

Kaleidoscope

Learning Trust

Embracing diverse approaches to educational excellence

Complaints Policy

Committee Responsible	Review Frequency	Approval	Next Review Due
Standards & Outcomes	Annually	02.10.2024	02.10.2025
Education & Safeguarding	Annually	07.05.2025	07.05.2026

Contents

1.	Introduction	3
2.	Aims	3
3.	Who is responsible for this policy?.....	4
4.	Complaint resolution through this policy	4
5.	Stage One - informal resolution	5
6.	Stage Two - formal procedure	5
7.	Stage Three - Trust Review	6
8.	Stage Four - Complaint Panel Hearing or Chief Executive Review	7
9.	Complaint Panel Hearing	7
10.	Chief Executive Review	8
11.	Written records	8
12.	Right to be accompanied.....	8
13.	Complaints against the CEO, a governor or the governing body a trustee or the Trust Board	9
14.	Confidentiality and data protection	10
15.	Complaint campaigns	10
16.	Dealing with unreasonably persistent or vexatious complaints and behaviour ...	10
17.	Complaints to ESFA/OIA.....	11
	Appendix 1: Stages within our Complaints Policy	12
	Appendix 2: Complaint Reporting Form.....	13
	Appendix 3: Examples of unreasonably persistent and/or vexatious complaints	15

1. Introduction

Kaleidoscope Learning Trust recognises that on occasions parents¹, students, or members of the public may need to raise a concern or complaint about the trust or one of its Academy. The trust takes all concerns and complaints seriously and is committed to seeking resolution in a positive way, whilst making any identified improvements.

This policy applies to all concerns and complaints made against Kaleidoscope Learning Trust and its Academy about any provision of facilities or services provided with the following exceptions, for which there are separate procedures:

- admissions to schools
- exclusions from school
- statutory assessments of Special Educational Needs (SEN)
- school re-organisation proposals
- matters likely to require a Child Protection Investigation
- employee grievances
- whistleblowing matters
- external examination results
- complaints raised directly by pupils (these will be passed to the school to investigate accordingly and, if appropriate, to notify the parents)
- complaints about a third-party organisation or supplier

A 'concern' is defined as an 'expression of worry or doubt over an issue considered to be important for which reassurances are sought'. A complaint may be generally defined as 'an expression of dissatisfaction however made, about actions taken or lack of action'.

To enable a proper investigation, concerns or complaints should be brought to the attention of the Academy or the trust as soon as possible. This should be no later than three months after the event (or latest event, in the case of a series of incidents) to which the concern or complaint relates. Complaints made outside of this time frame may only be considered if exceptional circumstances apply.

Complaints should not be raised with members of the local governing board who may be required to have a formal role if a complaint reaches a Complaint Panel Hearing.

Anonymous complaints will not be investigated under this policy unless there are exceptional circumstances. Any anonymous complaint received will be referred to the Kaleidoscope Learning Trust Central Team who will decide what action, if any, will be taken.

2. Aims

To provide a fair complaints procedure which is clear and easy to use for anyone wishing to raise a concern or make a complaint.

To publicise the existence of our complaints procedure so that people know how to contact us to raise a concern or make a complaint.

To ensure all concerns and complaints are managed in an impartial and non-adversarial manner.

For the purposes of this policy anyone with parental responsibility, including carers or legal guardians, will be covered by the term 'parent'.

To encourage concerns to be resolved informally, without the need to use the formal stages of the policy.

To ensure all complaints are thoroughly investigated, as quickly as possible, and at an appropriate level.

To ensure that complaints are, wherever possible, resolved and that relationships are repaired.

To identify lessons learned which help us improve what we do.

To support the mission, vision, and values of the trust and its Academy.

3. Who is responsible for this policy?

The trust has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory or trust framework. The trust has delegated day-to-day responsibility for operating the policy to Kaleidoscope Learning Trust central team, the local governing body (LGB)) and the senior leadership team (SLT) of each Academy.

The LGB and SLT at each Academy has a specific responsibility to ensure the fair application of this policy and all members of staff are responsible for supporting colleagues in ensuring its success.

4. Complaint resolution through this policy

An overview of the stages within this policy can be found within the flowchart in Appendix 1.

