

## Complaints Policy & Procedure

### 1 Aims and application

1.1 The aims of the procedure are to deal with complaints and concerns:

- about a school, the academy trust ("Trust") or any individual connected with it by following the correct procedure;
- thoroughly; and
- in an open, honest and fair manner.

1.2 This complaints procedure is not limited to parents or carers of children who are registered at one of the schools within the Trust. Any person, including members of the public, may make a complaint to an individual school within the Trust, or the Trust itself, about any provision of facilities or services that we provide. Part 1 of this policy outlines how parents/carers of registered students currently attending schools within the Trust can raise a concern or complaint. Concerns or complaints from other persons will be dealt with in accordance with Part 2 of this policy.

1.3 This procedure does not apply to concerns and complaints relating to the matters listed in Annex 1.

1.4 Anonymous concerns or complaints will not normally be investigated under this procedure. The person as appropriate to the focus of the complaint will determine whether there are exceptional circumstances to justify conducting an investigation into the issues raised.

1.5 All staff will be made aware of this complaints procedure and are expected to review this policy regularly in order that they are familiar with our process of dealing with complaints and can be of assistance when an issue is brought to their attention.

1.6 In this procedure:

- "complaint" means an expression of dissatisfaction however made, about actions taken or a lack of action;
- "concern" means an expression of worry or doubt over an issue considered to be important for which reassurances are sought;
- "meeting" and "hearing" means an in person or virtual meeting or hearing (i.e. telephone or video conference where all parties can participate verbally), virtual meetings/hearings will only be held if all parties have access to appropriate equipment to attend and are happy to do so;
- "parent" means a biological parent, carer or anyone who has parental responsibility or care for a child;
- "school days" excludes weekends and school holidays and periods of partial or total school closure;
- "student" refers to all students being educated or on site at any one of the schools within the Trust.

- “school” refers to all schools within the Trust.
- ‘Trust’ means Ivy Education Trust.

- 1.7 The timeframes referred to in this policy are our usual timeframes and the school will seek to adhere to these timeframes where possible.
- 1.8 Reasonable adjustments will be made to this procedure where required to ensure that all complainants can access and complete this complaints procedure. For example, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

## 2 Key principles

**A guide to support parents and carers to resolve concerns quickly, easily and positively with their school may be found here [Parent Complaint Guide](#). This link is also available on our websites.**

- 2.1 The Trust acknowledges that raising concerns or complaints can be a difficult, emotional and stressful time, particularly for parents or carers. We expect our staff to always be respectful and courteous when dealing with you. We also expect you to treat our staff with the same respect and courtesy. We will not accept abusive and threatening behaviour towards our staff from anybody at any time. In circumstances where this happens the Trust will take the action outlined in Part 3 of this policy.
- 2.2 The Trust expects all complainants to make reasonable attempts to seek an informal resolution. This will usually be the most effective way to swiftly resolve any concerns.
- 2.3 The Trust encourages parents and others to approach the school with any concerns and refrain from airing concerns about the school and its staff on social media sites. Posting negative comments on social media can cause damage and upset and is often counter-productive to student education.
- 2.4 To investigate your complaint properly and fairly, we have implemented a staged approach. We anticipate that almost all complaints that arise will be resolved at Stage 1 or Stage 2 outlined below.
- 2.5 We expect our members of staff to be addressed in a respectful manner and for communication to remain calm at all times. The procedure under Part 3 will only be used on very rare occasions to deal with repetitious and/or vexatious complaints or complaints pursued in an otherwise unreasonable manner.
- 2.6 Concerns or complaints should be brought to our attention as soon as possible. Any matter raised more than 3 months after the incident being complained of (or, where a series of associated incidents have occurred, within 3 calendar months of the last of these incidents) will not be considered unless the person as appropriate to the focus of the complaint accepts that there are good reasons to explain the delay or the complaint is about a particularly serious matter.
- 2.7 Where a complaint is received outside of term time, we will consider it to have been received on the first school day following the holiday period.
- 2.8 On rare occasions a school or the Trust may receive complaints from a number of individuals relating to the same issue. In order to deal with these complaints efficiently the school/Trust will follow the procedure set out in Part 4.
- 2.9 If it becomes necessary to alter the time limits and deadlines set out within this procedure, you will be advised accordingly and given an explanation as to why this has been the case and provided with revised timescales. If other bodies are investigating aspects of the complaint, for example the police, local authority safeguarding teams or tribunals/courts, 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. Where a complaint is raised but we do not have clarity from the

complainant on the issues and/or desired outcomes, we will inform the complainant what information we need to progress the complaint and pause this procedure until reasonable clarity is achieved.

- 2.10 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 prevent them from considering complaints at later stages.
- 2.11 If a complainant commences legal action against the Trust in relation to their complaint, we will consider whether it would be appropriate to suspend the complaints procedure until those legal proceedings have concluded.
- 2.12 If a complainant wishes to withdraw their complaint, we will ask them to confirm this in writing.

### 3 Records of complaints

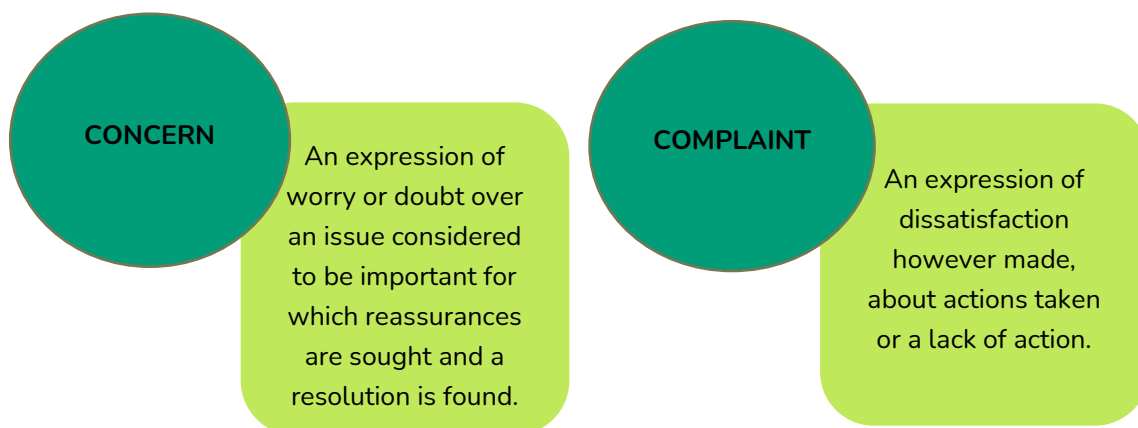
A record will be kept of all written formal complaints, including at what stage they were resolved and action taken by us as a result of those complaints regardless of whether they were upheld. Correspondence, statements and records relating to individual complaints will be kept confidential except where:

