



Extend Learning
Academies Network

Complaints Policy

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Complaints Procedure Flowchart

Stage 1 - Informal

A concern or complaint should initially be raised informally with a member of staff, member of the leadership team or the headteacher* in writing (email/letter), telephone or in person.

*If the concern relates to the headteacher this should be raised with the Chief Executive Officer of ELAN who will share the concern with the Chair of the Local Governing Body.

Resolved

Concern/complaint is resolved

No further action required

Unresolved

If the concern/complaint cannot be resolved informally through discussion with the member of staff / headteacher then a formal written complaint should be made and the matter will proceed to Stage 2 as a formal complaint.

Stage 2 - Formal

A formal complaint should be made in writing to the headteacher*. The complaint will be **acknowledged within 5 school days of receipt**. The complaint will be investigated by the headteacher and a **response given in writing within 10 school days** detailing the outcome and any action to be taken as a result of the complaint.

*If a complaint directly concerns the headteacher, the complaint should be addressed to the Chief Executive Officer of ELAN who will share the complaint with the Chair of the Local Governing Body.

*If a complaint concerns the Chair of Governors, an individual governor or the whole governing body, the Clerk to the Governors should be contacted.

*If a complaint concerns the CEO or a trustee, the Chair of the Trust Board should be contacted. This would automatically move to Stage 4 of the complaints process.

Resolved

Complaint is resolved

Unresolved

If the complaint remains unresolved the complainant can request a review by ELAN and the Local Governing Body.

Stage 3 – Review by ELAN and the Local Governing Body (LGB)

If the complainant is not resolved at the end of Stage 2, the complainant can request that ELAN and the Local Governing Body review the process followed by the school in handling the complaint. Any such request must be made in writing to the Chair of the Local Governing Body **within 10 school days of receiving notice of the outcome**, and must include a statement specifying any perceived failures to follow the procedure. **Any such request will be acknowledged within 5 school days of receipt**. The review will wherever possible be held **within 10 school days of receipt**. The complainant will be **informed in writing of the outcome within 5 school days** of the review.

Stage 4 – Review by the Board of Trustees

If the complaint is not resolved following the review at Stage 3 of the process, then the complainant can ask for the complaint process to be reviewed by a panel drawn from the ELAN Board of Trustees. If a complaint is escalated to the Board of Trustees or if a complainant wishes to complain directly about the Trust, then the complaint should be sent to the Chief Executive Officer (CEO) to be investigated. **Any such request will be acknowledged within 5 school days of receipt**. The review will wherever possible be held **within 10 school days of receipt**. The complainant will be **informed in writing of the outcome within 5 school days** of the review.

If the complainant is not satisfied with how the school have dealt with their complaint, they can write to the Education and Skills Funding Agency.

1. Rationale

Extend Learning Academies Network (ELAN) is required to have a complaints procedure that meets the standards set out in the [Education \(Independent School Standards \(England\) Regulations 2014\)](#) Schedule 1, Part 7.

Each school within ELAN aims to work in partnership with parents and the community and maintain open and positive relationships. Careful consideration will be given to all concerns and complaints and they will be dealt with as quickly as possible. We aim to resolve any complaint through dialogue and mutual understanding and will ensure sufficient opportunity is given for any complaint to be fully discussed, and resolved.

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 generally defined as ‘an expression of dissatisfaction however made, about actions taken or lack of action’.

Any person, including members of the general public may make a complaint; a school must not limit complaints to parents or carers of children who are registered at the school.

In the event that a complaint concerns the well-being or safety of a child, ELAN have a duty to report this to the Local Authority, and any action taken will be in accordance with ELAN’s Safeguarding and Child Protection Policy (which is available on the ELAN website www.extendlearning.org).

If it is determined that staff disciplinary or capability proceedings are required to resolve an issue, the complainant will only be informed that action is being taken and not the outcome of any such action. The complainant will not be entitled to participate, and the details of the proceedings will remain confidential to the headteacher and/or the individual’s line manager.

In order for complaints to be resolved as quickly and fairly as possible, ELAN request that complainants do not discuss complaints publically via social media such as Facebook and Twitter. Complaints will be dealt with confidentially for those involved, and it is expected that complainants also observe confidentiality.