There are four stages to the Complaints Policy:

Stage One: Informal resolution

Stage Two: Formal procedure

Stage Three: Trust Review²

Stage Four: Complaint Panel Hearing or Chief Executive Review

The aim of each stage is to ensure that the complaint is fully considered, and a clear finding is communicated to the complainant, which either resolves the matter to their satisfaction or explains why this is not possible.

New issues or complaints raised at Stage Two should be given the opportunity to go through Stage One to seek an efficient resolution for all parties involved. Complainants will be encouraged to seek resolution to the new issues or complaints through Stage One of the complaints process. Complainants will be given the opportunity to complete the complaints procedure in line with policy, unless there is clear evidence that the complaint meets the unreasonably persistent or vexatious criteria defined within Appendix 3.

For complaints which reach Stage Four of the process, the Complaint Panel Hearing applies to parental complaints only. For non-parental complaints, the Chief Executive Review will apply. Although every effort will be made to comply with the timescales within each stage of this policy, this may not always be possible; for example, due to the complexity of the investigation required or the unavailability of a witness to attend a meeting. Where a timescale cannot be complied with, the complainant will be advised of the reasons for the delay and the new timescale that will apply.

If a complaint is against the Headteacher the Stage Two investigation will be undertaken by the trust, therefore there will be no Trust Review stage.

Where the Policy refers to ‘school days’, this references term time and does not include school holidays or INSET days.

Complaints about staff will be dealt with under the relevant Academy’s internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member resulting from a complaint.

Contact with the Kaleidoscope Learning Trust central team can be made via: clerk@theklt.com Any concern or complaint directed to the Central Team when it is not appropriate will be redirected to the relevant Academy. If there is an active criminal investigation into an incident that is the subject of a complaint, then any school investigation under the scope of this policy will be suspended until the police confirm it is appropriate to proceed.

5. Stage One - informal resolution

The trust recognises that from time to time there may be normal and legitimate concerns about decisions within its Academy. For example, concerns from parents regarding the progress, achievement, behaviour, or welfare of their child; they are encouraged to make their concerns known at the earliest opportunity so they can be addressed.

Concerns can often be resolved quickly and informally, through discussion, clarification, explanation, provision of further information, or sometimes simply by acknowledgement of the issue and an apology.

Concerns should be raised in the first instance with the relevant teacher (class teacher, form tutor, subject teacher) or an appropriate member of staff. This may be by letter, email, telephone, or requesting a meeting via the school office.

If the member of staff is unable to resolve the concern immediately, the individual will be contacted again as soon as the matter has been investigated.

If a concern is raised with a member of staff who feels they are not the best person to deal with it, the matter will be referred to another member of staff as appropriate (still under Stage One of the policy). The school will aim to resolve the concern within 10 school days.

6. Stage Two - formal procedure

If the complainant feels that their concern has not been resolved during informal discussions within Stage One, they may raise a formal complaint under Stage Two of the policy.

The trust or relevant Academy shall have discretion, which will be exercised reasonably, not to allow a formal complaint to be pursued where an informal resolution has not been sought.

The complainant must put the complaint in writing using the trust’s Complaint Reporting Form, which can be found on the Academy’s website (a blank complaint reporting form can be found at Appendix 2), unless the complainant has a disability, learning difficulty or difficulties with the English language which prevents this, in which case the complainant may contact the Academy for assistance and consideration will be given for a reasonable adjustment. The complaint should be addressed to the Headteacher.

When submitting a complaint, the complainant should provide as much detail as possible about the matter, including dates and times of events, potential witnesses, copies of any relevant documents, and a clear indication of the outcome(s) they are seeking to resolve their complaint.

Upon receipt of a Stage Two complaint, the Academy should immediately forward a copy to the Central Team, who will oversee the progress of the complaint and provide advice and guidance as required.

The Headteacher will acknowledge receipt of the complaint within five school days and nominate an appropriate senior member of staff to investigate.

An investigation of the complaint will be carried out by the nominated senior member of staff who will report to the Headteacher. The complainant should be contacted for clarification, if required. The investigation should involve gathering all relevant evidence, which may include interviewing and taking statements from any pupil or staff member who is the subject of the complaint and from any witnesses or others involved in the matter.

The Headteacher, supported by the nominated senior member of staff who undertook the investigation, will verbally discuss the findings of the investigation with the complainant. This may be during a meeting or over the telephone. Whenever reasonably possible, such discussion will take place within 20 school days of the complaint being received. This discussion provides an opportunity to ensure clarity around the issues discussed and avoid any misunderstandings which can occur through written communication. The complainant must agree to verbally discuss the findings of the investigation³. Failure to agree to a verbal discussion within the timescale may result in the complaint being closed without further action.