- access is requested by the Secretary of State;
- disclosure is required in the course of a school inspection;
- an individual has a legal right to access their own personal data contained within such documentation; or
- under other legal authority.

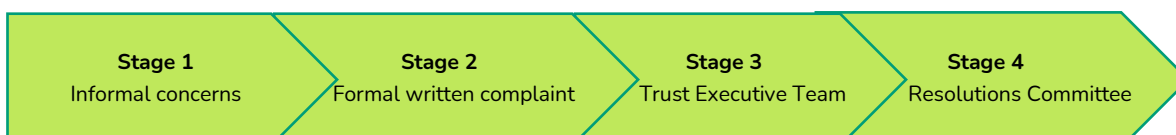
We will make the findings and recommendations of the Resolutions Committee available for inspection on the school premises by the Trust and the Headteacher.

### 4 The difference between a concern and a complaint

Our trust and its schools take concerns seriously and will make every effort to resolve the matter as quickly as possible, in everyone’s interests. Many issues can be resolved informally, a conversation held with the school can often facilitate resolution prior to the complaints procedure being enacted.

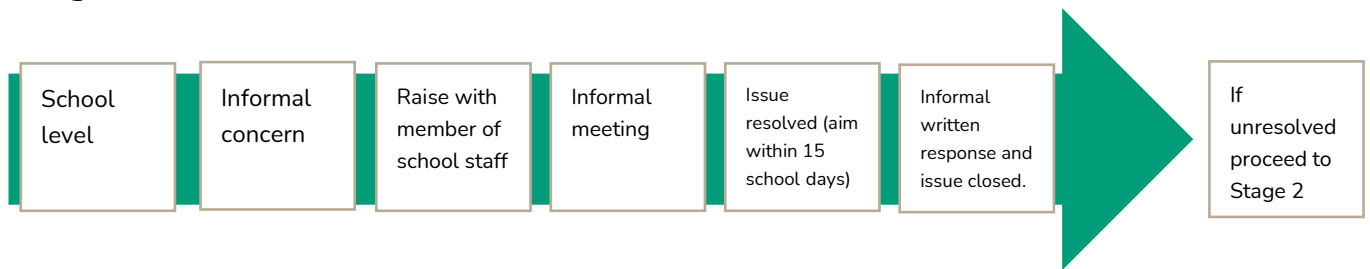


### 5 Stages of raising a concern or making a complaint to our trust



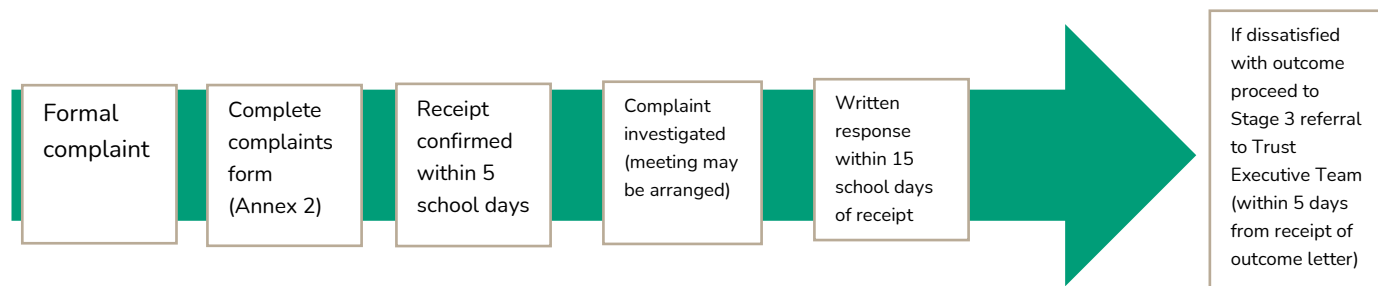
# Part 1: Complaints procedure for parents

## Stage 1: Informal concerns



- 1.1 An informal concern can be raised in person, by email or by telephone. Concerns may also be raised by a third party acting on behalf of a parent, if they have appropriate authority to do so. Most enquiries and concerns can be dealt with satisfactorily by the class teacher, the Head of Year or other members of staff without the need to resort to the formal procedure. We value informal meetings and discussions and encourage parents to approach staff with any concerns they may have, and aim to resolve all issues with open dialogue and mutual understanding.
- 1.2 It is always helpful if you can fully explain the nature of the concern and identify the outcome you are looking for. Where appropriate, you may be invited to an informal meeting with the member of staff most appropriate for dealing with that concern. The member of staff dealing with the concern will make sure that you are clear on what action (if any) has been agreed. This may be put in writing if appropriate.
- 1.3 If the matter is brought to the attention of the Headteacher they may decide to deal with your concerns directly at this stage. If the concerns are about the school leadership, they should be referred as follows:
  - i) Headteachers of primary schools should be referred to the Director of Primary Education.
  - ii) Headteachers of secondary schools and the Director of Primary Education should be referred to the Executive Director of Education.
  - iii) Executive Director of Education and Trust Executive Team should be referred to the CEO of the Trust.
- 1.4 The school will respect the views of a parent who indicates that they would have difficulty discussing a concern with a particular member of staff. In this case, the Headteacher will refer the parent to another designated member of staff. Similarly, if the member of staff directly involved in the circumstances leading to the concern feels the same, the Headteacher may consider referring the parent to another member of staff.
- 1.5 Staff members should log all informal concerns on the school management information system and inform the Headteacher of any serious concerns.
- 1.6 There is no suggested timescale for resolution at this stage given the importance informal discussion, although it would be expected that most issues will be resolved within 15 school days. Where no satisfactory solution has been found, you will be advised that if you wish your concerns to be considered further you should write to the appropriate person (as per 1.3) under Stage 2 of this procedure within 15 school days.