2. Scope of this complaints procedure

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

Exceptions	Who to contact
Admissions to schools	Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority.
Statutory Assessments of Special Educational Needs	Concerns about statutory assessments of Special Educational Needs should be raised directly with local authorities.
Matters likely to require a Child Protection Investigation	<p>Complaints about child protection matters are handled under our Safeguarding and Child Protection 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: James McMillan Contact: 07795092692 or jado@n-somerset.gov.uk</p>
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 behaviour policy can be made through the school's complaints procedure.</i></p>
Whistleblowing	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff, volunteers and contractors. Please refer to our Whistleblowing policy (Safeguarding).</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: www.education.gov.uk/contactus.</p>
Staff grievances	Complaints from staff will be dealt with under the trust's internal grievance procedures. Please refer to our Grievance Policy and Procedure .
Staff conduct	<p>Complaints about staff will be dealt with under the trust'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>
Complaints relating to services provided on school premises by a third party	<p>Complaints relating to services provided on school premises by a third party should be made directly to the provider and be dealt with under their complaints procedure.</p> <p>If the matter involves a Safeguarding concern, this must also be raised with the school immediately.</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 this happens, we will inform you of a proposed new timescale.

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

3. Raising a Concern or Complaint

A concern or complaint can be made in person, in writing (email / letter) 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.

Any complaints received in writing should be marked *Strictly Private and Confidential*.

For ease of use, a template complaint form is included in [Appendix 1](#). If you require help in completing the form, please contact the school office. You can also ask a third-party organisation for example 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.

3.1 Stages of complaints process

There are four stages that can be used to resolve complaints ([see section 7](#) for more detail about each stage):

- | | |
|----------------|---|
| Stage 1 | Informal – concern or complaint raised informally with the school (please refer to the individual school’s communication protocol) |
| Stage 2 | Formal - complaint is put in writing to the headteacher |
| Stage 3 | Review - complaint is heard by ELAN with representatives from the Local Governing Body |
| Stage 4 | Review – complaint is heard by ELAN Board of Trustees |

3.2 Complaints relating to members of staff

Complaints against school staff (not including the headteacher)

These should be made in the first instance, to the headteacher of the school.

Complaints that involve or are about the headteacher

These should be addressed to the Chief Executive Officer (adam.matthews@extendlearning.org) who will share the complaint with the Chair of the Local Governing Body.

Complaints about the Chair of Governors, any individual governor or the whole governing body

These should be addressed to the Clerk to the Governing Body via the school office.

Complaints about the Chief Executive Officer (CEO) or a trustee of ELAN

These should be addressed to the Chair of the Trust board or the Company Secretary, via ELAN central office (office@extendlearning.org).

3.3 Anonymous complaints

Anonymous complaints will not usually be investigated except in exceptional circumstances. This is due to the absence of a complainant to respond to. It will be at the discretion of the headteacher or appropriate ELAN lead to determine whether an investigation is required. A record of all anonymous complaints will be kept for monitoring purposes.

3.4 Complaints about our fulfilment of the Early Years requirements

We will investigate all written complaints relating to the school's or ELAN's fulfilment of the Early Years Foundation Stage requirements and notify the complainant of the outcomes within 20 school days of receiving the complaint. The school / ELAN will keep a copy of the complaint and will make this available to Ofsted on request.

Parents/carers can contact Ofsted if they believe that the school/Trust is not meeting Early Years Foundation Stage requirements by calling 0300 123 4234 or 0300 123 4666, or by emailing enquiries@ofsted.gov.uk

An online form is also available at: <https://www.gov.uk/government/organisations/ofsted#org-contacts>

We will notify parents and carers if we become aware that the school is to be inspected by Ofsted.

We will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis.

3.5 Complaints in relation to SEND provision

ELAN believe in an inclusive education for all pupils. Any queries, concerns or complaints about SEND provision by parents or carers should initially be raised informally, whether by e-mail, letter or a telephone conversation with the school's SENDCo. The SENDCo will investigate and use reasonable endeavours to follow up with the parent/carer within 5 school days from receiving the complaint. If this contact does not resolve the matter, parents/carers should follow the formal complaints process.

You may find speaking with your local information, advice and support service helpful. This body is independent of the local authority and can provide impartial advice about the law on SEND, local SEND arrangements and support for your child's needs.

3.6 Withdrawal of a complaint

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

4. Timescales

4.1 Timescale to raise a complaint

To allow for a proper investigation, concerns or complaints should be brought to the attention of ELAN as soon as possible. Ideally this should be within ten school days of the incident. Any matter raised more than three months after the event being complained of, will not be considered other than in exceptional circumstances.

4.2 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.

4.3 Acknowledging receipt of a complaint

Complaints will be acknowledged within 5 school days and where possible, a full response will be sent to complainants within 10 school days. If the complaint is judged to involve complex issues, complainants will be informed of this within 10 school days during which they should be provided with an indication of when they can expect to receive a full response. Complainants will be kept informed of progress if a lengthy investigation is involved. The main aim throughout the process will be to resolve the matter as quickly and effectively as possible, to everybody's satisfaction.

5. Resolving complaints

5.1 Resolution

At each stage in the procedure, we want 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 apology
- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that the event complained of will not reoccur
- an explanation of the steps that have been taken to ensure that it will not happen again
- an undertaking to review school policies in light of the complaint.

There will be no financial compensation offered as a result of a complaint being made.

6. Investigating complaints

The procedure aims to ensure all complaints are dealt with in a time sensitive manner and where possible, dealt with as informally as possible.

At each stage, the person investigating the complaint will make sure that they:

- establish what has happened so far, and who has been involved
- clarify the nature of the complaint and what remains unresolved
- meet with the complainant or contact them (if unsure or further information is necessary)
- clarify what the complainant feels would put things right
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish.

7. Four stages of the complaints process

7.1 Stage 1: Informal

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage.

ELAN works to form good relationships within our school communities which enable all parties to feel comfortable with communicating concerns or complaints directly with the member of staff concerned, member of the leadership team or headteacher. This may be by letter, telephone or in person by appointment.

Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. ELAN takes concerns seriously and will make every effort to resolve the matter as quickly as possible. Whilst Stage 1 is an informal process, written notes will be kept of all conversations, meetings and agreed actions as they may be required should the matter proceed to the next stage of the process.

7.2 Stage 2: Formal - Complaint in writing to the headteacher

If a concern is not resolved at the informal stage and complainants wish to make a formal complaint, the complaint must be put in writing to the headteacher, who will be responsible for ensuring that it is investigated appropriately.

If for any reason complainants are unable to submit the complaint in writing the school will, on request, offer appropriate help and assistance.

If a complaint directly concerns the headteacher, the complaint should be made in writing addressed to the Chief Executive Officer of ELAN (adam.matthews@extendlearning.org), who will share the complaint with the Chair of the Local Governing Body.

If a complaint concerns the Chair of Governors, an individual governor or the whole governing body, the Clerk to the Governors should be contacted. The Clerk will liaise with the CEO to determine the most appropriate course of action for investigating the complaint. This will depend on the nature of the complaint.

A Complaint Form is attached to this policy at [Appendix 1](#).

The complaint should include all details which might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents.

It is very important that a clear statement of the actions that the complainant would like the school to take to resolve the concern are included in the written detail. The complaint should be passed to the headteacher, Chief Executive Officer / Chair of Governors or the Clerk to the Local Governing Body, as appropriate.

Upon receiving a formal complaint the complainant may be contacted or invited to a meeting to clarify their concerns and to seek a resolution. If the complainant accepts that invitation, they may be accompanied by a friend or family member (not acting in a legal capacity), should they wish, to assist in explaining the nature of their concerns. Brief notes of the meeting will be kept and a copy of any written response will be added to the record.

If it is not possible to resolve the complaint through a meeting arrangements will be made for the matter to be fully investigated. In any case, **the complainant should learn in writing, within 5 school days of the school receiving the formal complaint, of how the school intends to proceed.** This notification will include an indication of the anticipated timescales. **Where possible a full response will be sent to complainants within 10 school days.**

Any investigation will begin in accordance with the above-mentioned timeline and when it has been concluded the complainant will be informed in writing of its conclusion.