The Headteacher will then provide a formal written response to the complainant. This should include details of the investigation findings and any agreed outcomes or recommendations. Whenever reasonably possible, this will be done within five school days of the verbal feedback.

A copy of the written response will be submitted to the Central Team by the Headteacher; this will support the monitoring of any agreed actions.

Where a complaint is against the Headteacher, in that they were directly involved in the initial concern that has given cause for the complaint, a member of Central will take over this role under Stage Two of this policy. The Headteacher is not defined as being directly involved in a complaint through undertaking their management overview role.

7. Stage Three - Trust Review

If the complainant is not satisfied with the outcome of the Stage Two investigation, they should contact the Central Team in writing, requesting a Trust Review, clearly stating the reasons they are not satisfied. This request should be made within five school days of the date of the Stage Two written response.

The purpose of the Trust Review is not to complete a further investigation of the complaint but to consider the procedural fairness of the investigation undertaken at Stage Two and the determinations made.

The investigating officer may contact the complainant if they need any clarification. The trust may instruct the Academy to carry out further investigation into areas of the complaint and will make recommendations regarding suitable resolution if they find that issues have been overlooked or not appropriately addressed at Stage Two.

If the complainant has a disability, learning difficulty or difficulties with the English language the Academy will provide appropriate assistance.

The trust will aim to conclude the review within 20 school days of receipt of the complainant's request. This timeframe will include the complainant and Academy receiving a written response confirming the outcome of the review.

8. Stage Four - Complaint Panel Hearing or Chief Executive Review

If the complainant is not satisfied with the outcome of the previous applicable stage(s), the complainant may request that the complaint be considered at Stage Four.

Such a request must be made in writing to the trust within 10 school days of the previous stage written response being sent to the complainant. The request must clearly state the reasons why the complainant is dissatisfied.

9. Complaint Panel Hearing

Complaints from parents of pupils within one of our Academies, under this stage, will have a Complaint Panel Hearing, which will comprise of two members from the Academy's LGB (who have no prior knowledge of the complaint) and one person independent of the management and running of the Academy. The selection of the independent member will be supported by the Central Team.

New allegations that have not previously been investigated at Stage Two may not be brought before the panel.

New evidence, which was not provided during the completion of the Stage Two investigation, will not normally be considered; however, the panel's Chair shall have absolute discretion whether to permit new evidence.

The purpose of the panel hearing is not to conduct a further investigation of the complaint but to consider the procedural fairness of the investigation undertaken at Stage Two and the determinations made.

The Clerk to the LGB will convene the panel hearing. The hearing will be held as quickly as practicable, given the need to find a date that is reasonably convenient for the complainant, the Academy, and the members of the panel. Whenever possible, the hearing will be held within 30 school days of receipt of the request.

The complainant must engage with the Clerk in providing details of convenient days for attendance. If the complainant rejects the offer of three reasonably proposed dates the Clerk will decide when to hold the hearing. If the complainant cannot attend the date chosen, the hearing will proceed in the complainant's absence, based on the evidence available.

If the complainant fails to engage with the Clerk to arrange the hearing the Stage Four complaint may not be progressed and the file closed. The trust may consider allowing the Stage Four complaint to proceed if there are exceptional circumstances for the failure to engage.

All parties will be provided with a minimum of eight school days' notice of the date of the hearing. The following are entitled to attend the hearing, submit written representations and relevant documentation, and address the panel:

the complainant(s) and/or one representative

a member of the Academy's SLT and/or one representative

a representative from Kaleidoscope Learning Trust Central's Team to address any procedural questions which may arise

any other person(s) the panel considers having a reasonable and just interest in the hearing and

whose contribution would assist the panel in their decision-making

Any written representations or relevant documentation for consideration by the panel and the names of any representatives attending, should be sent to the Clerk at least six school days prior to the hearing. Any documents not submitted in accordance with this timescale will not be considered unless the Chair, in their absolute discretion, believes it is just to accept them. All parties will be issued with papers five school days prior to the hearing.

