

# Eastern Learning Alliance

## Complaints Procedure

<b>Approved by Trustees</b>	December 2023
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## Complaints Procedure

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### Document Control

<b>New Version Number</b>	<b>Key changes from previous version</b>	<b>Date of ratification by Trust Board</b>
1	Merger of previous documents from CET and MET	January 2021
2	Removal of COO role from procedure	March 2021
3	Review contact details	August 2021
4	Updated contact information	December 2021
5	General two year review and update contact information	March 2023
6	Updated in line with DfE guidance	December 2023
7		February 2024

# Eastern Learning Alliance

## Complaints Procedure

### Introduction

This document describes the procedure to be followed when a complaint is made about one of the Trust's Academy's, ELA Active, the Trust itself, a member/s of staff, a governor/s, or a trustee/s. This procedure applies to complaints from a parent or carer of a pupil at a Trust academy. Complaints from others who are not parents/ or carers will be dealt with in a way that is deemed appropriate by the CEO. Complaints relating to ELA Active follow the same procedure but are set out separately for clarity at Appendix D. The procedure complies with The Education (Independent School Standards) Regulations 2014 and the DfE Best Practice Guidance for School Complaints Procedures 2020.

A 'concern' is not necessarily a complaint and can often be dealt with outside of this procedure through discussion or the provision of information or help. The Trust uses the following definition of what is a complaint:

*'An expression of dissatisfaction however made, about actions taken or a lack of action.'*

This procedure excludes complaints which are subject to other statutory procedures for example: a complaint by a member of staff (Grievance/Disciplinary Procedures), a complaint relating to the decision to exclude a pupil (Behaviour Policy), a complaint relating to a refusal to admit a child to the academy (Admissions Policy), matters likely to require a child protection investigation (Safeguarding Policy), a complaint about a statutory assessment of special educational needs (SEND Policy), or a disclosure about suspected wrongdoing (Whistleblowing Policy).

Complaints from parents or carers of children with special educational needs (SEN) about the academy's *support* for their child's needs (but not the statutory assessment) are within the scope of this policy and should be made, in the first instance, to the academy's SEN Co-ordinator (SENCO) who will follow this procedure.

Complaints about services provided by other agencies or individuals using the academy's premises or facilities should be directed to the provider concerned for consideration under their own procedures.

Complaints 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 if exceptional circumstances apply.

This complaints procedure complies with our duties under the Equality Act 2010.

## **Withdrawal of a Complaint**

If a complainant wishes to withdraw their complaint, we ask for this to be confirmed in writing.

## **Confidentiality**

When submitting a complaint it is accepted that details of this will need to be shared to ensure this procedure can be followed and implemented. All correspondence, statements and records relating to individual complaints will be kept confidential to the individuals concerned and the CEO of the Trust, except where the Secretary of State or their representative, or a body conducting an inspection under section 109 of the 2008 Act, requests access to them.

Any complaints made against individual members of staff will be treated as confidential and any disciplinary action taken against a member of staff as a result of a complaint will not be disclosed.

## Complaints Procedure

It is our aim and expectation that complaints will be dealt with promptly, thoroughly and with fairness and courtesy at all stages and on all sides. **Abusive, offensive or threatening behaviour will not be tolerated and may lead to the suspension of this procedure.** Please see Appendix C for further details.

When responding to complaints, the Trust aims to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation and, where necessary, include an independent person or panel
- Address all the points at issue and provide an effective and prompt response
- Treat complainants with respect
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into academy and Trust improvement evaluation processes.

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

### Stage One – Informal Stage

1. It is our belief and intention that parents, carers and others connected to the academy should feel able to raise concerns informally in the first instance. If you are a parent or carer and have any concerns, your first point of contact should be your child's form tutor/class teacher or, on a matter relating to support for special educational needs, the SENCO. If neither is appropriate for any reason, please contact the Head of House.
2. A Stage One complaint may be addressed to the Head of the Academy but it will normally be passed to the most appropriate person to deal with the complaint and the complainant will be kept informed of this.
3. A Stage One complaint about a member of the Trust's central team should be raised with the member of staff concerned.
4. Every effort will be made to resolve the complaint informally. An informal complaint should be resolved within 15 school days. **The complainant should inform the Academy what they think might resolve the issue/s raised.**
5. In certain circumstances it may be decided to invoke the formal procedure immediately.

