

Eastern Learning Alliance

Complaints Procedure

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Eastern Learning Alliance

Complaints Procedure

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Document Control

New Version Number	Key changes from previous version	Date of ratification by Trust Board
1	Merger of previous documents from CET and MET	January 2021
2	Removal of COO role from procedure	March 2021
3	Review contact details	August 2021

Eastern Learning Alliance

Complaints Procedure

Introduction

This document describes the procedure to be followed when a complaint is made about one of the Trust's schools, ELA Active, the Trust itself, a member/s of staff, a governor/s, or a trustee/s. This procedure applies to complaints from a parent or carer of a pupil at a Trust school or from others who are not parents/ or carers. Complaints relating to ELA Active follow the same procedure but are set out separately for clarity at Appendix D. The procedure complies with The Education (Independent School Standards) Regulations 2014 and the DfE Best Practice Guidance for School Complaints Procedures 2019.

A 'concern' is not necessarily a complaint and can often be dealt with outside of this procedure through discussion or the provision of information or help. The Trust uses the Local Government Ombudsman definition of what is a complaint:

'An expression of dissatisfaction about a service that requires a response.'

This procedure excludes complaints which are subject to other statutory procedures for example: a complaint by a member of staff (Grievance/Disciplinary Procedures), a complaint relating to the decision to exclude a pupil (Behaviour Policy), a complaint relating to a refusal to admit a child to the school (Admissions Policy), matters likely to require a child protection investigation (Safeguarding Policy), a complaint about a statutory assessment of special educational needs (SEND Policy), or a disclosure about suspected wrongdoing (Whistleblowing Policy).

Complaints from parents or carers of children with special educational needs (SEN) about the school's *support* for their child's needs (but not the statutory assessment) are within the scope of this policy and should be made, in the first instance, to the school's SEN Co-ordinator (SENCO) who will follow this procedure.

Complaints about services provided by other agencies or individuals using the school's premises or facilities should be directed to the provider concerned for consideration under their own procedures.

This complaints procedure complies with our duties under the Equality Act 2010.

Withdrawal of a Complaint

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

Confidentiality

All correspondence, statements and records relating to individual complaints will be kept confidential to the individuals concerned and the CEO of the Trust, except where the

Secretary of State or thier representative, or a body conducting an inspection under section 109 of the 2008 Act, requests access to them.

Any complaints made against individual members of staff will be treated as confidential and any disciplinary action taken against a member of staff as a result of a complaint will not be disclosed.

Complaints Procedure

It is our aim and expectation that complaints will be dealt with promptly, thoroughly and with fairness and courtesy at all stages and on all sides. Abusive, offensive or threatening behaviour will not be tolerated and may lead to the suspension of this procedure. Please see Appendix C for further details.

When responding to complaints, the Trust aims to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation and, where necessary, include an independent person or panel
- Address all the points at issue and provide an effective and prompt response
- Treat complainants with respect
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school and Trust improvement evaluation processes.

Stage One – Informal Stage

1. It is our belief and intention that parents, carers and others connected to the school should feel able to raise concerns informally in the first instance. If you are a parent or carer and have any concerns, your first point of contact should be your child's form tutor or, on a matter relating to support for special educational needs, the SENCO. If neither is appropriate for any reason, please contact the Head of House.
2. A Stage One complaint may be addressed to the Head of the Academy but it will normally be passed to the most appropriate person to deal with the complaint and the complainant will be kept informed of this.
3. A Stage One complaint about a member of the Trust's central team should be raised with the member of staff concerned.
4. Every effort will be made to resolve the complaint informally. An informal complaint should be resolved within 15 school days.
5. In certain circumstances the Head of Academy may decide to invoke the formal procedure immediately.

Stage Two – Formal Procedure

1. If you remain dissatisfied after speaking to and/or meeting informally with the relevant member/s of staff, a formal complaint may be made by completing the formal complaint form at Appendix A of this document and returning it with a covering letter to the Head of Academy if it is a school matter, or to the Deputy CEO (DCEO) if it is a complaint about a member/s of the central team. See Appendix B for contact details. Please see paragraphs 6-7 below for complaints about the Head of Academy, a governor/s, the CEO or a trustee/s.

