



COMPLAINTS PROCEDURE

AVANTI SCHOOLS TRUST

This is a Category 1 Trust Level Policy:

(Operationally delegated and applied Trust-wide)

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Under the Trust's Scheme of Delegation (Part 3 (Policies) material revisions to this policy must be approved by the Trust Board on recommendation of the PEOPLE AND COMPLIANCE COMMITTEE.	PCG 23 January 2023 Approved by Trust Board, 1 st February 2023 (Minute 62 refers).

COMPLAINTS POLICY

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1. About the Policy

This Policy covers all complaints about any facilities or services provided by the Avanti Schools Trust or that are provided by the Trust to our schools.

The Policy sets out the approach of the Trust to concerns and complaints, including the three-step procedure that we will follow, the aim of which is to address and resolve complaints as quickly and as amicably as possible.

The Policy follows closely the most recent best practice guidance published by DfE which can be found here

[Best practice guidance for school complaints procedures 2020 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/best-practice-guidance-for-school-complaints-procedures-2020)

2. Who can make a complaint?

This Policy is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to [Avanti Schools Trust](#) about any provision of facilities or services that we provide or that are provided to the Trust to our schools. Unless complaints are dealt with under separate statutory or other procedures (such as appeals relating to exclusions or admissions), we will use this Policy to address and process complaints.

3. The difference between a concern and a 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 policy. Avanti Schools Trust takes concerns seriously and will make every effort to resolve matters as quickly as possible.

If there are difficulties in discussing a concern with a particular member of staff, your school Principal will ask another member of the Senior Leadership Team to discuss your concerns with you.

If the member of the Senior Leadership Team nominated by the Principal feels unable to deal with a concern, the School Principal will refer you to another staff member. That 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.

We understand that there may be occasions when concerns may not be satisfactorily dealt with and people would like to raise a complaint. In this case, Avanti Schools Trust will attempt to resolve the issue through the stages outlined within this Complaints Policy.

4. The Stages of a Complaint

An initial complaint or concern can be made in person, in writing or by telephone.

Complaints or concerns may also be made by a third party acting on behalf of a complainant, as long as they have consent from the complainant to do so.

There are three Stages to the Trust Complaints Procedure. It is a requirement of the Policy that, starting with Stage 1, each step of the process **MUST** be completed before proceeding to the next.

At Stage 1, complaints are dealt with informally, the aim being always to reach a mutually agreed, amicable resolution of the issue. Stage 1 of the process is distinct from the formal process that begins at Stage 2.

If Stage 2 is unable to resolve the matter, a complainant may proceed to Stage 3 : this is the final Stage of the Trust formal complaints process and involves consideration of the complaint by an Independent Panel.

5. Anonymous complaints

We will not normally investigate anonymous complaints. However, the School Principal (or Trust Complaints Officer (TCO) if appropriate) will determine whether an anonymous complaint warrants an investigation.

6. Vexatious or Repeated Complaints

There may be occasions when

- despite a complaint being considered under all stages in this Complaints Policy, the Complainant persists in making the same complaint to the School; OR
- a Complainant raises unreasonable persistent complaints or raises complaints about matters which do not directly affect them; OR
- a complaint is made about a matter which is clearly so trivial that it would be a waste of the School's resources to deal with it under the formal stages of the procedure.

In these cases, the School Principal reserves the right to regard the complaint as vexatious and/or repeated and to refuse to investigate it under this Policy.

Where the School Principal decides that a complaint is vexatious and/or repeated and will

not be investigated, the Principal will write to the Complainant advising them of this, within 10 school days of receipt of the complaint.

7. Unreasonable Complainants

The Trust and its schools 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 Trust and the school. However, we do not expect our staff to tolerate inappropriate or hostile behaviour and will take action to protect staff from any such behaviour, including that which is abusive, offensive or threatening.

The Trust defines unreasonable complainants as *‘those who, because of the frequency or nature of their contacts with the Trust and its school, hinder our consideration of their or other people’s complaints’*.

