



## Abbey Court School Trust

### **COMPLAINTS PROCEDURE POLICY**

#### **INTRODUCTION**

This procedure outlines the steps to ensure all complaints are investigated speedily, efficiently and fairly, and that each individual case is given proper consideration.

This procedure is designed to offer a clearly understood route through which complaints may be properly investigated.

Our Trust Complaints Procedure is available at the school office for parties to request at any time.

#### **GENERAL PRINCIPLES**

Complaints about the Trust should be made directly to the Trust in all circumstances. (The Local Authority does not have the remit to hear complaints about the Trust)

Should a complaint exhaust the Trust's procedure, you may seek guidance on the Charity Commission website <https://www.gov.uk/complain-about-charity>. See Appendix 3 on how to take the complaint further to the correct authorities.

It is the responsibility of the person receiving the complaint to explain the procedure and, as necessary, to redirect the complainant to the appropriate point of responsibility. For this reason all Trustees at Abbey Court School Trust are made aware of the procedure.

A complainant is able to withdraw his or her complaint at any stage of the procedure. (The Trust's complaints procedure must not be overruled or circumvented.)

#### **VEXATIOUS COMPLAINTS**

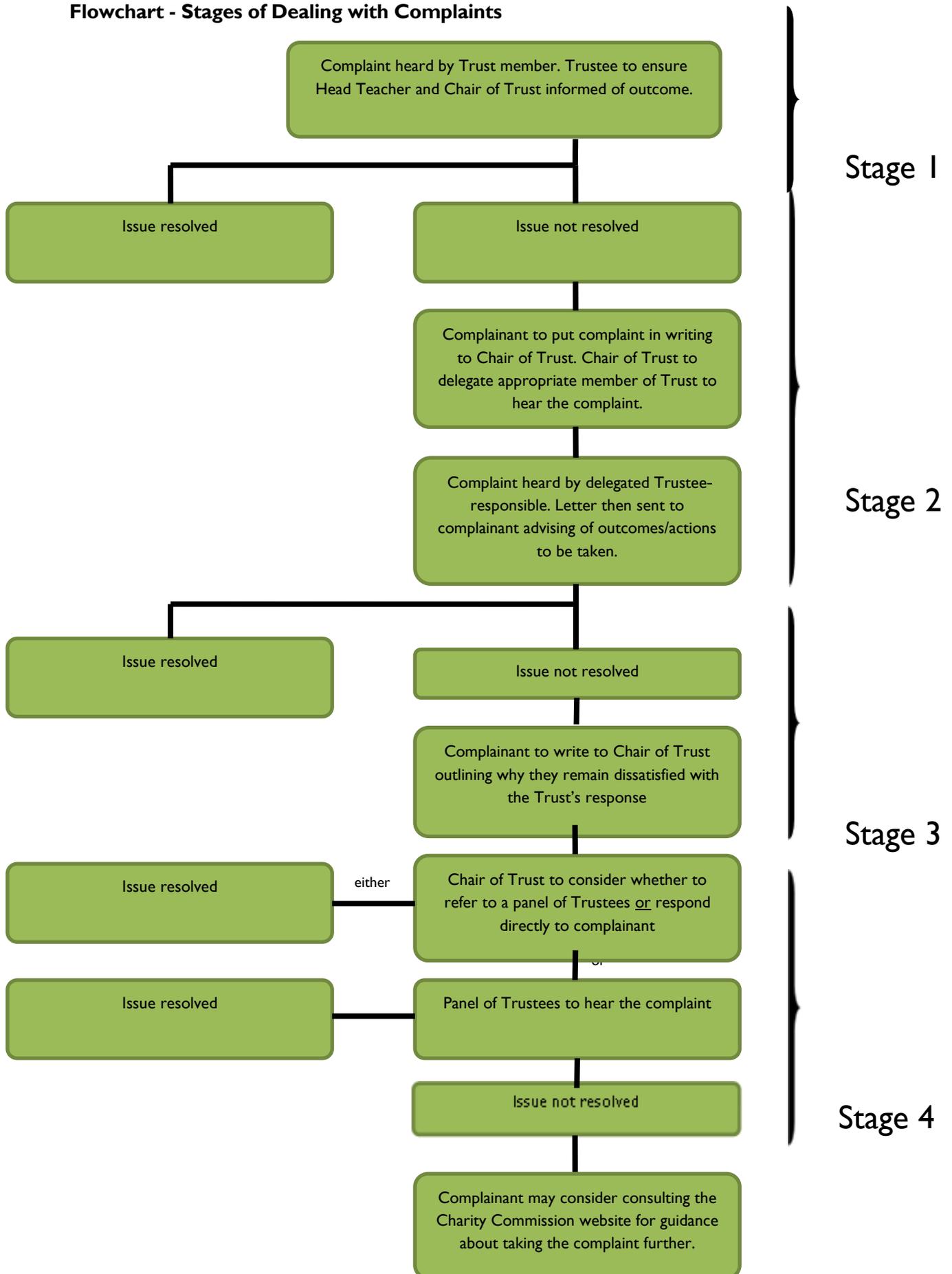
If, despite all stages of the procedures having been followed, the complainant remains dissatisfied, and seeks to reopen the same issues the Chair of the Trust may inform the complainant in writing that the procedure has been exhausted and that as far as the Trust is concerned, the matter is closed.