2. If you need any help or support to complete the formal complaint form, please contact the Head of Academy's PA who will be able to advise you.
3. Within 5 school days, the Head of Academy or the DCEO will acknowledge receipt of the complaint and make arrangements to investigate it. Investigation may include the review of relevant documents and/or correspondence and interviews with connected parties.
4. Following the investigation, and within 15 school days of receipt of the initial complaint, the Head of Academy or DCEO will write a formal response to the complainant with the outcome of their investigation. A copy will be provided to the CEO of the Trust.
5. The complainant will be informed of how to appeal if they are not satisfied with the outcome of their complaint.
6. Any complaint about the Head of Academy or a governor of the school should be addressed to the Chair of the Governing Body, who will act in accordance with this procedure. If the Chair of the Governing Body is the subject of the complaint, it should be addressed to the Vice-Chair.
7. Any complaint about the CEO or the DCEO of the Trust or a trustee/s should be addressed to the Chair of the Trust Board who will act in accordance with this procedure. If the Chair of the Trust Board is the subject of the complaint, it should be addressed to the Vice-Chair of the Board.
8. In exceptional circumstances the Chair of the Board of Trustees may at their absolute discretion determine that a complaint against a Head of Academy or a member of the local governing body should be dealt with at board level and, if so determined, the Chair of the Board of Trustees will oversee Stage Two.

Stage Three: Appeal Hearing

1. Where the complainant remains dissatisfied with the Stage Two outcome of their complaint, they may request the complaint is dealt with at Stage Three. Any such request must be set out in writing to the Clerk to the Governors stating why the complainant remains dissatisfied and must be lodged within 10 school days of the complainant receiving the Stage Two response. Receipt of the appeal will be acknowledged within 5 school days. If the complaint was dealt with at Stage Two by the Chair or Vice-Chair of the Trust Board or the Chief Operating Officer, the appeal should be addressed to the Secretary of the Trust Board.
2. The Appeal Panel will consist of four members, two from the school's local governing body who have no connection with the issues under review, a member of the Board of Trustees and an independent external advisor not connected with the running and management of the school or any school in the Academy Trust. Any panel considering an appeal at Trust level will consist of two members of the

Trust Board who have no connection with the issues under review, one member of a local governing body and an independent external adviser.

3. Within 10 school days of receipt of the request to proceed to Stage Three, the Clerk to the Governors or the Secretary of the Trust will write to the complainant to:
 - i Suggest a date for the appeal hearing which shall be within 30 school days of receipt of the written request to proceed to Stage Three;
 - ii Invite the complainant to attend and be accompanied at the appeal hearing if they wish by a friend, but legal representation will not be allowed;
 - iii State that the complainant and the school and/or the Chief Executive Officer (CEO) will receive a written response from the Chair of the Appeal Panel stating the outcomes of the appeal hearing and the reasons for them, which shall be within 10 school days of the hearing.
4. The Clerk will invite the Head of Academy to make written submissions within 10 school days in response to the appeal. The Head of Academy or their nominee will attend the appeal hearing. If the complaint is about the Head of Academy or a governor, the Clerk will invite the individual to make a written submission and to attend the appeal hearing. If the complaint is about the CEO or a trustee, the Secretary of the Trust Board will invite the individual to make a written submission and will invite them to attend the appeal hearing.
5. The hearing is not a court case and will be as informal as circumstances allow. The complainant will have the opportunity to explain their complaint and reasons for dissatisfaction with the outcome so far but may not introduce aspects of the complaint or evidence that has not been put in writing to the appeal hearing. The Academy/Trust/individual against whom the complaint was made will have the opportunity to respond to the appeal. The complainant and the Academy/Trust/individual will be able to ask questions of each other in order to clarify the purpose of the appeal and aspects of the evidence. The Appeal Panel will ask questions and will consider all the evidence before it from the outset of the complaint. The complainant will have the opportunity to make final comments to the panel.
6. The Appeal Panel will decide whether the complaints procedure was properly adhered to and may:
 - i Uphold the complaint in whole or in part
 - ii Decide on any action to be taken as a result of the complaint
 - iii Make recommendations to the Academy or the Trust to ensure that similar complaints do not arise in future
 - iv Dismiss the complaint.