A complaint may be regarded as unreasonable when the person making the complaint:

- fails to comply with the complaints procedure despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of the Complaints Policy;
- insists on the complaint being dealt with in ways which are incompatible with the procedure set out in this Policy or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of trivial or irrelevant 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;
- refuses to accept the findings of the investigation into that complaint where the Trust complaints Policy and procedure has been fully and properly implemented and completed including referral to the Department for Education;
- makes excessive demands on school time by frequent or lengthy contact with staff regarding the complaint, either in person, in writing, by email or by telephone whilst the complaint is being dealt with;
- uses falsified information;
- publishes inaccurate or confidential information in any variety of media such as social media websites and newspapers.

Whenever possible, the Principal or their nominee will discuss any concerns with the complainant informally before applying a judgement that the complaint is ‘unreasonable’.

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

For complainants whose excessive contact causes a significant level of disruption, the Trust may specify methods of communication and limit the number of contacts made by specific complainants. This may be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed.

8. Time scales

You must raise the complaint 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.

9. Complaints received outside of term-time

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

10. Scope of this Complaints Policy

This Policy covers all complaints about any facilities or services that we provide or that are provided by the Trust to our schools. Complaints about the issues listed below are expressly excluded from the Policy.

Exceptions	Who to contact
<ul style="list-style-type: none"> Admissions to schools 	Concerns about admissions are handled through a separate process – either through the appeals process or via the local authority.
<ul style="list-style-type: none"> Matters likely to require a Child Protection Investigation 	<p>Complaints about child protection matters are handled under our child protection and 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) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH). Details of this are available from your local authority.</p>
<ul style="list-style-type: none"> Exclusion of children from school* 	<p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.</p> <p><i>*complaints about the application of the School Behaviour Policy can be made through this Complaints Policy</i></p>

<ul style="list-style-type: none"> Whistleblowing 	<p>We have an internal Whistleblowing Policy for all our employees, including temporary staff and workers.</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: www.education.gov.uk/contactus.</p>
<ul style="list-style-type: none"> Staff grievances 	<p>Complaints from employees are dealt with under the Trust's internal grievance procedures.</p>
<ul style="list-style-type: none"> Staff conduct 	<p>Allegations relating to the conduct of our employees are dealt with under the Trust's internal disciplinary procedures, if appropriate.</p> <p>Complaints regarding the actions of staff may be submitted under/included in complaints submitted under this Policy. Please note however that complainants do not have the right to specify any actions to be taken with respect to staff and 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>
<ul style="list-style-type: none"> Other bodies investigating aspects of the complaint (e.g. the police, local authority (LA) safeguarding teams or Tribunals) 	<p>This may impact on our ability to adhere to the timescales within set out in the Policy or result in the procedure being suspended until those public bodies have completed their investigations. If this happens, we will inform the Complainant of a proposed new timescale.</p>
<ul style="list-style-type: none"> Complainant commences legal action against Avanti Schools Trust in relation to their complaint. 	<p>Where a Complainant commences legal action against the Trust in relation to their complaint, we may decide to suspend the complaints procedure until those legal proceedings have been concluded.</p>

11. Resolving complaints

At each stage of the procedure described in the Policy, Avanti Schools Trust wants to resolve the complaint.

If appropriate, following consideration of a complaint, we will acknowledge that the complaint is upheld in whole or in part.

In addition, we may offer one or more of the following:

- a) an explanation
- b) an admission that the situation could have been handled differently or better
- c) an assurance that we will try to ensure the event complained of will not recur
- d) 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

- e) an undertaking to review school policies in light of the complaint.
- f) an apology.

12. Withdrawal of a complaint

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

Making a Complaint

13. Stage 1 – Informal complaints or concerns

It is hoped that most complaints and concerns can be expressed and resolved on an informal basis. An initial concern should be made direct to the Principal of the school.