The panel may request to speak to witnesses and this decision will be at the discretion of the Chair. Following the hearing, the panel will formulate its decision. The Clerk will notify in writing the complainant, the Academy, and, where relevant, the person complained about, of the panel's findings and recommendations, aiming to do so within 10 school days. This concludes the trust's complaint process.

10. Chief Executive Review

Non-parental complainants may request a Chief Executive Review, following the completion of Stage Two. The Chief Executive will not conduct a further investigation of the complaint but will consider the procedural fairness of the investigation undertaken at Stage Two and the determinations made.

The Chief Executive may delegate the review to a senior member of staff in the trust who has not previously been involved in the complaint. The Chief Executive, or their delegate, will aim to share their written findings and recommendations with the complainant, the Academy, and, where relevant, the person complained about, within 15 school days of receipt of the request. This concludes the trust's complaint process.

11. Written records

An electronic record of all complaints at Stage Two and above will be kept by the Academy and be available for inspection on their premises, and the Kaleidoscope Learning Trust Central Team.

The Central Team will record at what stage the complaint has been resolved or progressed to. All recommended actions arising from the complaint investigations will be monitored by the Central Team.

Records will be held and disposed of in line with the trust's Records Management Policy.

12. Right to be accompanied

The complainant has a right to be accompanied by a friend, relative, or other third party to any meetings or hearings held under the formal stages (Stage Two and above) of the policy.

These meetings or hearings are not legal proceedings and so legal representation is not usually necessary. If a complainant does wish to be accompanied by someone who is legally qualified this needs to be specifically mentioned, and they must notify the Academy or trust as appropriate at least five school days prior to the meeting or hearing.

Any member of staff interviewed as part of the investigation into a complaint has a right to be accompanied to the meeting, which includes representation by a recognised trade union.

Any pupil interviewed as part of a complaint investigation must be accompanied to any meeting or hearing, either by a teacher they feel comfortable with or a parent.

13. Complaints against the CEO, a governor or the governing body a trustee or the Trust Board

Stage 1: informal

Complaints made against the CEO or any member of the governing body should be directed to the governance professional in the first instance.

If the complaint is about the CEO or one member of the governing body (including the chair or vice-chair), a suitably skilled and impartial governor / trustee will carry out the steps at stage 1 (page 5)).

Stage 2: formal

If the complaint is jointly about the chair and vice-chair, the entire governing body or the majority of the governing body, a trustee / an independent investigator will carry out the steps in stage 2 (set out in page 5). They will be appointed by the Trust Board and will write a formal response at the end of their investigation.

There will be no stage 3 review.

Stage 4: review panel

If the complaint is jointly about the chair and vice-chair, the entire governing body or the majority of the governing body, a committee of trustees / independent governors will hear the complaint. They will be sourced from Trust Board / local authority / other schools and will carry out the steps at stage 3.

(page 6)

14. Confidentiality and data protection

All complaints will be handled in the strictest confidence by the trust and its Academy and data protection principles will be applied in line with the trust's Data Protection Policy. In line with data protection legislation, all records relating to individual complaints will remain confidential except where the Secretary of State, or a body conducting an inspection under Section 109 of the Education and Skills Act 2008, requests access to them.

It is expected that complainants will also keep their complaint private and confidential. Complainants should not discuss complaints or share response documentation publicly via any form of social media or with third parties.

The posting of any defamatory, offensive, or derogatory comments on social media sites by parents will be dealt with under the Academy's Parent Code of Conduct.

Electronic audio or video recordings of meetings must not be made by either the trust/Academy or the complainant. A meeting to discuss a complaint may not go ahead if the complainant is insistent on recording the meeting, unless a complainant's own disability or special needs require it, and it is agreed in advance. The trust/Academy will take notes of any meetings to discuss a complaint, and complainants may do likewise.

Due to privacy rights under data protection legislation, information disclosed relating to an outcome, if it relates to a third-party individual, i.e. disciplinary action of a member of staff or another pupil, may be limited.

15. Complaint campaigns

If a single Academy or the trust is subject to a complaint campaign, they may employ a separate procedure under this policy to respond to these.

For the purpose of this policy, a complaint campaign is defined as complaints from multiple parties all based on the same subject matter.