Persistent complaints may become vexatious or may be regarded as harassment, particularly if the matter is pursued in a way intended to cause personal distress rather than seeking a resolution. In these instances this procedure should be read in conjunction with Appendix 1 Vexatious or Persistent Complaints policy.

## COMPLAINTS PROCEDURE

The Trust's complaints procedure is illustrated in the following diagram:

### Flowchart - Stages of Dealing with Complaints





PERSISTANT OR VEXATIOUS COMPLAINTS

I. What do we mean by a 'persistent or vexatious complainant'?

A persistent or vexatious complainant may be anyone who engages in unreasonable behaviour when making a complaint. This will include parents and carers who pursue complaints in an unreasonable manner.

Unreasonable behaviour may include:

- actions which are out of proportion to the nature of the complaint, persistent – even when the Complaints Procedure has been exhausted – personally harassing, (eg. repeated e-mails and phone calls), unjustifiably repetitious

and/or

- an insistence on pursuing unjustified complaints and/or unrealistic outcomes to justified complaints

and/or

- an insistence on pursuing justifiable complaints in an unreasonable manner (eg using abusive or threatening language; making complaints in public; refusing to attend appointments to discuss the complaint).

- Repetitious complaints where the complainant has no view about what would satisfy him/her and/or resolve the complaint

2. What is 'harassment'?

We regard harassment as the unreasonable pursuit of issues or complaints, particularly if the matter appears to be pursued in a way intended to cause personal distress rather than seek a resolution.

Behaviour will fall within the scope of this policy if:

- it appears to be deliberately targeted over a significant period of time at one or more members of school staff, without good cause;
- the way in which a complaint or other issues is pursued (as opposed to the complaint itself) causes ongoing distress to school staff;
- it has a significant and disproportionate adverse effect on the school community.

### 3. What can you expect of the Trust?

Anyone who raises informal or formal issues and complaints with the Trust can expect the Trust to:

- keep in touch regularly in writing concerning:
  - how and when problems can be raised with the Trust
  - provision of details of the Trust's Complaints Procedure
  - provision of details of the school's Vexatious/Persistent Complaints Policy;
- respond within reasonable time;
- be available for consultation within a reasonable time limit, bearing in mind the voluntary commitment of the Trustees;
- respond with courtesy and respect;
- attempt to resolve problems using reasonable means in line with the Trust's Complaints Procedure;
- keep those involved informed of progress.

Full details relating to how the Trust will respond to complaints are set out in the Trust's Complaints Procedure.

### 4. What the Trust expects of you

We expect anyone who wishes to raise problems with the Trust to:

- treat all Trustees with courtesy and respect;
- avoid the use of violence (including threats of violence) towards people or property;
- recognise the time constraints under which members of Trust work and allow the ~~school~~ Trust a reasonable time to respond to a complaint;
- recognise that resolving a specific problem can sometimes take some time;
- follow the Trust's complaints procedure, including this Vexatious or Persistent Complaints Policy where circumstances justify this.

### 5. Trust's responses to persistent complaints or harassment

This appendix is intended to be used in conjunction with the Trust's Complaints Procedure. Taken together, these documents set out how each school will always seek to work with parents, carers and others with a legitimate complaint to resolve a difficulty.

However, in cases of persistent complaints or harassment, the Trust may take any or all of the following steps, as necessary:

- inform the complainant informally that her/his behaviour is now considered by the school Trust to be unreasonable or unacceptable, and request a changed approach;
- inform the complainant in writing that the Trust considers his/her behaviour to fall under the terms of the Vexatious or Persistent Complaints Policy;
- require all future meetings with a member of the Trust to be conducted with a second person present. In the interests of all parties, notes of these meetings may be taken;
- inform the complainant that, except in emergencies, the Trust will respond only to written communication.

#### 6. Physical or verbal aggression

The Trust will not tolerate any form of physical or verbal aggression against Trustees.

If Trustees are subject to this type of aggression the school/Trust may:

- ban the individual from entering the school site, with immediate effect;
- request an Anti-Social Behaviour Order (ASBO);
- prosecute under Anti-Harassment legislation.