## Stage 2: Formal written complaints



- 2.1 If your concerns are not resolved under Stage 1, you are entitled to put your complaint in writing and send this to the Headteacher of the relevant school (or the appropriate person as listed under 1.3 above). Please use “complaint” as the subject of your email or mark it clearly on your letter.
- 2.2 It is very important that you describe your complaint clearly and include a clear statement of the actions that you would like us to take to resolve your complaint. We strongly encourage you to use the Complaint Form provided at Annex 2 of this procedure. If you require help in completing the form, please contact the school office. You can also ask third party organisations like the Citizens Advice to help you. In all cases your written complaint must include:
  - the nature of the complaint;
  - details of how the matter has been dealt with so far;
  - the names of potential witnesses, dates and times of events and copies of all relevant documents; and
  - a clear statement of the actions that you would like us to take to resolve your complaint.
- 2.3 Your complaint will normally be acknowledged in writing within 5 school days of receipt. The acknowledgement will give a brief explanation of the Trust’s complaints procedure and a target date for providing a response to the complaint. This will normally be within 15 school days of receipt.
- 2.4 If appropriate, the Headteacher (or someone appointed by them) may invite you to a meeting to clarify your complaints and to explore possible resolutions. If you accept that invitation, you may be accompanied by one other person, such as a friend, relative or interpreter, to assist you. Where possible, this meeting will take place within 10 school days of receipt of the written complaint.
- 2.5 If necessary, witnesses will be interviewed and statements taken from those involved. If the complaint centres on a student, the student will usually be interviewed. Students will normally be interviewed with their parent present, but if this would seriously delay the investigation of a serious or urgent complaint or if the student has specifically said that they would prefer that their parents were not involved, another member of staff with whom the student feels comfortable will be present. If the matter includes a complaint relating to a member of staff, the member of staff will have the opportunity to respond to the complaint.
- 2.6 Once the relevant facts have been established as far as possible, you will be provided with a written response to the complaint, including an explanation of the decision and the reasons for it. This will include what action will be taken to resolve the complaint (if any). You will be advised that if you are dissatisfied with the outcome of the complaint, you may request that your complaint be referred to the Trust Executive Team under Stage 3 of this procedure.
- 2.7 The Trust may engage an independent, external person to carry out the investigation into the Stage 2 complaint or to review the investigation and response at Stage 2. This may be appropriate where the complaint is particularly complex or involves legal issues.

**Q. What if the complaint is about the Headteacher or a member of the Trust Executive Team?**

In these cases, your complaint should be sent to the appropriate person as follows:

- i) Headteachers of primary schools should be referred to the Director of Primary Education.
- ii) Headteachers of secondary schools and the Director of Primary Education should be referred to the Executive Director of Education.
- iii) Executive Director of Education and Trust Executive Team should be referred to the CEO of the Trust.

**Q. What if your concern has already been considered under Stage 1?**

Your complaint should be referred to Stage 2.

**Q. What if the complaint is about a Governor on the Local Governing Body (LGB)?**

Complaints about the Chair of Governors, any individual governor, or the whole Local Governing Body should be addressed to the Local Governance Officer (LGO) via the school office or to the appropriate clerk email address which may be found on the school's website. Please mark them as Private and Confidential. The LGO will contact the Trust Governance Officer (TGO) to discuss arrangements for another governor or trustee (as applicable) to investigate the concerns in accordance with Stage 2.

If the complaint is about the Local Governance Officer you should send your complaint to the Trust Governance Officer/Chair of Governors c/o Ivy Education Trust, Exeter Road, Teignmouth, Devon TQ14 9HZ, gaby.willis@ivyeducationtrust.co.uk who will then determine the most appropriate action with regards to Stage 2 and Stage 3.

**Q. What if the complaint is about the Chief Executive Officer (CEO)?**

If the complaint is about the Chief Executive Officer (CEO) of the Trust your complaint should be sent to the Trust Governance Officer/Chair of Trust Board c/o Ivy Education Trust, Exeter Road, Teignmouth, Devon TQ14 9HZ, email: gaby.willis@ivyeducationtrust.co.uk who will arrange for a Trustee to carry out all the Stage 2 procedures.

**Q. What if the complaint is about a Trustee or a Member of the Trust?**

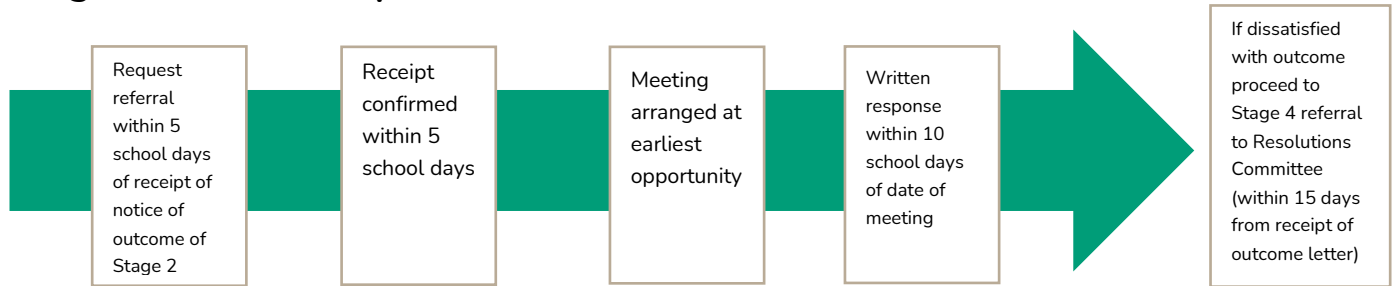
You should contact the Trust Governance Officer c/o Ivy Education Trust, Exeter Road, Teignmouth, Devon TQ14 9HZ, email: gaby.willis@ivyeducationtrust.co.uk who will arrange for another trustee to investigate the concerns in accordance with Stage 2.

If the complaint is about the Trust Governance Officer, your complaint should be sent to the Chair of Trustees c/o the CEO, Ivy Education Trust, Exeter Road, Teignmouth, Devon, TQ14 9HZ.

If your complaint is about the Trust Board as a whole, you should send your complaint to the Trust Governance Officer gaby.willis@ivyeducationtrust.co.uk who will arrange for the matter to be independently investigated.

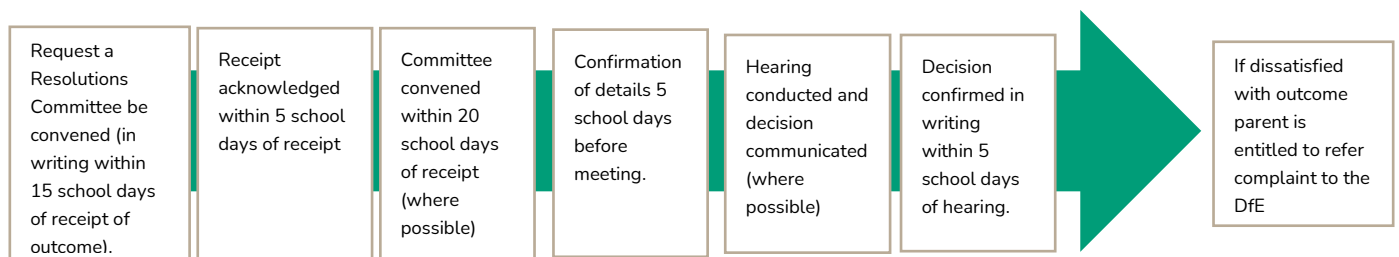
Please be aware that where your complaint relates to an employee a copy of the complaint may be shared with them in order to investigate the issues raised.

## Stage 3: Formal Complaints - Referral to the Trust Executive Team



- 3.1 If you are dissatisfied with the decision under Stage 2, you may request that your complaint be referred to the Executive Team of the Trust. Consideration will principally be given to how the complaint was handled at the previous stages but the Executive Team has discretion to review other aspects of the complaint as they see fit. The Executive Team 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.
- 3.2 To refer your complaint to the Trust Executive Team, you should write to the Executive Assistant to the CEO at Ivy Education Trust, Exeter Road, Teignmouth, Devon, TQ14 9HZ, email: [jennifer.sweet@ivyeducationtrust.co.uk](mailto:jennifer.sweet@ivyeducationtrust.co.uk) within 5 school days of receiving notice of the outcome of stage 2. Requests outside this timeframe will only be considered if exceptional circumstances apply. You should ensure that you provide copies of all relevant documents and state all the grounds for your complaint and the outcome that you are looking for.
- 3.3 Your written request will be acknowledged within 5 school days of receipt.
- 3.4 The Executive Assistant to the CEO will endeavour to arrange for a meeting to take place with an appropriate member/s of the Executive Team at the earliest possible opportunity and you will receive a written response within 10 school days of the date of your meeting.

## Stage 4: Formal Complaints - Referral to the Resolutions Committee



- 4.1 If you are dissatisfied with the decision under Stage 3, you may request that a Resolutions Committee be convened to consider your complaint. The Resolutions Committee will principally consider how the complaint was handled at the previous stages but has discretion to review other aspects of the complaint as it sees fit. The Resolutions Committee 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.
- 4.2 To request a hearing before the Resolutions Committee, you should write to the Trust Governance Officer at Ivy Education Trust, Exeter Road, Teignmouth, Devon, TQ14 9HZ, Email: [gaby.willis@ivyeducationtrust.co.uk](mailto:gaby.willis@ivyeducationtrust.co.uk) within 15 school days of receiving notice of the outcome of Stage 3. Requests received outside of this time frame will only be considered if exceptional circumstances apply. You should ensure that you provide copies of all relevant documents and state all the grounds for your complaint and the outcome that you are looking for.

- 4.3 Your written request will be acknowledged within 5 school days of receipt.
- 4.4 The Trust Governance Officer will arrange for a Resolutions Committee to be convened, made up of at least three committee members, including:
- Governors of a local governing body and/or trustees of the Trust (as appropriate) with no prior involvement in the matter; and,
  - one person who is independent of the management and running of the school/Trust (this may be a governor from another school within the Trust, a governor from another local school, or an educational professional who has no link to the school).
  - the Trust Governance Officer shall appoint one of these committee members to be the Chair of the Resolutions Committee.
- 4.5 Every effort will be made to enable the hearing to take place within 20 school days of the receipt of your request. As soon as reasonably practicable and in any event at least 5 school days before the hearing, you will be sent written notification of the date, time and place of the hearing, together with brief details of the committee members who will be present. Fair consideration will be given to any bona fide objection to a particular member of the Resolutions Committee. You will also be informed of the name of the person who will be presenting the case on behalf of the school/Trust (referred to in this policy as the 'school/Trust representative'). This may be the person who is the subject of the complaint, the person who undertook the investigation at Stage 2, a member of the Trust Executive Team and/or another person with sufficient knowledge of the matter.
- 4.6 If, despite best efforts, it is not possible to find a mutually convenient date and time for a hearing within a reasonable timeframe, the Trust Governance Officer may determine that the hearing proceeds on the basis of written submissions from both parties.
- 4.7 You have the right to be accompanied to the hearing by a friend, relative or interpreter. You should notify the Trust Governance Officer in advance if you intend to bring anyone to the hearing. We do not encourage either party to bring legal representatives to the Resolutions Committee hearing. Representatives from the media are not permitted to attend. The Resolutions Committee itself may take legal advice and/or be supported by a legal advisor at the hearing on matters of law and procedure.
- 4.8 A copy of the complaint and any other documents provided by you in support of your complaint, or by the school/Trust representative in defence of the complaint, will be provided to the Resolutions Committee as soon as practicable upon receipt. Copies of these documents shall also be provided to you or school/Trust representative (as applicable) at least 3 school days before the hearing. The Resolutions Committee reserves the right not to consider any documentation presented by either party less than 3 school days prior to the hearing. The Resolutions Committee is under no obligation to hear oral evidence from those other than the parties (eg witnesses) but may do so and/or may take written statements into account. The Resolutions Committee will not normally accept recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.
- 4.9 The hearing will be conducted to ensure that each party has the opportunity to address the Resolutions Committee. The procedure to be followed during the hearing will be explained to the parties by letter in advance of the hearing. The Trust Governance Officer will ensure that sufficient notes are taken to record an accurate reflection of the points considered and any decisions taken or actions agreed. Electronic recordings of the hearing will not normally be permitted and, in any event, would require the consent of all those present.
- 4.10 Unless otherwise stated, the procedure for the Stage 4 hearing is as follows:
- the parent and school/Trust representative will enter the hearing together;

- the Chair of the Resolutions Committee will introduce the committee members and outline the process;
- the parent will explain the complaint;
- the school/Trust representative and committee members will question the parent;
- the school representative will explain the school/Trust's actions;
- the parent and the committee members will question the school/Trust representative;
- the parent will sum up their complaint;
- the school/Trust representative will sum up the school/Trust's actions;
- the Chair of the Resolutions Committee will explain that both parties will hear from the committee within 5 school days;
- both parties will leave together while the Resolutions Committee decides;
- the Trust Governance Officer, and any legal advisor assisting the committee (if applicable), will stay to assist the Resolutions Committee with its decision making.

4.11 The Trust Governance Officer and/or Resolutions Committee reserves the right to modify the above procedure at their sole discretion, for example requiring the parent and the school representative to present their complaint/actions separately to the Resolutions Committee in the absence of the other party.

4.12 A Resolutions Committee may be adjourned if the Resolutions Committee require further evidence or in exceptional circumstances (for example, if clarification sought by the Resolutions Committee is essential to the proceedings). The adjourned date must be as soon as possible.

4.13 After the hearing, the Resolutions Committee will consider their decision and inform you and, where relevant, the person complained about of their decision in writing within 5 school days. The letter will set out the decision of the Resolutions Committee together with the reasons underpinning that decision. The Resolutions Committee can (by a majority if necessary):

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the school or Trust systems or procedures to ensure that problems of a similar nature do not happen again.

## Stage 5: Referral of complaint to the Department for Education (DfE)

5.1 If you are dissatisfied with the decision of the Resolutions Committee, you are entitled to refer your complaint to the Department for Education (DfE). The DfE will only investigate the complaint in limited circumstances.

5.2 For more information on the DfE's remit in relation to academy complaints, visit <https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy>

## Roles and Responsibilities

### The role of the Trust Governance Officer

The Trust Governance Officer is the contact point for the complainant and the Resolutions Committee, and should:

- ensure that the complainant is fully updated at each stage of the procedure;
- liaise with appropriate parties to ensure the smooth running of the complaints process;
- be mindful of the timescales to respond to complaints;
- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality

Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR);

- ensure that the Resolutions Committee has access to legal advice, where appropriate;
- set the date, time and venue of the hearing, taking reasonable steps to find a date that is convenient to all parties and that the venue and proceedings are accessible;
- collate any written material relevant to the complaint (for example: stage 1, 2 and/or 3 paperwork, school/Trust and complainant submissions) and send it to the parties in advance of the hearing within an agreed timescale;
- minute the hearing;
- notify all parties of the Complaint Committee's decision;
- assist the school/Trust in issuing a summary letter to the complainant.

#### **The role of the person investigating as applicable in accordance with the procedure at Stage 2**

- to ensure that the complainant is fully updated throughout the Stage 2 procedure;
- to ensure that the correct procedure has been followed;
- to ensure that an investigation is carried out, and a report compiled;
- to meet the complainant, if appropriate.

#### **The role of the Chair of the Resolutions Committee**

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

- the hearing is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy;
- complainants who may not be used to speaking at such a hearing are put at ease;
- the remit of the Resolutions Committee is explained to the complainant;
- the written material is seen by everyone in attendance (provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR);
- key findings of fact are made, and that any issues not previously mentioned in writing should not be raised at the hearing and, if they are mentioned at the hearing, these should not be noted or considered by the Resolutions Committee;
- both the complainant and the school/Trust are given the opportunity to make their case, and seek clarity, either through written submissions ahead of the hearing, or verbally in the hearing itself;
- the Resolutions Committee is open-minded, acts independently and no committee member has an external interest in the outcome or any involvement in an earlier stage of the procedure;
- the hearing is minuted.

## Part 2: Concerns or complaints from other persons

Part 1 of this complaints policy applies only to complaints made by parents or carers of current registered students of the Trust. However, the Trust wishes to work closely with other members of the local community and will deal with their concerns and complaints as follows:

- 1 **Stage 1** - a concern regarding a school or its operations may be made to any member of staff. That member of staff will attempt to resolve the matter immediately or may, if appropriate, refer the matter to their line manager or member of the senior leadership team (SLT) who is best placed to deal with the concern. It is expected that most concerns will be responded to orally or in writing within 5 school days. If a longer period is required, you will be kept informed of the progress of the investigation.

If the concerns are about the school/Trust leadership, they should be referred as follows:

- i. Headteachers of primary schools should be referred to the Director of Primary Education.
  - ii. Headteachers of secondary schools and the Director of Primary Education should be referred to the Executive Director of Education.
  - iii. Executive Director of Education and Trust Executive Team should be referred to the CEO of the Trust.
- 2 **Stage 2** - where a concern is not resolved at Stage 1, or you wish your concerns to be dealt with immediately as a formal complaint, you should put your complaint in writing and send this to the Headteacher of the relevant school to investigate. The Headteacher may delegate the task of investigation and/or responding to the complaint to a member of the senior leadership team.

If the complaint is about the school/Trust leadership, it should be referred as follows:

- i. Headteachers of primary schools should be referred to the Director of Primary Education.
- ii. Headteachers of secondary schools and the Director of Primary Education should be referred to the Executive Director of Education.
- iii. Executive Director of Education and Trust Executive Team should be referred to the CEO of the Trust.

A formal response to the complaint will usually be provided within 15 school days of receipt of the letter of complaint although if a longer period is required to respond, you will be kept updated.

- 3 **Stage 3** – if you are not satisfied with the response at Stage 2, you may request in writing that your complaint be referred to the Trust Executive Team by writing to the Executive Assistant to the CEO, Ivy Education Trust, Exeter Road, Teignmouth, Devon, TQ14 9HZ. E: Jennifer.sweet@ivyeducationtrust.co.uk. You should write to the Executive Assistant to the CEO within 5 school days of receipt of the letter at Stage 2. Requests received outside of this timeframe will only be considered if exceptional circumstances apply. The Executive Assistant to the CEO will arrange for you to meet with a member/members of the Trust Executive Team (as appropriate) on the same terms as set out in Part 1 of this complaints policy.

This stage will not apply if your complaint is regarding the CEO.

- 4 **Stage 4** - if you are not satisfied with the response at Stage 3, you may request a review by the Resolutions Committee by writing to the Trust Governance Officer of Ivy Education Trust at Ivy Education Trust, Exeter Road, Teignmouth, Devon, TQ14 9HZ. gaby.willis@ivyeducationtrust.co.uk. You should write to the Trust Governance Officer within 15 school days of receipt of the letter at Stage 3. Requests received outside of this time frame will only be considered if exceptional circumstances apply. The Trust Governance Officer will convene a Resolutions Committee on the same terms as set out in Part 1 of this

complaints policy. The decision at this stage will usually be sent to you within 15 school days of receipt of the request for a review or within 5 school days of the Resolutions Committee hearing (as applicable).

- 5 **Stage 5** - if you are dissatisfied with the decision at Stage 4, you are entitled to refer your complaint to the Department for Education (DfE) as outlined in Part 1 of this complaints policy.

Concerns or complaints regarding the Trust should be referred direct to the Trust Governance Officer, Ivy Education Trust, Exeter Road, Teignmouth, Devon, TQ14 9HZ, [gaby.willis@ivyeducationtrust.co.uk](mailto:gaby.willis@ivyeducationtrust.co.uk) who will arrange for the stages above to be considered by an appropriate person.

## **Part 3: Repetitious and vexatious complaints and complaints pursued in an otherwise unreasonable manner**

Ivy Education Trust and its schools are 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 we will take action to protect staff from that behaviour, including that which is abusive, offensive, or threatening. There are rare circumstances where we will deviate from the Complaints Procedure set out in Parts 1 and 2. These include, but are not necessarily limited to:

### **1 Repetitious, including serial and/or persistent, complaints**

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 and we have:

- taken every reasonable step to address the complainant's concerns; and
- given the complainant a clear statement of our position and their options,

we will write to the complainant to advise that the complaints procedure has been exhausted and that we will not be responding to any further correspondence in relation to these matters. The complainant will be referred to Stage 5.

### **2 Vexatious complaints**

The Office of the Independent Adjudicator defines the characteristics of a 'frivolous' or 'vexatious' complaint as:

- complaints which are obsessive, persistent, harassing, prolific or repetitious;
- insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason;
- insistence upon pursuing meritorious complaints in an unreasonable manner;
- complaints which are designed to cause disruption or annoyance;
- demands for redress that lack any serious purpose or value.

Examples include but are not limited to:

- refusal to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refusal to co-operate with the complaints investigation process;
- refusal to accept that certain issues are not within the scope of the complaints procedure;
- insistence on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice;
- introducing trivial or irrelevant information which they expect to be taken into account and commented on;
- raising large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- making unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changing the basis of the complaint as the investigation proceeds;
- seeking an unrealistic outcome, such as the inappropriate dismissal of staff;

- making 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;
- knowingly providing falsified information;
- publishing unacceptable information on social media or other public forums.

### **3 Complaints pursued in an otherwise unreasonable manner**

Where the complainant's behaviour or language towards staff, governors, trustees or members is aggressive, abusive, offensive, discriminatory or threatening or insulting personal comments are made about, or threats are made towards, staff.

In the circumstances outlined in (2) and (3) above, we may:

- inform the complainant that we consider their complaint to be vexatious or the manner in which they are pursuing their complaint to be unreasonable and why, and ask them to desist;
- conduct the Resolutions Committee on the papers only i.e. not hold a hearing;
- refuse to consider the complaint any further and refer the complainant directly to Stage 5.

We may also 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 number of contacts or banning the complainant from the school's premises.

Where the complainant's behaviour is so extreme that it threatens the immediate safety and welfare of staff, governors, trustees or members 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.

## Part 4: 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 the school) 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's website (as applicable).

## Review

This policy was adopted by the Trustees of Ivy Education Trust on 16 May 2023 and will be reviewed as required and as part of the Trust's review schedule.

### AMENDMENT RECORD

Date	Reviewed by	Nature of Change	Next Review
May 2021	CEO and Policy Review Group	Review of existing policy.	As required and no later than May 2025.
May 2023	Policy Review Group/CEO/Full Board	Updated and adopted by the Trustees in line with model policy from the Trust's solicitors and amendment to stages of the process. Amalgamation of two policies to incorporate the Trust's policy for "Managing Serial and Unreasonable Complaints" May 2021 (previously a separate policy).	As required and no later than May 2027.
March 2024	TGO and CEO	Updated terminology.	As required and no later than May 2027.
December 2024	TGO/CEO/EDE/Full Board	Updated stages of complaint in line with school and Trust reporting structure. Update some terminology and Stage 5 in line with guidance from Browne Jacobson.	As required and no later than December 2027.
February 2026	TGO/EDE	Added link to new "Parent Guide to School Complaints"	As required and no later than December 2027.
May 2026	PHP Law/DPO/FAR Committee	Added Data Protection Complaint Policy Appendix and Personal Data Misuse Complaint Form (to be reviewed annually).	December 2027 and as required.