In these instances, the Academy or the trust may respond by:

sending a consolidated response to all complainants with the same message; or
publishing a single response on the Academy or trust's website

16. Dealing with unreasonably persistent or vexatious complaints and behaviour

We reserve the right to reject a vexatious complaint. Vexatious complaints may be characterised (but are not limited to) the following:

complaints which are obsessive, persistent, harassing, prolific, or repetitive
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; and/or
demands for redress that lack any serious purpose or value

Further features of an unreasonably persistent and/or vexatious complaint include those detailed within Appendix 3. Please note that this list is not exhaustive, nor does one single feature on its own

necessarily imply that the complaint will be so defined.

The Academy will ensure that the complaint is being, or has been, investigated in accordance with this policy. If there are concerns that a complaint may fall within the category of being unreasonably persistent and/or vexatious the Headteacher will seek guidance and advice from the Central Team.

If a complainant is found to be unreasonably persistent and/or vexatious the Central Team will write to the complainant advising them of the decision and the reasons for this. The letter will state that all future correspondence from them with regards to complaints should be directed to the Central Team who will consider whether it raises any substantive new issue(s).

The complainant will be advised that any future complaints will not be responded to unless any substantive new issues are raised. They will also be advised of their right to complain about the decision to the Education and Skills Funding Agency (ESFA).

There is no internal route of appeal against the decision that a complaint is persistent and/or vexatious.

If future complaints do raise substantive new issues, these will be investigated in accordance with this policy.

The trust will investigate complaints professionally and with respect towards all individuals involved. The trust expects anyone raising a complaint to be respectful and avoid aggression or intimidating behaviour. If a parent's behaviour is unacceptable, the matter will be dealt with under the Parent Code of Conduct.

17. Complaints to ESFA/OIA

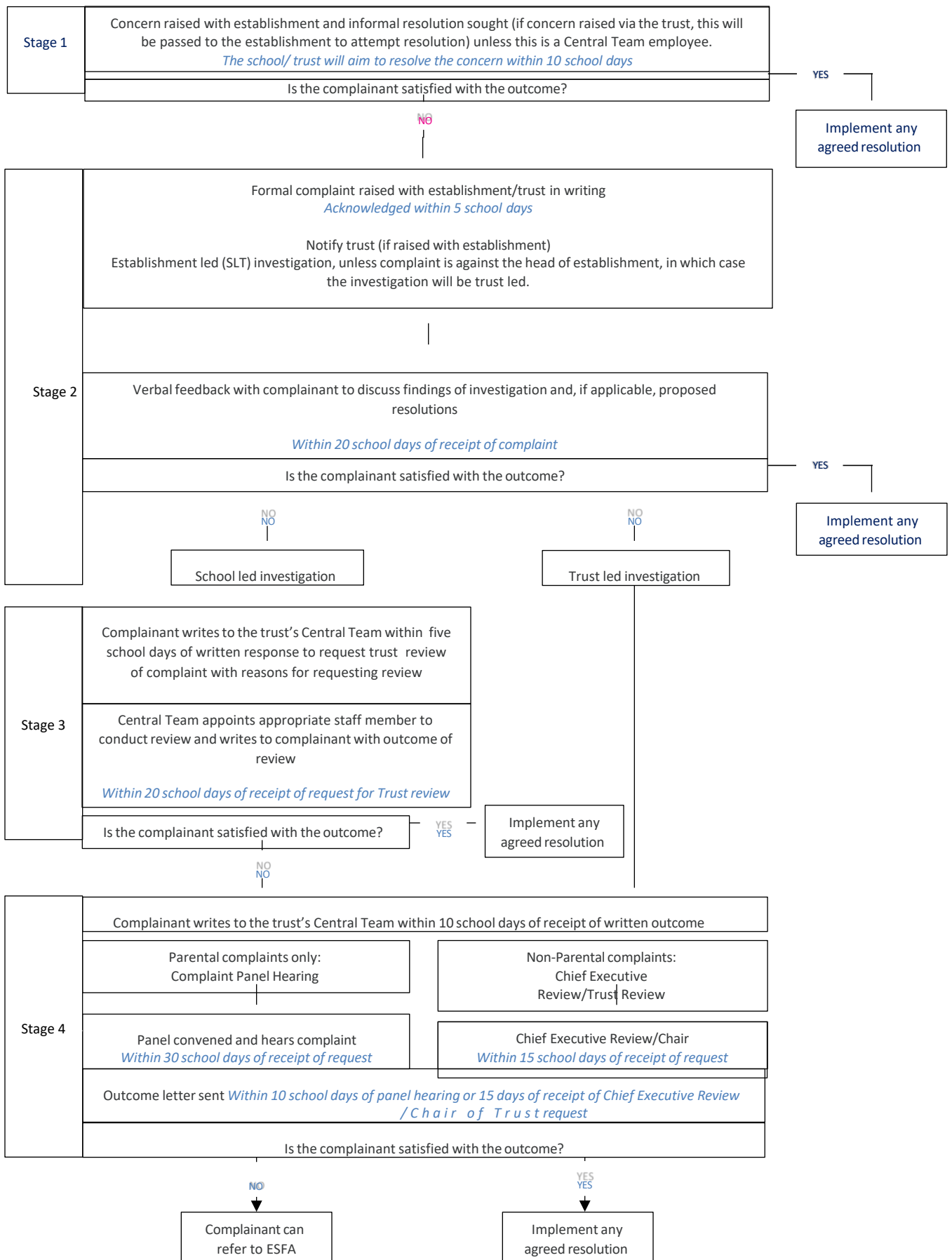
If the complainant is not satisfied with the way their complaint has been handled, they may escalate their complaint to the Education and Skills Funding Agency (ESFA) will expect the complainant to have first exhausted the trust's Complaints Policy.