If the complainant is not satisfied with the decision or the manner in which the process has been conducted—they can request that ELAN and the Local Governing Body reviews the process followed by the school in handling the complaint (this is conducted under Stage 3 of the process). **Any such request must be made in writing to the Chair of the Local Governing Body within 10 school days of receiving notice of the outcome of Stage 2, and must include a statement specifying any perceived failures to follow the procedure. Any such request will be acknowledged within 5 school days of receipt.**

7.3 Stage 3: Review by ELAN and Local Governing Body

If the complaint is not resolved at Stage 2 then the complainant can request that ELAN and the local governing body review the process followed in handling the complaint.

Any review of the decision and/or process followed by the school will be conducted by a panel of three made up of people from both ELAN and the school's Local Governing Body.

It is a matter for ELAN to identify suitably independent individuals who can fulfil the role and responsibility of the review and members of the reviewing panel will have no prior knowledge of the content of the complaint, or the circumstances surrounding it. ELAN will ensure at least one member of the panel is independent of the management and running of the school.

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 review will wherever possible be held within 10 school days of receipt of a written request and will normally be conducted through a consideration of written submissions, but reasonable requests to make direct representations will be considered sympathetically. If this is approved, the complainant will be allowed to attend the review meeting and may be accompanied by a friend or family member not acting in any legal capacity.

Review process

The panel will first receive written evidence from the person making the complaint, before inviting representatives of the school as appropriate to make a response to the complaint. The panel will also have access to the records kept of the process followed.

The options available to the review panel will be to:

- dismiss the complaint in whole or part
- uphold the complaint in whole or part
- decide on the appropriate action to be taken to resolve the complaint
- recommend changes to the school's systems, procedures, or policies to ensure that complaints of a similar nature do not recur

The complainant and the school representative(s) will be informed in writing of the outcome, usually within 5 school days of the review. The decision reached by the panel will be final and the matter will then be closed as far as ELAN is concerned.

7.4 Stage 4: Review by the Board of Trustees

If the complaint is not resolved at the end of Stage 3 then the complainant can ask for the complaint process to be reviewed by a panel drawn from the ELAN Board of Trustees.

If a complaint is escalated to the Board of Trustees or if a complainant wishes to complain directly about the Trust, then the complaint should be sent to the Chief Executive Officer (CEO) to be investigated.

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 4 of the Complaints Policy and will confirm the date for providing a response to the complainant.

If the complaint concerns the CEO or a Trustee, the complaint should be investigated by the Chair of the Trust Board. If a formal complaint is received about the Chair, the complaint will be referred to the Vice Chair for investigation.

Any review under Stage 4 will be conducted by a panel of three members of the Board of Trustees and no trustee will sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. It is a matter for ELAN to identify suitably independent individuals who can fulfil the role and responsibility of the review.

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 review will wherever possible be held within 10 school days of receipt of written notification. 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. The panel will seek to mediate reconciliation between ELAN and the complainant. The review will normally be conducted through a consideration of written submissions, however the complainant can request to make direct representations and arrangements will be made for this. The complainant may be accompanied at the review meeting by a friend or family member not acting in any legal capacity, should they wish.

Review process

The panel will first receive written evidence from the person making the complaint, before inviting representatives of the school as appropriate to make a response to the complaint. The panel will also have access to the records kept of the process followed.

The options available to the review panel will be to:

- dismiss the complaint in whole or part
- uphold the complaint in whole or part
- decide on the appropriate action to be taken to resolve the complaint
- recommend changes to the school's systems, procedures, or policies to ensure that complaints of a similar nature do not recur

The complainant and the school representative(s) will be informed in writing of the outcome, usually within 5 school days of the review. The decision reached by the panel will be final and the matter will then be closed as far as ELAN is concerned.

After Stage 4 of the process, if the complainant is dissatisfied with the way their complaint has been handled by ELAN the matter should be referred to the Education and Skills Funding Agency (ESFA).

8. The role of the Education and Skills Funding Agency

The ESFA has a clear responsibility to ensure academies comply with their funding agreements.