### Stage Two – Formal Procedure

1. **It is expected that all avenues have been explored before through the informal stage before taking next steps.** Should this not be the case, then you will be asked to seek a resolution to your complaint as per the procedure in stage one. However, if you remain dissatisfied after speaking to and/or meeting informally with the relevant member/s of staff, **a formal complaint may be made by completing the formal**

**complaint form** at Appendix A of this document and returning it with a covering letter to the Company Secretary for the Trust. Should your complaint relate to the Company Secretary, it should be addressed to the Chair of Trustees. See Appendix B for contact details.

2. If you need any help or support to complete the formal complaint form, please contact the Head of Academy's PA or Company Secretary for the Trust who will be able to advise you.
3. It is important that comprehensive information is provided and that all boxes are completed within Appendix B. **In particular it is important to state what remains unresolved, and a desired outcome should be made clear.** The company Secretary may seek to clarify this information.
4. Within 5 school days, receipt of the complaint will be acknowledged and arrangements made to investigate it. Investigation may include the review of relevant documents and/or correspondence and interviews with connected parties as well as the information provided in Appendix B by the complainant.

An investigation will be carried out by a member of the Academy SLT, Trust staff, an Academy governor or ELA Trustee as deemed appropriate. A decision on the outcome of the investigation will be made by the Head of Academy, or DCEO, Chair of Governors or Chair of Trustees depending on the complaint that has been raised.

5. Following the investigation, and within 15 school days of receipt of the initial complaint, a formal response will be sent to the complainant with the outcome of their investigation. A copy will be provided to the CEO of the Trust.
6. The complainant will be informed of how to appeal if they are not satisfied with the outcome of their complaint.
7. In exceptional circumstances the Chair of the Board of Trustees may at their absolute discretion determine that a complaint against a Head of Academy or a member of the local governing body should be dealt with at board level and, if so determined, the Chair of the Board of Trustees will oversee Stage Two.

### **Stage Three: Panel Hearing**

1. **Where the complainant believes that their complaint has not been fully investigated during Stage Two or that the process has not been followed, they may request the complaint is dealt with at Stage Three.** Any such request must be set out in writing to the Company Secretary **clearly stating why the complainant remains dissatisfied and what outcome is being sought** and must be lodged within 5 school days of the complainant receiving the Stage Two response. Receipt of the appeal will be acknowledged within 5 school days.
2. The Appeal Panel will consist of three members, who have no connection with the issues under review including an independent external advisor not connected with the running and management of the Academy the complaint is related to.

3. Within 10 school days of receipt of the request to proceed to Stage Three, the complainant will receive written confirmation of
  - i A date for the appeal hearing which shall be within 30 school days of receipt of the written request to proceed to Stage Three;
  - ii An invitation to attend and be accompanied at the hearing if they wish by a friend, but legal representation will not be allowed;
  - iii The complainant and the Academy and/or the Chief Executive Officer (CEO) will receive a written response from the Chair of the Hearing Panel stating the outcomes of the hearing and the reasons for them, which shall be within 10 school days of the hearing.
  
4. The Head of Academy and/or Governor/Trustee and/or investigation officer as relevant will be invited to make written submissions within 10 school days in response to the hearing and will also be requested to attend the hearing.
  
5. The hearing is not a court case and will be as informal as circumstances allow. The complainant will have the opportunity to explain their complaint and reasons for dissatisfaction with the outcome so far but may not introduce aspects of the complaint or evidence that has not been put in writing to the hearing. The Academy/Trust/individual against whom the complaint was made will have the opportunity to respond to the hearing. The complainant and the Academy/Trust/individual will be able to ask questions of each other in order to clarify the purpose of the hearing and aspects of the evidence. The Hearing Panel will ask questions and will consider all the evidence before it from the outset of the complaint. The complainant will have the opportunity to make final comments to the panel.
  
