

Complaints Procedure

Approved by RET Board

Approved on March 2023

RET contact CFO

Revision due Every 2 years



1. Introduction

1. This procedure sets out the process and timescales to make a complaint about Russell Education Trust ('RET' or 'the Trust') as a trust or about any individual RET school. The procedure applies to any person who wishes to raise a concern or make a complaint, including members of the public.
2. The Trust and its schools are committed to conducting themselves in an open and transparent manner. The Trust welcomes any feedback that we receive from parents, students and third parties as part of continuous improvement and accept that this will not always be positive. Where concerns and complaints are raised, RET intends for these to be dealt with:
 - Fairly
 - Openly
 - Promptly
 - Without Prejudice
3. This procedure explains how to raise concerns or make a complaint about the Trust including its schools and the process that will be followed to resolve the matter in accordance with the four principles identified above. Where this Procedure refers to 'the Trust' it covers the Trust's central team, and all RET schools.

2. Concerns and Complaints

1. This Complaints Procedure makes a distinction between 'raising concerns' (see section 7) and making a complaint. 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'.
2. In all but exceptional circumstances, issues should be raised as 'concerns' first. Issues should only be escalated as a 'complaint' when the process for resolving issues as 'concerns' has been exhausted. If a concern is to be escalated as a complaint, then this should be done by completing and submitting a Complaint Form (see Appendix A) and in accordance with the process outlined below.

3. Source of Complaints

1. This Complaints Procedure is not limited to parents or carers of students that are registered at RET schools. Any person, including members of the public, may raise a concern and, if this is not satisfactorily resolved, proceed to make a complaint to the Trust about the provision of facilities or services by the Trust. Unless concerns and complaints are dealt with under separate statutory policies or procedures (see 4. below), the Trust will use this Complaints Procedure.

4. Alternative Routes for Issues to be Dealt With

1. In specific situations an alternative and more appropriate policy may be in place to deal with an issue appropriately. This is usually because a statutory process must be followed to meet our legal duty. The following list details specific categories of issues and the correct policy to refer to. These policies are on RET school websites or directly available to staff and a copy can be requested from the main school reception.

| Area | Policy Reference |
|---|---|
| Student admissions | Admissions Policy |
| Student exclusions | Exclusion Policy |
| Staff grievance, capability or disciplinary | Grievance Policy, Disciplinary Policy, Capability Policy and procedures |
| Safeguarding and child protection | Safeguarding and Child Protection Policy |
| Anonymous complaints | Whistleblowing Policy |
| Third party used by the school | Where the complaint concerns a third party used by the school or RET; please complain directly to the third party themselves. |

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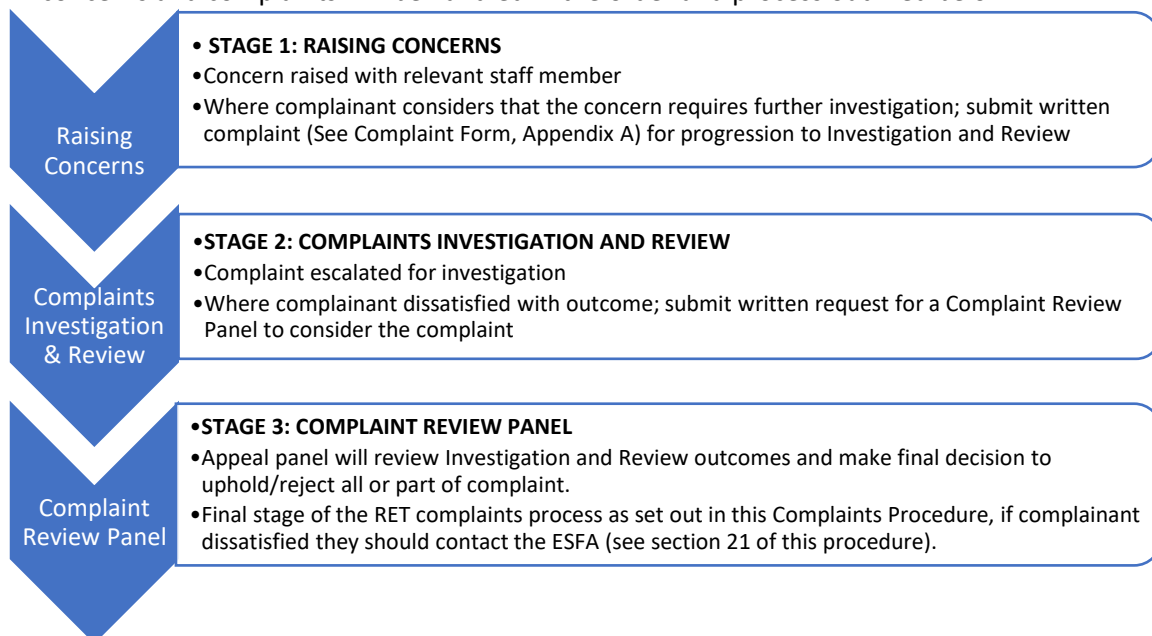
| | |
|---|---|
| Data Protection including Freedom of Information Requests and Subject Access Requests | Data Protection and Freedom of Information Policy |
| Statutory assessments of special educational needs (SEN) | Concerns about statutory assessments of special educational needs should be raised directly with local authorities. Complaints from parents of students with SEN relating to the school's support are within the scope of this policy. Such complaints should first be made to the SENCO and Headteacher of the individual school; they will then be referred to this policy. |
| Withdrawal from the curriculum | Parents and carers can withdraw their child from any aspect of RE, including the Daily Act of Collective Worship (DACW). They do not have to explain why. If parents or carers are not satisfied with the handling of a request to withdraw their child from RE or the DACW, they should follow this Complaints Procedure. The right of withdrawal does not apply to other areas of the curriculum where religious matters may be spontaneously raised by pupils or arise in other subjects such as history or citizenship. |