Legitimate new complaints will always be considered, even if the person making them is (or has been) subject to the Vexatious or Persistent Complaints Policy.

## **Trust Complaints Panel Procedure**

When a complainant is not satisfied with the response from the Trust regarding their complaint they are entitled to take their complaint to the full Trust, via the Chair of Trust:

The Chair of Trust will consider a complaints panel hearing. Should a hearing be convened, three Trustees will be selected to form the panel to consider the complaint. (The Trustees should ideally have no knowledge of the details surrounding the complaint.)

### **The remit of the Complaints Panel**

The panel can:

- 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 Trust's procedures to ensure that problems of a similar nature do not recur.

It is important that the appeal hearing is independent and impartial and that it is seen to be so. No Trustee may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.

The aim of the panel will be to resolve the complaint and achieve reconciliation between the ~~school~~ Trust and the complainant. However, it has to recognised the complainant might not be satisfied with the outcome if the panel does not find in their favour.

It may only be possible to establish the facts and make recommendations, which will satisfy the complainant that his or her complaint has been taken seriously.

### **The Procedure**

- The complainant writes to the chair of Trust within ten school days after receipt of the letter from school, providing full details of the complaint and enclosing any additional evidence
- The chair or nominated Trustee will consider the complaint including whether or not to form a Trustee complaints panel.
- The clerk will write to the complainant outlining the procedure to be followed, ie. If a panel is to be convened.
- The clerk will advise the complainant and Chair of the Trust that any written documentation they wish the panel to consider will need to be submitted in time for distribution of the documents to the panel members at least 5 days prior to the hearing.
- The panel meeting should be held within 20 school days, be minuted, and copies of all relevant correspondence and notes should be kept on file by the clerk.

### **Roles and responsibilities**

#### The nominated Trustee role

- Notify the clerk to arrange the panel
- Check that correct procedures are followed

## The role of the Clerk

The clerk is the contact point for the complainant and is required to:

- Set the time and venue of the panel meeting, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- Collate all written material and circulate it as necessary in advance of the hearing;
- Record the proceedings
- Notify all parties of the panel's decision

## The Role of the Chair of the Panel

The Chair of the Panel has a key role, ensuring that:

- The remit of the panel is clear to the parties involved
- The Trust and the complainants case is presented
- The issues are addressed
- Key findings of facts are made
- The hearing is conducted in an informal manner
- The panel is open minded and acting independently
- No member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- The written material is seen by all parties
- The complainant is notified in writing of the panel's decision and of any further steps that can be taken if the complainant remains dissatisfied.

## **The decision making process**

The committee should consider a decision based on the information and evidence presented to them. It should decide whether or not to uphold the complaint, suggest any actions, which may be taken to resolve the complaint and consider whether it would be appropriate to suggest a review of any school policies in light of issues raised in the course of the complaint. The panel should reach a unanimous or majority decision on the complaint.

The chair of the panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response.

## **Vexatious Complaints**

If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to re-open the same issue, the chair of the Trust should inform them in writing that the procedure has been exhausted and that the matter is now closed (see Appendix 1).

### **Complain about a charity**

Complain to the charity directly unless you suspect illegal activity, like terrorism or abuse.

Contact the police on 101 if you suspect illegal activity.

### **Taking a complaint further**

Contact the regulator if you're unhappy about how the charity deals with your complaint.

### **Fundraising complaints**

Contact the Fundraising Regulator to complain about:

- the way you've been asked for donations
- how fundraisers have behaved

You can also complain on behalf of someone else.

### **Advertising complaints**

Contact the Advertising Standards Authority to complain about:

- an advertising campaign you think is offensive, deceptive or inaccurate
- the amount of emails or mail you get from a charity

You can change how often you get emails, phone calls, texts or post from a charity using the Fundraising Preference Service.

### **Other serious complaints**

Report serious concerns to the Charity Commission, for example if a charity is:

- not doing what it claims to do
- losing lots of money
- harming people
- being used for personal profit or gain
- involved in illegal activity

### **Responsibilities of trustees and auditors**

Report serious incidents to the Charity Commission if you're a trustee of a charity in England or Wales.

Auditors must report any financial irregularities to the Charity Commission when examining a charity's accounts.

Read the guidance for trustees on reporting serious incidents.

### **Charity employees with serious complaints**

You can report suspected wrongdoing in any organisation you work for by making a [whistleblowing complaint](#).

Email the Charity Commission if you're in England or Wales.

**Charity Commission - whistleblowing** [whistleblowing@charitycommission.gsi.gov.uk](mailto:whistleblowing@charitycommission.gsi.gov.uk)

Read about how the Charity Commission [deals with a whistleblowing complaint](#).