A copy of the Appeal Panel's findings and recommendations will:

- i Be provided to the complainant and, where relevant, the person/s complained about within 10 school days;

- ii Be available for inspection on the school premises by the Academy Trust, the Governing Body, the Academy Head and the CEO of the Trust.

Record-keeping

A written record will be kept for a minimum of six years of all formal complaints, the outcomes, and any actions taken. Any appeal hearing will be recorded in writing.

Attendance at an Appeal Hearing

The appeal hearing will proceed irrespective of whether or not the complainant and/or their representative attends. If the complainant fails to attend on the day without compelling reasons, the hearing will still proceed in their absence and the process will continue to its conclusion. Any further attempt to re-open the matter will be considered as falling under the serial/persistent complaint section as below.

Serial or persistent complainants

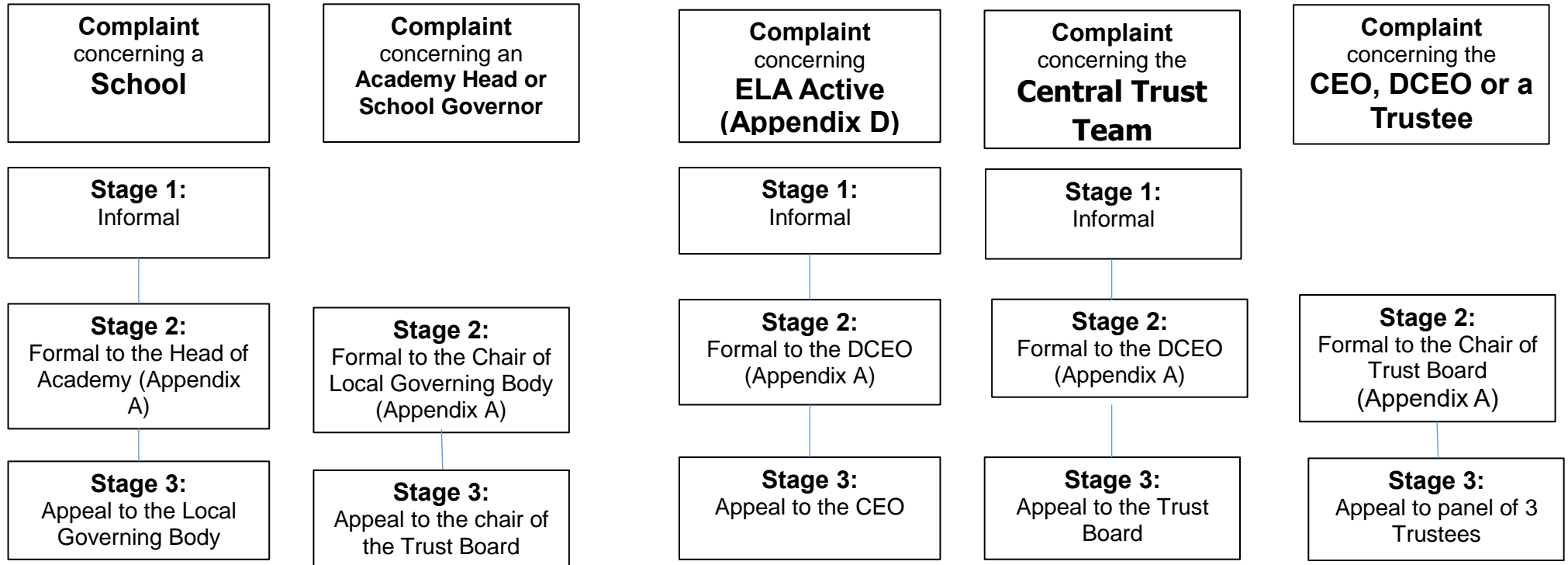
If at any level a complainant attempts to reopen an issue or a closely related issue that has already been dealt with under this complaints procedure, the Chair of the Academy/Trust may write to the complainant to inform him/her that the procedure has been exhausted and the matter closed, that continued correspondence on the same matter is vexatious and that the Academy/Trust will not respond to any further correspondence on this issue or a closely related issue. See Appendix C for further information on serial or persistent complaints.

Further Appeal

Under this complaints procedure there is no provision for further appeal within the Trust beyond Stage Three. Further courses of action available to complainants are:

- Complain to the Education and Skills Funding Agency/Department for Education. The website address is:
<https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy>
- Write to the Secretary of State for Education, Sanctuary Buildings, Great Smith Street, Westminster, London, SW1P 3BT.

Stages of the Complaints Procedure



APPENDIX A: Formal Complaint Form (Stage Two)

We are sorry if you feel that your concerns have not been satisfactorily addressed by informal means within the school or the Trust. Please consider whether talking to another member of staff or governor might help to resolve the issue before taking this step of registering a formal complaint.

If you would still like to proceed with a formal complaint, please complete this form and return it with any further relevant documentation to the appropriate person specified in paragraph 1, 6 or 7 of the Stage Two section of this procedure.

Your Name:	
Student's name (if applicable)	
Your relationship to the student	
Full postal address	
Daytime telephone number	
Evening telephone number	
Email address	
Please give full details of your complaint, using a separate page if necessary. Please be specific about dates, times etc.	

<p>What action, if any, have you already taken to try to resolve your complaint? Who did you contact and what was the response?</p>	
<p>What actions do you feel might resolve the problem at this stage?</p>	
<p>Are you attaching any paperwork? If so, please give details.</p>	

Signature:

Date:

OFFICIAL USE

Date acknowledgement sent:

By whom:

Complaint referred to:

APPENDIX B: Contact Details

The formal complaint form (Appendix A) should be returned to the appropriate person (see Stage Two of the procedure) at the address below by post or email.

Head of Academy
Chesterton Community College
Gilbert Road
Cambridge
CB4 3NY

Email: dhubbard-young@ccc.tela.org.uk

Head of Academy
Downham Market Academy
Bexwell Road
Downham Market
PE38 9LL

Email: meastwood@dma.tela.org.uk

Head of Academy
Impington Village College
New Road
Impington
CB24 9LX

Email: vhearn@ivc.tela.org.uk

Head of Academy
Witchford Village College
Manor Road
Witchford
CB6 2JA

Email: bowen@wvc.tela.org.uk

Headteacher
Girton Glebe Primary School
Cambridge Road
Girton
CB3 0PN

Email: aspencer@gg.tela.org.uk

Head of Academy
The Cavendish School
c/o Girton Glebe Primary School
Cambridge Road
Girton
CB3 0PN

Email: ssmith@tcs.tela.org.uk

Chief Executive Officer
Eastern Learning Alliance
New Road
Impington
CB24 9LX

Email: lscott@tela.org.uk

Deputy CEO
Eastern Learning Alliance
New Road
Impington
CB24 9LX

Email: rkelsall@ivc.tela.org.uk

Chair of Trust Board
Eastern Learning Alliance
New Road
Impington
CB24 9LX

Email: mrigby@tela.org.uk

Secretary for the trust board
Jbickley@tela.org.uk

Clerk to Governors
Chesterton Community College
sizzard@ccc.tela.org.uk

Downham Market Academy
Ngill-price@dma.tela.org.uk

Impington Village College
jgreenway@ivc.tela.org.uk

WitchfordVillage College
kmajor@wvc.tela.org.uk

Girton Glebe Primary School
Katie.tween@cambridgeshire.gov.uk

The Cavendish School
lilcoln@tcs.tela.org.uk

APPENDIX C: Policy for managing serial and unreasonable complaints

Eastern Learning Alliance 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 schools. 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.

Eastern Learning Alliance 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 or the Trust, 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 complaint 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 ESFA/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/Trust 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 Head of Academy or Chair of Governors/Trust Board will discuss any concerns with the complainant informally before applying an '*unreasonable*' marking.

If the behaviour continues, the Head of Academy/CEO will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact Eastern Learning Alliance 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 or all of the schools within the Trust.