ESFA will not reinvestigate the substance of complaints or overturn any decisions. However, if they find that a trust did not comply with its own Complaints Policy, in line with Part 7 of the Education (Independent School Standards) Regulations 2014, when considering the complaint, they may request that the complaint is looked at again by the trust. Complaints to ESFA can be submitted via the Department for Education's online school complaint form (www.gov.uk/complain-about-school) or in writing to the following address:

Complaints Team

Education and Skills Funding Agency Cheylesmore House
Quinton Road Coventry
CV1 2WT

Appendix 1: Stages within our Complaints Policy



What action, if any, have you already taken to try and resolve your complaint?

To whom did you speak to and what was the response? (An informal resolution should have been sought)

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

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

Signature:

Date:

For official use only

Date acknowledgement sent

Complaint referred to

Acknowledgement sent by

Complaint referred on (date)

Appendix 3: Examples of unreasonably persistent and/or vexatious complaints

Please note that this list is not exhaustive, nor does one single feature on its own necessarily imply that the complaint will be so defined.

- a. There are insufficient or no grounds for the complaint and it is made only to annoy (or for reasons that the complainant does not admit or make obvious).
- b. There are no specified grounds for the complaint despite offers of assistance.
- c. The complainant refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- d. The complaint is about issues not within the power of the Academy to investigate, change or influence and where the complainant refuses to accept this.
- e. The complainant insists on the complaint being dealt with in ways which are incompatible with the Complaints Policy (insisting, for example, that there must not be any written record of the complaint or insisting the complaint is only dealt with by the trust's Chief Executive).
- f. There appears to be groundless complaints about the staff dealing with the complaint investigation, and an attempt to have them replaced.
- g. There is an unreasonable number of contacts with us, by any means, in relation to a specific complaint or complaints.
- h. There are persistent and unreasonable demands or expectations of staff and/or the complaints process after the unreasonableness has been explained to the complainant (an example of this could be a complainant who insists on immediate responses to numerous, frequent and/or complex communication).
- i. Attempts to harass, verbally abuse, or otherwise seek to intimidate staff dealing with their complaint by use of foul or inappropriate language or by the use of offensive or discriminatory language.
- j. Subsidiary or new issues are raised whilst a complaint is being addressed that were not part of the complaint at the start of the complaints process.
- k. Trivial or irrelevant new information is introduced whilst the complaint is being investigated and an expectation that this be considered and commented on.
- l. There is a change to the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed.
- m. The complainant denies statements he or she made at an earlier stage in the complaint process.
- n. The complainant electronically records meetings and conversations without the prior knowledge and consent of the other person(s) involved.
- o. The complainant refuses to accept the outcome of the complaint process after its conclusion, repeatedly arguing the point, complaining about the outcome, and/or denying that an adequate response has been given.
- p. The same complaint is made repeatedly, perhaps with minor differences, after the complaints process has been concluded and where the complainant insists that the minor differences make these 'new' complaints which should be put through the full

complaints process.

- q. Documented evidence is not accepted as factual by the complainant.
- r. The complaint relates to an issue based on a historic and irreversible decision or incident.