6. **The Panel will decide whether the complaints procedure was properly adhered to and may:**
  - i Uphold the complaint in whole or in part
  - ii Decide on any action to be taken as a result of the complaint
  - iii Dismiss the complaint.

A copy of the Appeal Panel's findings will:

- i Be provided to the complainant and, where relevant, the person/s complained about within 10 school days;
- ii Be available for inspection on the Academy premises by the Academy Trust, the Governing Body, the Academy Head and the CEO of the Trust.

### **Record-keeping**

A written record will be kept for a minimum of six years of all formal complaints, the outcomes, and any actions taken. Any appeal hearing will be recorded in writing.

## **Attendance at a Panel Hearing**

The panel hearing will proceed irrespective of whether or not the complainant and/or their representative attends. If the complainant fails to attend on the day without compelling reasons, the hearing will still proceed in their absence and the process will continue to its conclusion. Any further attempt to re-open the matter will be considered as falling under the serial/persistent complaint section as below.

## **Serial or persistent complainants**

If at any level a complainant attempts to reopen an issue or a closely related issue that has already been dealt with under this complaints procedure, the complainant will be informed that the procedure has been exhausted and the matter closed, that continued correspondence on the same matter is vexatious and that the Academy/Trust will not respond to any further correspondence on this issue or a closely related issue. See Appendix C for further information on serial or persistent complaints.

## **Further Appeal**

Under this complaints procedure there is no provision for further appeal within the Trust beyond Stage Three. Further courses of action available to complainants are:

- Complain to the Education and Skills Funding Agency/Department for Education. The website address is:  
<https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy>
- Write to the Secretary of State for Education, Sanctuary Buildings, Great Smith Street, Westminster, London, SW1P 3BT.



## APPENDIX A: Formal Complaint Form (Stage Two)

We are sorry if you feel that your concerns have not been satisfactorily addressed by informal means within the Academy or the Trust. Please consider whether talking to another member of staff or governor might help to resolve the issue before taking this step of registering a formal complaint.

If you would still like to proceed with a formal complaint, please complete this form and return it with any further relevant documentation to the appropriate person specified in paragraph 1, 6 or 7 of the Stage Two section of this procedure.

Your Name:	
Student's name (if applicable)	
Your relationship to the student	
Full postal address	
Daytime telephone number	
Evening telephone number	
Email address	
Please give full details of your complaint, using a separate page if necessary. Please be specific about dates, times etc.	

<p>What action, if any, have you already taken to try to resolve your complaint? Who did you contact and what was the response?</p>	
<p>What actions do you feel might resolve the problem at this stage?</p>	
<p>Are you attaching any paperwork? If so, please give details.</p>	

Signature:

Date:

OFFICIAL USE

Date acknowledgement sent:

By whom:

Complaint referred to:

## **APPENDIX B: Contact Details**

The formal complaint form (Appendix A) should be returned to the appropriate person (see Stage Two of the procedure) at the address below by post or email.

### **Chair of Trust Board**

Jim Warwick  
Eastern Learning Alliance  
New Road  
Impington  
CB24 9LX  
Email: [jwarwick@tela.org.uk](mailto:jwarwick@tela.org.uk)

### **Secretary for the Trust Board**

Jenna Bickley  
[Jbickley@tela.org.uk](mailto:Jbickley@tela.org.uk)

## **APPENDIX C: Policy for managing serial and unreasonable complaints**

Eastern Learning Alliance is 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 our Academies. However, **we do not expect our staff to tolerate unreasonable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.**

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

- Is obsessive, persistent, harassing, prolific repetitive.
- Insists upon pursuing complaints without any evidence or substance and/or unrealistic outcomes beyond all reason. This includes outcomes that are beyond the remit of the panel or investigating officer.
- Insists upon pursuing complaints in an unreasonable manner. Communication with the Academy on the complaint should be limited to the complaint itself. Time should be given to allow an investigation and a response.
- Demands an outcome that lacks any serious purpose or value.
- provides falsified information or publishes unacceptable information on social media or other public forums.
- Abusive, offensive or discriminatory language or violence will not be tolerated

**Complainants should try to limit their communication with the Academy/Trust that relates to their complaint, while the 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.

