



Formal Complaints Procedures (Stages 2 & 3)

Relevant guidance and legislation

Key legislation relevant to this policy is the [Education \(Independent School Standards\) \(England\) Regulations 2014](#). This legislation sets out that all academy trusts must publish a written complaints policy that details the procedures for handling complaints that meets the required standards.

Academies are also expected to act in accordance with the duties under educational law and in line with their Funding Agreement.

The Department for Education (DfE) publishes a model document for academy trusts including guidance on managing serial and persistent complaints. The Policy and Procedures also takes into account advice from the [Confederation of School Trusts \(CST\)](#) and [Parentkind](#).

Confidentiality & Data Protection

All formal complaints will be handled in the strictest confidence by the Trust and in accordance with the principles of the Data Protection Act 2018 and the General Data Protection Regulations (GDPR). Information should be retained for six years from the date of the complaint.

It is also expected that complainants will keep their complaint private and confidential. In particular, complainants are not expected to discuss complaints publicly via social media (for example, Facebook, X (formerly Twitter) and WhatsApp) or other media channels.

The Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008 may request access to complaints documentation.

If a student is over the age of 18 and a parent or third party wishes to make a complaint on their behalf, the student is required to provide express authorisation confirming their consent for a parent or third party to do so. This includes where an advocate or companion may be present to provide support.

Timescales

In this procedure, working days refers to the number of term time operational days excluding weekends and INSET days. For complaints made about the College or School, we will consider complaints made outside of term time to have been received on the first working day after the holiday period of the College or School that it relates to. For

complaints about the Trust or Trust Professional Services who are based at the College, this will be based on the College term dates.

Where allegations may constitute a criminal offence, advice will be sought from the police and safeguarding partners. If other bodies are investigating aspects of the complaint, this may impact on the 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 the complaint results in legal action, we will consider whether to suspend the complaints procedure until legal proceedings have concluded.

Complaints must be raised within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

Stage 2

If you remain dissatisfied with a Stage 1 complaint which was raised or you feel that your complaint is very serious you may wish to contact the Executive Principal or Headteacher (unless the complaint is about them directly). This should be done in writing within 5 working days.

Please complete the formal complaint form (see appendix). This will help us understand and respond in the most appropriate way possible.

The Executive Principal or 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 working days.

Within this response, the Executive Principal or Headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Executive Principal or Headteacher can consider whether a face to face meeting is the most appropriate way of doing this where mediation may help with reconciliation.

Note: The Executive Principal or Headteacher may delegate the investigation to another member of the Senior Leadership Team but not the decision to be taken.

During the investigation, the Executive Principal or Headteacher (or their 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 Executive Principal or Headteacher will provide a formal written response within 15 working days of the date of receipt of the complaint.

If the Executive Principal or 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 College or School will take to resolve the complaint.

The Executive Principal or 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 Executive Principal or Headteacher or individual Governor, the matter should be referred to the Chair of the Local Governing Body (LGB). If the matter is deemed to be of a serious nature, the Chair of the LGB may contact the Chair of the Board of Trustees.

If the complaint relates to the Chair of the LGB, it will be referred to the Chair of the Trust who will investigate (or delegate to another Trustee) all the actions at Stage 2.

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 Complaint Panel will be convened consisting of three Governors 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 College/School. If the complaint relates to the Trust, the panel will be formed of Trustees. This is the final stage of the complaints procedure.

The role of Governors at this stage is to consider your complaint objectively, to review how the College or School handled the initial complaint, ensure policies were followed correctly, and determine whether the College or School's response was reasonable and fair. The panel cannot directly investigate a complaint or hear any complaint that was not previously raised with the College or School.

A request to escalate to Stage 3 must be made to the Governance team, via the College/School office, within 10 working days of receipt of the Stage 2 response.

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

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

The Governance team will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 15 working days of receipt of the request. If this is not possible, an anticipated date will be provided and the complainant kept informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Governance team 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.

The hearing 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 or for the purposes of official note taking. 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.

A complainant may bring one person to the panel meeting to provide support. This can be a relative or friend. We do not encourage either party to bring legal representatives to the panel hearing. However, there may be occasions when legal representation is appropriate. For instance, if an 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.

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 HR staff disciplinary procedures, if appropriate, but outcomes will not be shared with them. Concerns that meet the threshold for allegations against staff or low-level concerns under Keeping Children Safe in Education will be managed through safeguarding and allegations management procedures and not solely through HR processes.

At least 10 working days before the meeting, the Governance team 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 5 working days before the meeting

Any written material will be circulated to all parties at least 5 working days before the date of the meeting. The panel will not normally accept, as evidence videos or 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 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 College/School systems or procedures to prevent similar issues in the future

The Chair of the panel will provide the complainant and the College or School with a full explanation of their decision and the reason(s) for it, in writing, within 10 working days.

A panel hearing is the end of the Trust's Complaints Procedure. If you are still not happy, you can complain to the Department for Education using the [complaint form](#) on their website. The Department can look at whether we have handled your complaint properly, but it won't investigate the details of any underlying complaint.

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 College or School will take to resolve the complaint. In these events, the Chair of the Board of Trustees will be notified.

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 College/School premises by the Executive Principal, Headteacher or the Trust Board.

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.

Feedback about the Trust, the Board and its operations

If someone wishes to complain directly about the Trust or Trust Professional Services staff then the complaint should be sent to the CEO to be investigated.

The procedures will follow the same process as Stages 2 and 3 outlined earlier in this document, except that the complaint should be addressed to the CEO. At Stage 3, the complaint will be considered by a panel of Trustees.

If the complaint relates to the CEO or the Director of Governance, it should be addressed to the Chair of the Trust. Complaints concerning the Chair of the Trust or the Board of Trustees should be submitted in confidence to the Director of Governance and may be referred to an independent panel.

Please complete the formal complaint form (see Appendix). This will help us understand your concerns and respond in the most appropriate way.

Unacceptable and Unreasonable Complaints

Serial or Persistent Complaints

If the complainant contacts the College, School or Trust repeatedly about the same matter, then such communication may be viewed as 'serial' or 'persistent' and the College, School or Trust may choose not to respond. A complaint will not be marked as 'serial' before the complainant has completed the procedure.

The decision to stop responding will not be taken lightly and will only be taken on the advice of the Trust, the CEO and/or the Chair of the Board of Trustees if they believe that

all reasonable steps have been taken to address the complainant's needs and that the College, School or Trust's position has been stated clearly and despite this, the complainant is refusing to accept the decision making the same points repeatedly.

Unreasonable Complaints

The majority of people with complaints or concerns behave reasonably in pursuing their complaint. This means that they:

- Treat all staff and property with courtesy and respect
- Engage with staff to resolve concerns
- Respect the needs of students and staff
- Do not use intimidating/aggressive behaviour or inappropriate language towards staff
- Recognise the time constraints under which members of staff work and allow a reasonable time for the Trust to respond to a complaint
- Recognise that resolving a specific problem can sometimes take some time
- Follow the complaints procedures

Unreasonable behaviour may be seen in a single incident or through a persistent approach that interferes with the consideration of the complaint and/or ability of staff to undertake legitimate Trust business including:

- Malicious, aggressive, intimidating, threatening, offensive language or actions which appear to be targeted and/or cause ongoing distress to staff
- Complaints where the complainant has no view about what would constitute a satisfactory outcome and/or no intention to resolve the complaint
- Seeking an unrealistic outcome
- Making excessive demands on time and resources by frequent and lengthy and complicated contact whilst a complaint is being dealt with and expecting immediate responses
- Changing the basis of the complaints as it proceeds or changing statements made at an earlier stage and use of falsified information
- Making unjustified personal comment or complaint about staff who are trying to assist and/or seeking to have them replaced
- Refusing to accept that certain issues are not within the remit of the College/School/Trust or scope of the complaints procedure
- Refusing to cooperate with the investigation process to resolve a complaint or insisting a complaint is dealt with in ways which are incompatible with the policy
- Submitting repeat complaints with minor amendments to make them new complaints
- Use of Subject Access Request (SAR) and Freedom of Information Act (FOIA) requests excessively and unreasonably
- Publishing unacceptable information in a variety of media such as on social media websites and in newspapers

The CEO, Executive Principal or Headteacher may assess a complainant as unreasonable ensuring there is sufficient evidence to justify the decision. Wherever possible, they will discuss concerns with the complainant before applying any further sanctions. If the behaviour continues or is more serious, the CEO, Executive Principal or Headteacher will put in writing their decision and the way that future complaints will be dealt with. Any restrictions imposed will be appropriate and proportionate. A serious incident or threat of violence or aggression will normally constitute a ban from Trust/College or School premises and may involve police. This will be put in writing immediately.

The following actions may be taken singularly or in combination, depending on the particular circumstances of the case:

- Insisting that no member of staff should meet the complainant on their own or notes will be taken and agreed in the meeting in the interest of all parties
- Restricting telephone calls from the complainant to specified days and times, possibly to a nominated contact
- Requiring that all future contact with the College/School is in writing, except in emergencies
- Banning the complainant from the Trust/College or School premises where the complainant's behaviour constitutes a nuisance or disturbance - this decision will be referred to the Board or relevant LGB
- Consideration of legal action

New and substantive issues from people who have been deemed unreasonably persistent complainants will be treated on their merits and a reply will be sent to the complainant.

Policy review

The Policy and these Formal Complaints Procedures will be reviewed and approved annually by the HLA Board with input from the Governance & Quality Committee.

Date approved: 20 October 2026