APPENDIX D: Complaints concerning ELA Active

Stage One: Informal

1. It is our belief and intention that parents, carers and others connected to the school or Trust should feel able to raise concerns informally in the first instance. Informal complaints or concerns about ELA Active should be raised directly with the member of staff concerned.
2. If the complaint has been made in writing to the Deputy CEO (DCEO) it will normally be passed to the most appropriate person to deal with the complaint and the complainant will be kept informed of this.
3. Every effort will be made to resolve the complaint informally. An informal complaint should be resolved within 15 working days.
4. In certain circumstances the DCEO may choose to treat the complaint as a formal complaint and invoke the formal procedure (Stage 2).

Stage Two: Formal Complaint

1. If the complaint is not resolved at Stage 1, the complainant should inform the DCEO in writing about their complaint using the Complaint Form (Appendix A). This should be sent to the DCEO using the contact details in Appendix B.
2. The complainant will receive written acknowledgement of their complaint within five working days.
3. The DCEO will investigate the complaint which may include reviewing relevant documents and interviewing related parties. The DCEO may delegate responsibility for conducting the investigation to another member of staff.
4. Following the investigation, and within 15 working days of receipt of the initial complaint, the DCEO will write a formal response to the complainant with the outcome of the investigation. A copy will be provided to the CEO of the Trust.
5. The complainant will be informed of how to appeal if they are not satisfied with the outcome of their complaint.

Stage Three: Review Panel

1. If the complainant remains dissatisfied with the Stage Two outcome, they may request that the complaint is dealt with at Stage Three. Any such request should be set out in writing to the Chief Executive Officer (CEO) stating why the complainant remains dissatisfied and must be lodged within 10 working days from the date of the complainant receiving the Stage Two response. The CEO will acknowledge receipt of the request within five working days. Contact details for the CEO are set out in Appendix B.
2. The Appeal Panel will consist of a minimum of 3 people and will include the CEO and at least one other ELA Active Director. The Panel may not include any Trust employee or any governor or trustee who has had a prior involvement in the complaint or in any matter which is the basis of the complaint.

3. Within 10 working days of receipt of the request to proceed to Stage Three, the CEO will respond in writing to the complainant to:
 - i Suggest a date for the appeal hearing which shall be within 30 working days of receipt of the written request to proceed to Stage Three;
 - ii Invite the complainant to attend and be accompanied at the appeal hearing if they wish by a friend, but legal representation will not be allowed;
 - iii State that the complainant will receive a written response from the Chair of the Appeal Panel stating the outcomes of the appeal hearing and the reasons for them, which shall be within 10 working days of the hearing.
4. The CEO will invite the DCEO to submit written submissions in response to the appeal within 10 working days. The DCEO or their nominee will attend the appeal hearing. If the complaint is about the DCEO, a director or a member of staff, the CEO will invite the individual to make a written submission and to attend the appeal hearing.
5. The panel will have access to the existing record of the complaint's progress. The CEO is responsible for making sure that the panel is properly minuted.
6. The hearing is not a court case and will be as informal as circumstances allow. The complainant will have the opportunity to explain their complaint and reasons for dissatisfaction with the outcome so far but may not introduce aspects of the complaint or evidence that has not been put in writing to the appeal hearing. The Trust/the individual against whom the complaint was made will have the opportunity to respond to the appeal. The complainant and the Trust/individual will be able to ask questions of each other in order to clarify the purpose of the appeal and aspects of the evidence. The Appeal Panel will ask questions and will consider all the evidence before it from the outset of the complaint. The complainant will have the opportunity to make final comments to the Panel.
7. The Appeal Panel will decide whether the complaints procedure was properly adhered to and may:
 - i Uphold the complaint in whole or in part
 - ii Decide on any action to be taken as a result of the complaint
 - iii Make recommendations to the Trust to ensure that similar complaints do not arise in future
 - iv Dismiss the complaint.

A copy of the Appeal Panel's findings and recommendations will be:

- i Be provided to the complainant and, where relevant, the person/s complained about within 10 working days;
- ii Be available for inspection on the ELA Active premises by the Trust, the ELA Board and the CEO of the Trust.