

INVICTUS

Education Trust

Complaints Procedure

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1. Who can make a complaint?

This Complaints Procedure 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 Invictus Education Trust 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. The Trust takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the headteacher of the school concerned will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the headteacher will refer you 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, we will attempt to resolve the issue internally, through the stages outlined within this Complaints Procedure.

3. How to raise a concern or make a complaint

Informal concerns or complaints 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.

Formal complaints should be made in writing using the forms included at the end of this procedure. If you require help in completing the form, please contact the school office or Invictus Headquarters. You can also ask a third-party organisation for example 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. Who to raise a concern or make a complaint to

Complaints against school staff (except the headteacher)	To the headteacher of the school concerned via the school office
Complaints that involve or are about the headteacher	To the Trust's Chief Executive Officer
Complaints about the Chair of the Trust Board, any individual trustee of the whole Trust Board	To the Trust's Head of Governance and Compliance
Complaints about the Chair of an academy committee, any individual associate governor of the whole academy committee of a particular school	To the Trust's Head of Governance and Compliance
Complaints regarding senior members of Invictus Education Trust (Except the CEO)	To the Trust's Chief Executive Officer
Complaints that involve or are about the CEO	To the Chair of the Trust Board

5. Anonymous complaints

We will not normally investigate anonymous complaints. However, the headteacher, CEO or Chair of the Trust Board will determine whether the complaint warrants an investigation.

6. Complaint campaigns

Where there are multiple complaints, from unconnected parties, but which are based on the same subject or issue, we may decide to combine these in to one complaint and send one response to all complainants, or by publishing a response on the Trust or school website, where this is an appropriate means of communication.

7. 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 if exceptional circumstances apply.

8. 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.

9. Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by Invictus Education Trust and its schools, 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"> Admissions to schools 	<p>Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority.</p>
<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).</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 behaviour policy can be made through the school's complaints procedure.</i></p>
<ul style="list-style-type: none"> Whistleblowing 	<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 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> <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"> Staff grievances 	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>
<ul style="list-style-type: none"> Staff conduct 	<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 this happens, we will inform you of a proposed new timescale.

If a complainant commences legal action against the Trust or one of its schools, in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

10. Resolving complaints

At each stage in the procedure, the Trust 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.

11. Withdrawal of a complaint

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

12. Recording complaints

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.

13. The complaints procedure

Stage 1 – Informal complaint

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

Concerns should be raised with either the class teacher, year head / subject head or headteacher. Complainants should not approach individual governors or trustees 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 appropriate person investigating the complaint will provide an informal written response within 10 school days of the date of receipt of the complaint.

If the issue remains unresolved, the next step is to make a formal complaint within 10 school days of receiving the informal written response.

Stage 2 – Formal complaint

Formal complaints must be made to the headteacher (unless they are about the headteacher), via the school office. **This may initially be done in person but it must be followed up in writing using the Stage 2 Complaint Form found at Annex A of this procedure.**

The headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

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

Note: The head teacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.

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

- if necessary, interview those involved in the matter and/or those complained of;
- keep a written record of any meetings/interviews in relation to their investigation.

A member of staff being interviewed as part of the investigation can choose to be accompanied if they so wish. This must be communicated to the headteacher (or investigator) in advance of the meeting.

At the conclusion of their investigation, the headteacher will provide a formal written response within 20 school days of the date of receipt of the complaint. If the headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the Trust or school will take to resolve the complaint.

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

If the complaint is about the headteacher, or a member of the governing board (including the Chair or Vice-Chair) the CEO, a member of the Executive Team or a suitably skilled trustee or governor will be appointed to complete all the actions at Stage 2.

If the complaint is:

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

Stage 2 will be considered by the Chief Executive Officer or an independent investigator appointed by the Chief Executive Officer. This may be a trustee or someone from an alternative governing board from another school in the Trust. If such an appointment is made, at the conclusion of their investigation, the independent investigator will provide a formal written response to the Chief Executive Officer.

Stage 3 – Panel Hearing

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 – a panel hearing consisting of at least three 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 or Trust, as appropriate. This is the final stage of the Complaints Procedure.

A request to escalate to Stage 3 must be made to the Head of Governance and Compliance, via Invictus Headquarters, within 10 school days of receipt of the Stage 2 response using the Stage 3 Complaint Form found at Annex B of this procedure.

The Head of Governance and Compliance will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply. Exceptional circumstances will be determined by the Trust.

The Head of Governance and Compliance will write to the complainant to inform them of the date of the panel hearing. They will aim to convene a hearing within 20 school days of receipt of the Stage 3 request. If this is not possible, the Head of Governance and Compliance will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Head of Governance and Compliance 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.

If the complaint is:

- jointly about the Chair and Vice Chair of an academy committee or
- the entire academy committee or

- the majority of the academy committee

Stage 3 will be heard by the trustees and an independent panel member.

A complainant may bring someone along to the panel hearing to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the hearing. However, there may be occasions 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.

Note: Complaints about staff conduct will not generally be handled under this Complaints Procedure. Complainants will be advised that any staff conduct complaints will be considered under (Human Resources) staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

Representatives from the media are not permitted to attend.

At least 15 school days before the hearing, the Head of Governance and Compliance will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the panel at least 10 school days before the meeting.

Any written material will be circulated to all parties at least 5 school days before the date of the hearing. The panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The panel 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.

The meeting will be held in private. Electronic recordings of hearings 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 hearings or conversations take place. Consent will be recorded in any minutes taken.

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 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 Trust and school with a full explanation of their decision and the reason(s) for it, in writing, within 5 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. The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the Trust or school 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 headteacher.

14. Complaints about the Trust, CEO or Trustee

If a complaint is directly about the Trust rather than one of its schools, then the complaint should be sent to the 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 be investigated under Stage 2 of this Complaints Procedure and will confirm the date for providing a response to the complainant.

Following the investigation, the CEO will write to the complainant confirming the outcome within **30 school days** of the date that the letter was received. If this time limit cannot be met, the CEO will write to the Complainant within **30 school days** of the date that the letter was received, explaining the reason for the delay and providing a revised date.

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

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

If the complainant is not satisfied with the outcome of the previous stage, the complainant should write to the Head of Governance and Compliance asking for the complaint to be heard before a Complaint Panel, within 10 school days.

The Head of Governance and Compliance will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply. Exceptional circumstances will be determined by the Trust.

The Head of Governance and Compliance will write to the complainant to inform them of the date of the hearing. They will aim to convene a hearing within 20 school days of receipt of the request. If this is not possible, the Head of Governance and Compliance will provide an anticipated date and keep the complainant informed.

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

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 completely independent panel.

The panel will consist of three members. None of the three members of the panel will have been involved in the incidents or events which led to the complaint, or have been involved in dealing with the complaint in the previous stages, or have any detailed prior knowledge of the complaint.

One of the members of the panel will be independent of the management and running of the Trust. This means that the independent panel member will not be a Trustee or an employee of the Trust.

A complainant may bring someone along to the panel hearing to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the hearing. However, there may be occasions when legal representation is appropriate.

For instance, if a trust employee is called as a witness in a complaint hearing, they may wish to be supported by union and/or legal representation.

Note: Complaints about staff conduct will not generally be handled under this Complaints Procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with the them.

Representatives from the media are not permitted to attend.

At least 15 school days before the hearing, the Head of Governance and Compliance will:

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

- request copies of any further written material to be submitted to the panel at least 10 school days before the meeting.

Any written material will be circulated to all parties at least 5 school days before the date of the meeting. The panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The panel will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included.

The meeting will be held in private. Electronic recordings of hearings 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 hearings or conversations take place. Consent will be recorded in any minutes taken.

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 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 Trust with a full explanation of their decision and the reason(s) for it, in writing, within 5 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. The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the Trust 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 Trust premises by the proprietor and the CEO.

15. Next Steps

If the complainant believes the school or 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 Invictus Education Trust. They will consider whether the Trust or school 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, 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

16. Unreasonably persistent complainants and unreasonable complaint behaviour

There are rare circumstances where we will deviate from the Complaints Procedure. These include, but are not necessarily limited to:

- where the complainant's behaviour towards staff, governors or trustees is unacceptable, for example, is abusive, offensive or threatening;
- where, because of the frequency of their contact with the school, the complainant is hindering the consideration of their or other people's complaints and/or the proper running of the school;
- where the complainant's complaint is clearly vexatious and/or has patently insufficient grounds;
- where the complainant's complaint is the same, similar to or based on the same facts of a complaint which has already been considered in full by the school or Trust.

In these circumstances, we may:

- inform the complainant that their behaviour is unacceptable or unreasonably persistent and ask them to change it;
- restrict the complainant's access to the school, e.g. requesting contact in a particular form (for example, letters only), requiring contact to take place with a named person only, restricting telephone calls to specified days and times or banning the complainant from the school's premises;
- conduct the panel hearing on the papers only, i.e. not hold a hearing;
- refuse to consider the complaint and refer the complainant directly to the Education and Skills Funding Agency (ESFA).

In all cases, we will write to tell the complainant why we believe their behaviour is unacceptable or unreasonably persistent, what action we are taking and the duration of that action. Where the behaviour is so extreme that it threatens the immediate safety and welfare of staff, members of the Trust we will consider other options, for example reporting the

matter to the police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

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Annex A - Stage 2 Complaint Form

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 whether you have spoken to anybody at the school about it.

What actions do you feel might resolve the problem at this stage?

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

Signature:

Date:

Annex B - Stage 3 Complaint Form

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 formal complaint

DRAFT

Why are you dissatisfied by the decision made at Stage 2 of the Complaints Procedure?

What actions would you like to be taken to resolve your complaint?

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

Signature:

Date: