">info@lakeside.kite.academy</a>  <b>Academy Head:</b> <a href="mailto:head@lakeside.kite.academy">head@lakeside.kite.academy</a></p>	<p><b>Mytchett Primary &amp; Nursery Academy</b>  Hamesmoor Road  Mytchett  Surrey  GU16 6JB  01252 544009  <a href="mailto:info@mytchett.kite.academy">info@mytchett.kite.academy</a>  <b>Academy Head:</b> <a href="mailto:head@mytchett.kite.academy">head@mytchett.kite.academy</a></p>
<p><b>Sandringham Infant &amp; Nursery Academy</b>  Sandringham Way  Frimley  Surrey  GU16 9YF  01252 837538  <a href="mailto:info@sandringham.kite.academy">info@sandringham.kite.academy</a>  <b>Academy Head:</b> <a href="mailto:head@sandringham.kite.academy">head@sandringham.kite.academy</a></p>	<p><b>Wyke Primary Academy</b>  School Lane  Normandy  Guildford  Surrey  GU3 2HS  01483 811197  <a href="mailto:school@wyke.kite.academy">school@wyke.kite.academy</a>  <b>Academy Head:</b> <a href="mailto:head@wyke.kite.academy">head@wyke.kite.academy</a></p>

## Appendix 4 – Local Authority Area Schools Support Services

The role of the Area Schools Support Service is to provide impartial advice and guidance to school staff, governors and complainants at all stages of the complaints process.

<b>Surrey County Council</b>	
<p><b>North West Surrey (Runnymede, Surrey Heath, Woking)</b></p> <p>Kate Charles Area Schools Officer 01483 518104 <a href="mailto:kate.charles@surreycc.gov.uk">kate.charles@surreycc.gov.uk</a></p> <p>Natalie Cull Area Schools Assistant 07814 811489 <a href="mailto:natalie.cull@surreycc.gov.uk">natalie.cull@surreycc.gov.uk</a></p> <p>Quadrant Court Guildford Road Woking GU22 7QQ</p>	<p><b>South West Surrey (Guildford, Waverley)</b></p> <p>Jane van den Broeke Area Schools Officer 01483 517835 <a href="mailto:jane.vandenbroeke@surreycc.gov.uk">jane.vandenbroeke@surreycc.gov.uk</a></p> <p>Yvonne Girdler Area Schools Assistant 07814 355482 <a href="mailto:yvonne.girdler@surreycc.gov.uk">yvonne.girdler@surreycc.gov.uk</a></p> <p>Quadrant Court Guildford Road Woking GU22 7QQ</p>
<b>Hampshire County Council</b>	
<p><b>Hampshire County Council</b></p> <p>Eric Halton County Education Manager (Primary &amp; Early Years) 01962 874820 <a href="mailto:eric.halton@hants.gov.uk">eric.halton@hants.gov.uk</a></p> <p>Karen Nye County Education Manager (Vulnerable Children &amp; Young People) 01252 814755 <a href="mailto:karen.1.nye@hants.gov.uk">karen.1.nye@hants.gov.uk</a></p>	<p><b>Hart &amp; Rushmoor</b></p> <p>Sue Thackery School Improvement Manager (Hart, Rushmoor &amp; Basingstoke) 01252 814795 <a href="mailto:susan.thackeray@hants.gov.uk">susan.thackeray@hants.gov.uk</a></p>

## Appendix 5 - Formal Complaints Form

For use at all stages of the formal complaints procedure. Please complete and return this form as follows:

**Stage 1** → Academy Head

**Stage 2** → Clerk to the Trust Board

**Stage 3** → Clerk to the Trust Board

(see Appendix 3 – Contact Details)

<b>Academy:</b>	
<b>Your Name:</b>	
<b>Name of pupil, year group and your relationship to them (where applicable):</b>	
<b>Contact Details:</b> (address/phone/email)	
<b>Details of the complaint (please add extra pages if necessary):</b>	
Issue(s)	Actions taken/solutions offered and by whom?
<b>What action(s) do you feel might resolve the issue(s) at this stage?</b>	

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If requesting a Stage 2 Investigation/Stage 3 Complaint Appeal Panel, please explain why the outcome of the previous Stage(s) did not provide a satisfactory resolution for you:

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

Signed:

Date:

**Official use**

Date received:

Received by:

Date acknowledgement sent:

Complaint referred to:

Action taken: