



# Complaints Policy

<b>Policy Type</b>	Statutory Trust Policy
<b>Author</b>	Company Secretary
<b>Approved By</b>	Trust Board
<b>Approved Date</b>	March 2024
<b>Date of next review</b>	Policy will be reviewed in line with SHINE Academies internal review schedule in adherence to DfE guidance on statutory policy review
<b>Description of changes</b>	<ul style="list-style-type: none"> <li>i. Policy reformatted and renumbered</li> <li>ii. Introduction Removed</li> <li>iii. Wording amendments to Section 1</li> <li>iv. Section 2 name of person to contact for a complaint amended.</li> <li>v. Section 10 – process of making informal complaint updated.</li> <li>vi. Section 10 – contacts for making a formal (stage 2) complaint updated.</li> <li>vii. Section 10 – Stage 3 process updated, including amendment to panel members involved in a panel hearing.</li> <li>viii. Information about records of complaints moved to Section 10.</li> <li>ix. Appendix 1 – Complaints Form added</li> </ul>

## 1. Who Can Make a Complaint

This complaints procedure is not limited to parents or carers of children that are registered at the schools within SHINE Academies. Any person, including members of the public, may make a complaint to SHINE Academies about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

## 2. 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 procedure. SHINE Academies 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, please contact the Headteacher. 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.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, SHINE Academies will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

## 3. How to raise a concern or a complaint

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.

For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the school office. You may also ask third party organisations like the Citizens Advice to help you.

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.

#### 4. Anonymous Complaints

We will not normally investigate anonymous complaints. However, the Company Secretary in conjunction with the Headteacher of any of the Trust schools, or CEO of SHINE Academies, if appropriate, will determine whether the complaint warrants an investigation.

#### 5. Timescales

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 if exceptional circumstances apply.

#### 6. 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.

#### 7. Scope of the Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by SHINE Academies other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
<ul style="list-style-type: none"><li>Admissions to schools</li></ul>	Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority.
<ul style="list-style-type: none"><li>Matters likely to require a Child Protection Investigation</li></ul>	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.  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).
<ul style="list-style-type: none"><li>Exclusion of children from school*</li></ul>	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> .

	<i>*complaints about the application of any of the schools' behaviour policies can be made through the school's complaints procedure.</i>
<ul style="list-style-type: none"> <li>Whistleblowing</li> </ul>	<p>We have an internal whistleblowing procedure 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 whistleblowers 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 our school should complain through the school's complaints procedure. 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>
<ul style="list-style-type: none"> <li>Staff Grievances</li> </ul>	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>
<ul style="list-style-type: none"> <li>Staff Conduct</li> </ul>	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, 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>

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) 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 a complainant commences legal action against SHINE Academies or any school within the Trust in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

## 8. Resolving Complaints

At each stage in the procedure, SHINE Academies wants to resolve the 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 of 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.

## 9. Withdrawal of a Complaint

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

## 10. Raising a concern or complaint – three stage process

### STAGE 1 Informal Stage

It is to be hoped that most concerns can be expressed and resolved on an informal basis.

Informal concerns should be raised with either the class teacher, phase or subject leader or Headteacher. 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 Stage 3 of the procedure.

At the conclusion of their investigation, the person investigating the complaint (investigator) will provide an informal written response within 15 school days of the date of receipt of the complaint where possible.

Where a concern is about SHINE Academies, it is normally appropriate to communicate directly via the Company Secretary. This may be by email, letter, by telephone or in person by appointment, requested via the Trust office.

If you are uncertain about who to contact, please seek advice from the school office. It is anticipated that most informal concerns or complaints will be investigated and resolved by this informal stage within 15 working school days of being notified of the complaint.

If the issue remains unresolved, the next step is to make a formal complaint.

## STAGE 2 Formal Stage

If your concern or complaint is not resolved to your satisfaction at the informal stage or you wish the complaint to be dealt with immediately as a formal complaint, you should put your complaint in writing (preferably on the complaints form included in this policy in Appendix 1).

The following table outlines who to contact in the event of making a formal complaint:

Nature of Complaint	Who to contact
Formal complaints that are about or involve school staff (Not Headteacher)	Headteacher – via school office
Formal complaints that are about or involve the Headteacher	SHINE Academies CEO <a href="mailto:enquiries@shineacademies.co.uk">enquiries@shineacademies.co.uk</a>  SHINE Academies Collingwood Road Wolverhampton WV10 8DS
Complaints that are about or involve the Chair or Vice Chair of Governors of a Local Governing Body, or the Local Governing Body as a whole	SHINE Academies CEO <a href="mailto:enquiries@shineacademies.co.uk">enquiries@shineacademies.co.uk</a>  SHINE Academies Collingwood Road Wolverhampton WV10 8DS
Complaints that are about or involve the Chair of Trustees or Trust Board as a whole	SHINE Academies CEO <a href="mailto:enquiries@shineacademies.co.uk">enquiries@shineacademies.co.uk</a>  SHINE Academies Collingwood Road Wolverhampton WV10 8DS
Complaints that are about or involve the SHINE Academies Central Team	SHINE Academies Chair of Trustees <a href="mailto:enquiries@shineacademies.co.uk">enquiries@shineacademies.co.uk</a>  SHINE Academies Collingwood Road Wolverhampton WV10 8DS
Complaints that are about or involve the SHINE Academies CEO	SHINE Academies Chair of Trustees <a href="mailto:enquiries@shineacademies.co.uk">enquiries@shineacademies.co.uk</a>

	SHINE Academies Collingwood Road Wolverhampton WV10 8DS
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Your formal written complaint should be addressed clearly for the appropriate contact as per the above table and marked 'Private and Confidential'.

It would be helpful if your written complaint included details which might assist the investigation, such as:

- the nature of the complaint
- details of how the matter has been dealt with so far
- the names of potential witnesses
- dates and times of events and copies of all relevant documents.

The person dealing with your complaint (investigator) will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within **five school days**.

It is very important that you include a clear statement of the actions that you would like the academy to take to resolve your concern.

Within the acknowledgement response, we will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. A face to face meeting may be considered the most appropriate way of doing this. Failure to outline what actions you would like us to take to resolve your concern may result in us needing to contact you to follow up, which may delay your complaint being dealt with within the prescribed timelines.

During the investigation, the investigator 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 investigator will provide a formal written response **within fifteen school days of the date of receipt of the complaint**.

If the investigator 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 SHINE Academies will take to resolve the complaint.

The investigator will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

### Stage 3 – Panel Hearing

If you are dissatisfied with the decision of the investigator under Stage 2 of this process, you may escalate this to stage 3 – a panel hearing consisting of at least two people who were not directly involved in the matters detailed in the complaint with one panel member who is independent of the management and running of the school. This is the final stage of the complaints procedure.

A request to escalate the complaint to Stage 3 must be made to the following **within ten school days** of receipt of a Stage 2 response:

SHINE Governance and Compliance Specialist  
SHINE Academies  
Collingwood Road  
Wolverhampton  
WV10 8DS  
[enquiries@shineacademies.co.uk](mailto:enquiries@shineacademies.co.uk)

You should ensure that you provide copies of all relevant documents and state all the grounds for your complaint and the outcome that you desire.

The Governance and Compliance Specialist will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) **within five school days**.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Governance and Compliance Specialist will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within **fifteen school days of receipt of the Stage 2 request**. If this is not possible, the Governance and Compliance Specialist will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Governance and Compliance Specialist will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

Stage 3 panel meetings will be made up of the following members:

- One Trustee
- One Governor from Local Governing Body of the school being complained about or involved in the complaint (or a governor from any of the Trust Schools if the complaint relates to the Trust as a whole)
- One individual who is independent of the running of the School or SHINE Academies



- If the complaint concerns the Chair or Vice Chair of Governors of a Local Governing Body, or Governing Body as a whole, a senior member of the SHINE Academies Central Team will replace the Local Governor on the panel.
- If the complaint concerns the CEO, Chair or Vice Chair of Trustees, or Trust Board as a whole, the complaint will be investigated by a panel of three completely independent panel members.

As soon as reasonably practical, and in any event **at least 5 working days before the hearing**, you will be sent written notification of the date, time and place of the hearing, together with brief details of the panel members who will be present.

Fair consideration will be given to any bona fide objection to a particular member of the panel. Copies of any additional documents you wish the panel to consider should be sent to SHINE's Governance and Compliance Specialist at least three days prior to the meeting. The panel reserves the right not to consider any documentation presented after this.

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

You may be accompanied to the panel meeting by one other person such as a relative or friend. We do not encourage legal representation at such meetings, with exceptions being considered – such as 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.

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

Unless otherwise stated, the procedure for an appeal is as follows:

- One member of the panel will be nominated in advance to act as Chair for the panel meeting.
- the complainant and representative of school/Trust will enter the hearing together
- the Chair of the panel will introduce the panel members and outline the process
- the complainant will explain the complaint
- the representative of school/Trust and committee members will question the complainant
- the representative of school/Trust will explain the Trust/school's actions
- the complainant and the committee members will question the representative of school/Trust
- the complainant will sum up their complaint
- the representative of school/Trust will sum up the Trust/academy's actions
- the Chair of the panel will explain that both parties will hear from the committee **within 5 school days of the meeting.**

- both parties will leave together while the panel deliberates
- A Clerk will be present for the meeting to take notes and will stay to assist the panel with its decision making

The panel will consider the complaint and all the evidence presented. The panel can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

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

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

The Chair of the panel will provide the complainant and the school/Trust with a full explanation of their decision and the reason(s) for it, in writing, **within five school days**.

- 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 SHINE Academies.
- 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 SHINE Academies will take to resolve the complaint.
- The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the school premises by the proprietor and the head teacher.
- A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.
- 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 2008 Act requests access to them.

## 11. 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 SHINE Academies. They will consider whether SHINE Academies 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

## 12. Serious and Unreasonable Complaints

SHINE Academies 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 school. 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.

SHINE Academies 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 school'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 try to limit their communication with the school 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.

Whenever possible, the Trust will discuss any concerns with the complainant informally before applying an '*unreasonable*' marking.

If the behaviour continues, the Company Secretary will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact SHINE Academies or any individual school, causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six 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 barring an individual from any SHINE Academies premises.

### **13. Monitoring**

This policy will be reviewed on an annual basis by the Company Secretary and approved by the Board of Trustees thereafter.

## Appendix 1 Complaints Form

Please complete and return to the appropriate contact (table listed above) who will acknowledge receipt and explain what action will be taken.

<b>Your name:</b>
<b>Pupil's name (if relevant):</b>
<b>School:</b>
<b>Your relationship to the pupil (if relevant):</b>
<b>Address:</b>  <b>Postcode:</b> <b>Day time telephone number:</b> <b>Evening telephone number:</b> <b>Email address:</b>
<b>Please give details of your complaint, including whether you have spoken to anybody at the school or SHINE Academies about it.</b>