Where this does not resolve the issue, written complaints should be made via the following e mail address :

Avantitrust.complaints@SIPS.co.uk

Complainants should not approach individual SSC members or Trustees to raise concerns or complaints. They have no power to act on an individual basis and this may prevent them from considering complaints which escalate to Stage 3 of the procedure.

The independent Clerk appointed to support the complaints process will ensure that the school keeps a written record of Stage 1 complaints and a copy of the response to the investigation. At the conclusion of their investigation, the person appointed by the Principal to investigate the complaint will provide a written response to the Principal who will, within 20 school days of the date of receipt of the complaint, advise the complainant of the outcome.

The Principal will review the report and advise the complainant of the findings and the outcome. This may be at a meeting or by letter/e.mail. If the issue remains unresolved, the next step will be to make a formal complaint (Stage 2).

14. Stage 2 – Formal complaints

With the exception of initial complaints made in person or by telephone, complaints should be made in writing to:

Avantitrust.complaints@SIPS.co.uk

Complaints that

- involve or are about the Principal of a school;
- involve or are about the Chair of a School Stakeholder Committee, an individual SSC Member or the whole SSC;
- involve or are about the Chief Executive (CEO), Executive Leaders or a trustee of the Trust

must be made in writing and sent to the Trust Complaints Officer (TCO), Avanti Schools Trust, Wemborough Road, Stanmore, Middlesex, HA7 2EO marked "Private and Confidential"

OR

e mailed to

Avantitrust.complaints@SIPS.co.uk

**SIPS is an independent Governance support service appointed by the Trust to provide independent administrative support to the Trust Complaints process.*

Please make it clear in your communication/e mail that you are submitting a Stage 1 Complaint.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure, such as providing information in alternative formats, assisting complainants in raising a formal complaint / complete the complaints form or holding meetings in accessible locations or locations other than the school.

All formal complaints, including those that progress to Stage 2 or to Stage 3, **MUST** be submitted on the formal complaints form (Appendix A) via the following e-mail address:

Avantitrust.complaints@SIPS.co.uk

If you require help in completing the form, please contact the school office or ask a third party, for example, the Citizens Advice Bureau or a friend.

The Clerk receiving the complaint will

- record the date the Stage 2 complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days. The response will include a short summary of the substance of the complaint.
- liaise with the Principal of the school who will decide to either investigate the complaint themselves or delegate the investigation to another member of the

School Leadership Team. The same person will not investigate a complaint at Stage 1 and Stage 2.

- consider whether a face to face meeting(s) with the complainant may be the most appropriate way of dealing with the matter, in the first instance.

During the investigation, the Principal (or investigator) will:

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

At the conclusion of the investigation, the Principal will provide a formal written response to the complainant within 20 school days of the date of receipt of the Stage 2 complaint*.

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

The response from the Principal (or in some instances the Clerk) 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, include details of actions that the school/Trust will take (or has taken) to resolve the complaint;
- where appropriate, invite the Chair of the SSC to take part in the investigation and/or the initial meeting with the complainant; and
- advise the complainant that, if they are not satisfied with the outcome of Stage 2, they may escalate their complaint to Stage 3, and explain how they should do this.

If the complaint is about the Principal, or a member of the SSC, the Clerk (or Trust Complaints Officer (TCO)) will refer the matter to a Trustee to complete all the actions at Stage 2.

If the complaint is:

- jointly about the Chair and Vice Chair of the Trust, or
- the entire SSC, or
- the majority of the SSC

Stage 2 will be escalated by the Trust Complaints Officer to the Chief Executive (CEO) of the Trust (see below).

15. Stage 3 – Panel Meeting

This is the final stage of the complaints procedure.

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3. This is a Panel meeting consisting of three individuals with no prior knowledge and not previously involved in any way in the matters detailed in the complaint*. Members of the Panel will normally comprise SSC Members from a Trust school other than the school at which the complaint has arisen, Trustees or a mixture of both. All members of the Panel will be independent of the management and running of the school at which the complaint has arisen.