If a complaint is sent to the ESFA they will check whether the complaint has been dealt with properly by the trust. The ESFA will consider whether the complaint falls into any of the following three areas:

1. Where there is undue delay or the trust did not comply with its own complaints procedure when considering a complaint
2. Where the trust is in breach of its funding agreement with the Secretary of State
3. Where a trust has failed to comply with any other legal obligation

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by the trust. However, if it finds the school/trust did not deal with a complaint properly it will request the complaint is looked at again and procedures meet the requirements set out in the Regulations [Part 7 of the Education \(Independent School Standards\) Regulations 2014](#)

If the trust's complaints procedure does not meet the Regulations, the ESFA will ask the trust to put this right. The ESFA may seek to enforce the decision under the terms of the funding agreement on behalf of the Secretary of State, if appropriate.

9. Barring from school premises

Members of the public (including parents/carers) do not have an automatic right of access or entry to school premises. The priority of the trust will always be to ensure that school premises are a safe place for pupils, staff and other members of the school community.

Please see the Parent Code of Conduct that provides the expectations around the conduct of all parents, carers and visitors connected with our schools/trust. If an individual's behaviour is a cause for concern, they can be asked to leave the school premises. In some cases, individuals can be barred from entering the school premises. We will always give individuals the opportunity to express formally their views on a decision to bar them from the premises.

The headteacher's decision to bar will be reviewed by the Chair of Governors. The Chair will take into account any representations made by the individual and will decide whether to confirm or lift the bar. If the decision is confirmed, the individual will be notified in writing, explaining:

- how long the bar will be in place
- when the decision will be reviewed

10. Complaint Campaigns

For the purposes of this policy, a complaint campaign is defined as a complaint from three or more separate individuals (whether or not connected with a school or the trust) which are all based on the same subject.

Depending on the subject in question, we may deviate from the procedure set out in this policy and instead:

- send a template response to all complainants and/or
- publish a single response on the school/trust's website (as applicable)

11. Vexatious Complaints

Whilst it is hoped that this policy will reduce any dissatisfaction with the trust, it is acknowledged that there may be rare occasions where a complainant continues to be dissatisfied with the trust and the outcomes achieved under the complaints policy.

Where a complainant attempts to re-open an issue which has already been dealt with under the complaints policy, the complainant will be contacted to inform them that the matter has already been dealt with through the complaints policy and the matter is considered closed. Where further correspondence is received on the same matter, this may be considered vexatious and the trust will recourse to its procedures for unreasonable complaints.

12. Unreasonable Complaints

ELAN are committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who contact us to raise a complaint. We will not normally limit the contact complainants have with the trust or ELAN schools. However, we do not expect our staff to tolerate unacceptable behaviour and we will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

ELAN defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the trust or schools.

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

- 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 cooperate 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 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 the complainant expects 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 the complainant's own timescales
- Makes unjustified complaints or comments 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 or raises the same matter (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 complaints procedure has been fully and properly implemented
- Seeks an unrealistic outcome
- Makes excessive demands on the trust or school's 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.

A complaint may also be considered unreasonable if the person making the complaint does so, either face-to-face, by telephone, in writing or electronically, in a manner that is:

- Malicious
- aggressive
- threatening, intimidating or violent
- using abusive, offensive or discriminatory language

Or the complainant

- knows the complaint to be false
- is using falsified information
- is publishing unacceptable information on social media or other public forums or media channels.

Complainants should limit the number of communications with the trust or school 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.

If the behaviour continues the complainant will be contacted to discuss any concerns, explaining that their behaviour is unreasonable and asking them to change it.

For complainants who excessively contact the trust or school causing a significant level of disruption, the trust or school may inform the complainant that no further correspondence can be conducted until a communication plan is in place.

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. This may include barring an individual from a school(s) within the ELAN academy trust.

Appendix 1 – Complaints Form

(School Name) Complaints Form

Your Name	
Pupils name (if applicable)	
Your relationship to the pupil (if applicable)	
Address	
Daytime telephone number*	
Evening telephone number*	
Email	
*Please indicate preferred contact option	
Please give details of your complaint	
What action, if any, have you already taken to try to resolve your complaint? Who did you speak to and what was the response?	
What actions do you feel might resolve the problem at this stage?	
Are you attaching any supporting paperwork? If so, please give details:	
If it has been more than three months since the incident, please explain the delay in making your complaint.	
Signature	
Date	