**When it is considered that a complainant's behaviour is unreasonable and communication is often or usually abusive or aggressive; insulting comments or threats are made towards staff; it is believed that communication has the intention of causing disruption or inconvenience, then the Academy and Trust will cease communication.** You may be offered a single point of communication.

This will not affect a parent/carer's right to receive information they are entitled to under the Education (pupil Information) (England) regulations 2005.

If the communication persists to the point of harassment, ELA will seek legal advice.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from any or all of the Academies within the Trust,

## **APPENDIX D: Complaints concerning ELA Active**

### **Stage One: Informal**

1. It is our belief and intention that parents, carers and others connected to the academy or Trust should feel able to raise concerns informally in the first instance. Informal complaints or concerns about ELA Active should be raised directly with the member of staff concerned.
2. If the complaint has been made in writing it will normally be passed to the most appropriate person to deal with the complaint and the complainant will be kept informed of this.
3. Every effort will be made to resolve the complaint informally. An informal complaint should be resolved within 15 working days.
4. In certain circumstances it may be decided to treat the complaint as a formal complaint and invoke the formal procedure (Stage 2).

### **Stage Two: Formal Complaint**

1. If the complaint is not resolved at Stage 1, the complainant should inform the Company Secretary in writing about their complaint using the Complaint Form (Appendix A). This should be sent to the Company Secretary using the contact details in Appendix B.
2. The complainant will receive written acknowledgement of their complaint within five working days.
3. The Company Secretary will organise an investigation into the complaint which may include reviewing relevant documents and interviewing related parties. .
4. Following the investigation, and within 15 working days of receipt of the initial complaint, the complainant will receive a formal response to the complainant with the outcome of the investigation. A copy will be provided to the CEO of the Trust.
5. The complainant will be informed of how to appeal if they are not satisfied with the outcome of their complaint.

### **Stage Three: Review Hearing Panel**

1. If the complainant remains dissatisfied with the Stage Two outcome, they may request that the complaint is dealt with at Stage Three. Any such request should be set out in writing to the Company Secretary stating why the complainant remains dissatisfied and must be lodged within 10 working days from the date of the complainant receiving the Stage Two response. The complaint will be acknowledged within five working days. Contact details for the Company Secretary are set out in Appendix B.
2. The Hearing Panel will consist of a minimum of 3 people who have no previous knowledge of the complaint. Within 10 working days of receipt of the request to proceed to Stage Three, a written response will be sent to the complainant to:

- i Suggest a date for the appeal hearing which shall be within 30 working days of receipt of the written request to proceed to Stage Three;
  - ii Invite the complainant to attend and be accompanied at the appeal hearing if they wish by a friend, but legal representation will not be allowed;
  - iii State that the complainant will receive a written response from the Chair of the Hearing Panel stating the outcomes of the hearing and the reasons for them, which shall be within 10 working days of the hearing.
- 3. Written submissions in response to the Complaint may be requested as relevant within 10 working days. Relevant members of staff will attend the appeal hearing.
- 4. The panel will have access to the existing record of the complaint's progress. The Company Secretary is responsible for making sure that the panel is properly minuted.
- 5. The hearing is not a court case and will be as informal as circumstances allow. The complainant will have the opportunity to explain their complaint and reasons for dissatisfaction with the outcome so far but may not introduce aspects of the complaint or evidence that has not been put in writing to the appeal hearing. The Trust/the individual against whom the complaint was made will have the opportunity to respond to the complaint. The complainant and the Trust/individual will be able to ask questions of each other in order to clarify the purpose of the appeal and aspects of the evidence. The Panel will ask questions and will consider all the evidence before it from the outset of the complaint. The complainant will have the opportunity to make final comments to the Panel.
- 6. The Panel will decide whether the complaints procedure was properly adhered to and may:
  - i. Uphold the complaint in whole or in part
  - ii. Decide on any action to be taken as a result of the complaint
  - iii. Dismiss the complaint.

A copy of the Panel's findings will be:

- i. Be provided to the complainant and, where relevant, the person/s complained about within 10 working days;
- ii. Be available for inspection on the ELA Active premises by the Trust, the ELA Board and the CEO of the Trust.