** None of the Panel Members will have any prior knowledge or have been involved in the investigation and/or the incidents or events which led to the complaint. Neither will they have been involved in dealing with the complaint in the previous stages.*

A request to escalate to Stage 3 **MUST** be made in writing on the Complaint Form (Appendix A) and sent to:

Avantitrust.complaints@SIPS.co.uk

within 10 school days of receipt of the Stage 2 response. Requests received outside of this time frame will be considered only if exceptional circumstances apply.

The SIPs Clerk will

- record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 10 school days; and
- contact the complainant to inform them of the arrangements to be made for the Panel meeting.

The complainant will be invited to identify the date(s) and time(s) most convenient to them (including the dates/times they are not available) for the meeting. The aim will be to convene the meeting within 30 school days of receipt of the Stage 3 request. If this is not possible, the Clerk will advise the complainant and keep them informed of progress.

As far as reasonably possible, the Clerk will seek to arrange the meeting in line with the availability of the complainant. If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will determine when the meeting will be held. The meeting will proceed as determined by the Clerk, if necessary in the absence of the complainant and on the basis of written submissions from the complainant and the school.

The Stage 3 Panel will comprise three individuals, each of whom will be independent of the school to which the complaint relates. If possible, each of the panel members will be a member of a Trust School Stakeholder Committee (SSC) (excluding any SSC Member from the school to which the complaint relates). If this is not possible the Panel may include a Trustee(s). (Trustees are not involved in the management and running of Trust schools).

A complainant may bring someone to the panel meeting to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the panel meeting. However, there may be occasions (exceptionally) when legal representation is appropriate. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

Representatives from the media are not permitted to attend the meeting.

At least 10 school days before the meeting, the Clerk will

- confirm the date, time and venue of the meeting, ensuring that the venue and proceedings are accessible. (The meeting may be held remotely via TEAMS/Zoom provided the complainant has the IT skills/equipment necessary to facilitate this. Hybrid meetings (i.e. where people attend face to face and remotely are also an option. The meeting format will be agreed with the complainant).
- once a Stage 3 meeting has been agreed, request the school to prepare a Case File for presentation to the Panel. The complainant will also be requested to prepare their Case Papers. If required, the Clerk will advise the complainant how to prepare this. (The Clerk cannot comment on the content / suitability of the papers provided either by the school or by the complainant). The Case Files must be provided to the Clerk no later than 10 school days prior to the date of the meeting.
- circulate* the Case Files, together with an agenda and process for the meeting 7 school days before the date of the meeting. The Panel will not accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded. All papers circulated are confidential to the school, Panel members, Clerk and the complainant.

**Where possible the Case Files, agenda etc. will be made available using the Trust Governor Hub system to which the complainant will be given temporary access. This approach is proven and helpful to all parties. The system is totally secure and GDPR compliant. At the conclusion of Stage 3 (i.e. following issue of the decision letter and receipt of the response (if any) thereto, all papers will be removed from Governor Hub so that only the school and the complainant will retain the Stage 3 records).*

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

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

The Panel will consider the complaint and all the evidence presented. The options open to the Panel are:

- to uphold the complaint in whole or in part

- to dismiss the complaint in whole or in part.

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

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

The Chair of the Panel will provide the complainant and School/Trust with the summary notes of the meeting (compiled by the Clerk) and a full explanation of their decision and the reason(s) for it, in writing, within 10 school days of the meeting. The letter to the complainant will include

- details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by the Trust;
- details of any action(s) taken to investigate the complaint;
- where appropriate, include details of action(s) the Trust will take to resolve the complaint.

The panel will ensure that the findings and recommendations are sent by e- mail or otherwise provided to the complainant and, where relevant, the person(s) complained about.