## Annex 1

### Matters excluded from the scope of this policy

Excluded Matters	Signposting
Admissions	The process for challenging admissions decisions is set out in our admissions policy in accordance with relevant statutory guidance.
Child protection matters	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. 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).
Exclusions	The process for challenging exclusions decisions is set out in the DfE's statutory guidance and information can be found at: <a href="https://www.gov.uk/government/publications/school-suspensions-and-permanent-exclusions">School suspensions and permanent exclusions - GOV.UK (www.gov.uk)</a>
National Curriculum content	Please contact the Department for Education at <a href="https://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>
School re-organisation proposals	Where concerns are not adequately addressed by the school, complaints can be raised directly with the Department for Education.
Complaints about services provided by other providers who may use school premises or facilities	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.
Staff conduct	Certain complaints about staff may need to be dealt with under the school's internal disciplinary procedures, if appropriate. 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.
Statutory assessments of Special Educational Needs (SEN)	Concerns about statutory assessments of special educational needs should be raised directly with the local authority.
Whistleblowing	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="https://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a></p> <p>Volunteer staff who have concerns should complain through the school's complaints procedure. You may also be able to complain direct to the Department for Education (see link above), depending on the substance of the complaint</p>

Annex 2  
Complaints Form

Your name:

Student's name:

Your relationship to student/s:

Your address and postcode:

Your daytime telephone number:

Your evening telephone number:

Your email address:

Your complaint is: (if you have more than one complaint, please number these)

What action have you already taken to try and resolve your complaint(s) in accordance with Stage 1 of the Trust's complaints procedure?

(Who did you speak to and what was the response?)

What would you like as an outcome from your complaint(s)?

Are you attaching any paperwork? If so, give details here:

Your signature..... Date .....

All functions of the complaints procedure must adhere to the requirements of the Data Protection Act 2018 and the Freedom of Information Act 2000.

Please complete and return to the school office or Trust office in a sealed envelope addressed to the person as appropriate to the focus of the complaint.

**Office use**

Date received .....

Date acknowledgement sent .....

Responsible member of staff .....

## Annex 4

### Summary of Complaints Procedure for Parents & Carers (Part 1)

<b>Stage 1: Informal concerns</b>	Parent brings complaint to attention of member of staff
	Issue to be resolved (guide: within 15 school days)
	If no satisfactory solution is found, parent to be advised that they should proceed to Stage 2
<b>Stage 2: Formal Written Complaint</b>	Parent to put complaint in writing using Complaint Form within 15 school days
	Complaint to be acknowledged within 5 school days
	Meeting with parents within 10 school days (where appropriate)
	Response to the complaint sent within 15 school days
	If parent is dissatisfied with outcome of Stage 2, parent to be advised that they should proceed to Stage 3.
<b>Stage 3: Referral to Trust Executive Team</b>	Parent to request referral to Trust Executive Team within 5 school days of receiving notice of the outcome of Stage 2
	Request to be acknowledged within 5 school days
	Meeting to take place at the earliest possible opportunity.
	Notification of date, time and place of the meeting and details of members of the Executive Team present sent at least 5 school days before the meeting
	School/Trust representative and parents to submit evidence in support of their case to Executive Assistant to the CEO at least 3 school days before the meeting
	Trust Executive Team decision within 10 school days after the meeting
	If parent is dissatisfied with the outcome at Stage 3, parent to be advised they should proceed to Stage 4.
<b>Stage 4: Referral to the Resolutions Committee</b>	Parent to request hearing in writing within 15 school days of receiving notice of the outcome of stage 3.
	Request to be acknowledged within 5 school days.
	Hearing to take place (where possible) within 20 school days of receipt of request.
	Notification of date, time and place of hearing and details of the committee members present sent at least 5 school days before the hearing.

	School/Trust representative and parents to submit evidence in support of their case to the Trust Governance Officer at least 3 school days before the hearing.
	Resolutions Committee decision letter sent not more than 5 school days after the hearing.
	If parent is dissatisfied with the outcome at Stage 4, parent to be advised they should proceed to Stage 5.
<b>Stage 5</b>	If parent is dissatisfied with the outcome at Stage 4, parent to be advised they are entitled to refer their complaint to the Department for Education (DfE).

## Data (Use and Access) Act 2025 - Complaint Process Appendix

### **Introduction**

Ivy Education Trust is committed to protecting the privacy and personal data of its students, staff, parents/carers, governors and the wider school community. This policy outlines the procedure for handling complaints related to data usage and access, in accordance with the Data Usage Access Act (DUAA) and other relevant UK data protection legislation, including the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018 (DPA 2018).

The UK GDPR documents as set out on our website provide an overview of how personal data is managed across our Trust.

This is an appendix to the main complaint policy and reflects the requirement for standalone data usage complaints to be handled using a separate procedure. Any complaint that is linked to other matters whether raised as a formal or informal complaint are to be dealt with under the standard complaint process as outlined within the main complaint policy.

### **Roles and responsibilities**

The Data Controller (DC) is responsible for ensuring compliance with this policy and the legal obligations imposed by the UK GDPR, Data Protection Act 2018, Data Usage and Access Act 2025 and other relevant legislation. The DC will delegate day to day management of this to the relevant staff member and the DC will expect that staff member to investigate any complaint unless there is a conflict of interest, in which case the DC will appoint a suitable person.

The headteacher and leadership team are responsible for ensuring all staff are aware of this policy and their data protection obligations.

All staff members are responsible for handling personal data in a secure and lawful manner and for co-operating fully with any investigation into a data usage or access complaint.

### **Scope**

This policy applies to all individuals who have dealings with Ivy Education Trust and believe that their personal data has been used or accessed inappropriately, or that their rights under the DUAA and other data protection laws have been infringed.

This includes but is not limited to:

- current and former students
- parents/carers
- school staff (teaching, support, and administrative)
- governors
- volunteers
- contractors and suppliers

### **Principles**

**Fairness and transparency:** All complaints will be handled in a fair, impartial, and transparent manner.

**Confidentiality:** Complaints and all related information will be treated with the utmost confidentiality, unless disclosure is required by law.

**Timeliness:** Complaints will be acknowledged and investigated in a prompt manner.

**Compliance:** All actions taken will comply with the DUAA, UK GDPR, DPA 2018, and other relevant legislation.

## **The complaint procedure**

### **Step 1: Informal resolution**

We encourage individuals to first attempt an informal resolution of their concerns. If you have a concern about data usage or access, you should, in the first instance, raise it with the relevant member of staff or senior person; this will be the Headteacher of each school within Ivy Education Trust.

In many cases, issues can be resolved quickly and informally at this stage.

### **Step 2: Formal complaint submission**

If the informal approach is not successful or deemed inappropriate, a formal complaint should be submitted in writing using the complaint form attached.

Submission of the complaint should follow the process as set out in our complaints policy.

The written complaint should be made on the form included in this policy appendix or shall include the following information:

1. your full name and contact details.
2. a clear and concise description of the complaint, including what happened, when it happened, and who was involved.
3. a description of the data involved and how you believe it was used or accessed inappropriately.
4. any relevant dates, times, or evidence.
5. details of any informal steps you have already taken to resolve the issue.
6. the desired outcome of the complaint.

### **Step 3: Acknowledgment and investigation**

You will receive an acknowledgment of the written complaint within 5 working days of the setting receiving it.

The DC will conduct a thorough and impartial investigation into the complaint.

This may involve:

- interviewing the complainant
- interviewing relevant staff members
- reviewing school records, logs, and policies

- consulting with external legal or data protection experts if necessary

The Trust will aim to complete the investigation and provide a substantive response within 20 working days of the complaint's acknowledgment. If the investigation is complex and requires more time, the DC will write to the complainant to explain the reason for the delay and provide a new estimated completion date.

### **Response**

The DC will provide a formal written response to the complainant.

This response will include:

- the findings of the investigation.
- a clear and reasoned conclusion as to whether the DUAA or other data protection laws have been breached.
- details of any corrective action taken or planned to prevent a recurrence of the issue.
- the outcome of the complaint, including whether it has been upheld, partially upheld, or not upheld.
- information on the next steps available to the complainant if they remain dissatisfied.

### **Escalation**

If the complainant is not satisfied with the Trust's final response, they have the right to escalate their complaint to the Information Commissioner's Office (ICO).

The ICO's contact details are as follows:

Website: <https://ico.org.uk>

Telephone: 0303 123 1113

Postal Address: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

### **Complaints Policy Appendix Review**

This Complaints Policy Appendix will be reviewed annually by the Data Protection Officer and the school leadership team to ensure it remains relevant, effective, and compliant with all current legislation.

## Data (Use and Access) Act 2025 – Complaint Form

To be completed by the complainant

Please return this form to: [DPO@ivyeducationtrust.co.uk](mailto:DPO@ivyeducationtrust.co.uk)

### Part 1: Complainant's Details

Please provide your full contact information so we can communicate with you regarding your complaint.

<b>Full Name:</b>	
<b>Relationship to the Trust/School:</b>  (e.g. student, parent/carer, staff member, former student, volunteer, contractor)	
If student:	
year group:	
form/class:	
If parent/carer:	
student's full name:	
student's year group:	
<b>Contact telephone number:</b>	
<b>Email address:</b>	
<b>Postal address:</b>	
<b>Preferred method of contact:</b>  (e.g. email, phone or post)	

### Part 2: Details of the complaint

Please provide a clear and concise description of your complaint.

<b>Date(s) of the incident(s)</b>	
When did the misuse occur or when did you become aware of it?	
<b>Nature of the complaint</b>	
Please tick all that apply and provide details below:	
Unauthorised access to personal data	
Unauthorised disclosure of personal data	
Incorrect or inaccurate personal data	
Unlawful processing or use of personal data	
Failure to respond to a data subject request	

e.g. Subject Access Request or Right to Erasure	
Other (please specify)	
<b>Description of the incident(s)</b>	
<p>What happened?</p> <p>Provide a detailed narrative of the events.</p>	
<p>Who do you believe was involved?</p> <p>e.g. specific staff member, department, external party</p>	
<p>What personal data was involved?</p> <p>e.g. name, address, medical information, academic records, disciplinary records, financial details, sensitive personal data</p>	
<p>How do you believe your data was misused or accessed inappropriately?</p>	
<p>Where did the incident occur (if applicable)</p>	
<p>Has there been any previous attempts to resolve this issue informally?</p> <p>e.g. discussed with a teacher, GDPR lead, head of department.</p>	<b>Yes or No</b>
<p>If yes, please provide details of who you spoke to and when.</p>	

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### Part 3: Supporting evidence

Please list and attach any evidence that supports your complaint. This could include:

- emails or correspondence
- screenshots
- dates and times of relevant events
- witness statements (if applicable)

*Please list attached documents here:*

### Part 4: Desired outcome

Please specify the resolution that you are seeking as a result of this complaint.

<input type="checkbox"/>	Investigation and explanation of what happened
<input type="checkbox"/>	Correction of inaccurate data
<input type="checkbox"/>	Deletion of unlawfully processed data
<input type="checkbox"/>	An apology
<input type="checkbox"/>	Assurance that similar incidents will not occur in the future
<input type="checkbox"/>	Other (please specify):

### Part 5: Declaration

I understand that the Trust will investigate this complaint in accordance with its Data (Use and Access) Act 2025 Complaint Process.

**Signature:**

**Date:**