The written records of all complaints, (including resolution at Stage 1 or Stage 2 or progression to Stage 3 and the actions taken consequent on proceedings) will be retained by the school in line with Trust Document Retention Policy, as follows:

GB 1.9	Records relating to complaints made to and investigated by the Trust Board, or individual school.	Management of legal challenge	Date of resolution of complaint + 6 years then review for further retention in the case of contentious disputes
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All correspondence statements and records relating to individual complaints will be kept confidential, except where the Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008 requests access to them.

16. Complaints escalated to / about the Trust, CEO or Trustee

If a complaint is escalated to the Trust or if a complainant wishes to complain directly about the Trust, then the complaint should be made in writing via e-mail using the Stage 2 form (Appendix A) and submitted to

Avantitrust.complaints@SIPS.co.uk

These complaints will be referred directly to the Trust CEO and/or Trust Governance Officer – see process below

Complaints escalated to CEO/TGO (Via SIPs)	Action	Timescale
SIPs receives complaint	SIPs acknowledge receipt – refers to CEO/TGO.	Within 5 school days
CEO/TGO advised of complaint	CEO/TGO confirms complaint to be investigated under Stage 2 of the Policy and provide a target response date	Within 10 school days of receipt by SIPs
Investigation takes place and completed	Confirm outcome to complainant	20 school days from date of receipt of the complaint. If this date cannot be met CEO / TGO will advise complainant

If the complaint concerns the CEO, Executive Leaders or a Trustee, the complaint will be investigated by the Chair of the Trust Board.

If the complaint concerns the Chair, the complaint will be referred to the Vice Chair for investigation.

NB. Where the Chair (or Vice 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. The actions/timescales set out in the Table above will apply.

If the complainant is not satisfied with the outcome of this stage, the complainant should write to the Trust Complaints Officer within 10 school days, asking for the complaint to be heard before a Complaint Panel (Stage 3). Requests received outside of this time frame will be considered only if exceptional circumstances apply.

The procedure to be followed by the Trust Complaints Officer will follow that described at Para 15 (Stage 3 Complaints) above.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire trust board or
- the majority of the trust board

Stage 3 will be heard by a Panel consisting of three Trust Members. None of the Members of the Panel will have any prior knowledge or have been involved in the incidents or events which led to the complaint. Neither will they have been involved in dealing with the complaint in the previous stages.

Note : Members are independent of the management and running of the Academy Trust.

The complaint will proceed in accordance with that outlined under Stage 3 (above).

17. Next Steps

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

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by the Trust. They will consider whether the Trust (or the school) has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed their published complaints procedure and

[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, 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

Appendices

Appendix A : Stage 2 and Stage 3 Formal Complaint Form

Appendix B : Process Flow Chart

Separate Document : Avanti School Trust : Complaints Policy : Summary of Roles, Responsibilities and Process (for information only)

Appendix A : Complaint Form Stages 2 and 3

For **Stage 2 and Stage 3** Complaints please complete and return this form to the Avantitrust.complaints@SIPS.co.uk

who will acknowledge receipt and explain the action to be taken.

Please note: <i>It is a requirement of the Policy that, starting with Stage 1, each step of the process MUST be completed before proceeding to the next.</i>
Please State <i>Is this a Stage 2 Complaint or a request to proceed to Stage 3?</i>
Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address: Postcode: Day time telephone number: Evening telephone number: Email address:
Please give details of your complaint, including to whom you spoke at Stage 1 and (if relevant) Stage 2. Please explain why you believe that your complaint remains unresolved.

<p>What actions do you feel might resolve the problem at this stage?</p> <p><i>(You may wish to include here your response to the letter you have received relating to the outcome of Stage 1 (or if relevant Stage 2).</i></p>
<p>Are you attaching any paperwork? If so, please give details.</p>
<p>Signature:</p> <p>Date:</p>

Official use
Date acknowledgement sent:
By whom:
Complaint referred to:
Action Taken



APPENDIX B : Formal Complaints process : Illustrative Flow Chart