5. Safeguarding

1. Wherever a concern or complaint made to the Trust indicates that a child's wellbeing or safety is at risk, the Trust is under a duty to report this immediately to the relevant local authority. Any action taken will be in accordance with the Trust's Safeguarding and Child Protection Policy, which can be found on RET school websites.

6. Stages in Handling Concerns and Complaints

1. All concerns and complaints will be handled in the order and process outlined below.



Stage 1: Raising Concerns

7. Overview of Review of Concerns

1. In most cases, issues raised by parents, members of the public or any other third party are categorised as 'concerns' and not 'complaints' and can be handled informally. Those with concerns about any aspect of RET schools or a child's education or wellbeing, should raise this with the school either with the relevant member of staff or the school office. This can be done via the school website, email, phone or in person. Ideally, the

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relevant staff member will be able to address concerns on the spot or can arrange a meeting to discuss the issue. It may also be appropriate to address concerns to a Head of Department or Head of Year in the first instance.

2. All concerns will be dealt with confidentially.
3. Wherever possible, concerns will be responded to quickly and resolved amicably. Where a concern is raised regarding staff, those raising concerns should be mindful of staff members' availability and reasonable in expectations of response times, particularly to concerns received by email.

Stage 2: Complaints Investigation and Review

8. Overview of Complaints Process

1. In most cases issues will be dealt with as concerns under section 7 of this Procedure, as this will generally offer the most efficient means of resolving matters. Only when those raising issues are not satisfied with the Trust's response and believe the issue has not been resolved should issues be escalated as complaints.

9. Timeframe

1. For most complaints, the Trust will follow the timescales in this procedure. However, in complex cases more time may be needed to conduct a full and fair investigation. In this instance, extended timescales will be confirmed at the earliest possible opportunity.
2. The Trust reserves the right not to investigate complaints that have been made more than three months after the subject of the complaint took place unless in exceptional circumstances; for example: where new evidence has come to light; if the complaint is about an especially serious matter or where there is reasonable justification for why the complainant could not raise the matter sooner. For school-based complaints, the headteacher in consultation with the CEO will determine if exceptional circumstances apply. For Trust wide or central team complaints, the CEO in consultation with the Chair of the Board will determine if exceptional circumstances apply. Where the headteacher or CEO is the subject of the complaint, they will not be involved in the decision-making process.

10. Investigation Procedure

1. If the complainant is not satisfied that their concern has been resolved informally, they may submit a complaint to complaints@russelleducationtrust.org.uk.
2. Where possible, the complainant should use the Complaint Form (available in Appendix A) to submit a complaint. In the absence of a completed form the Trust or school will contact the complainant to obtain the information requested in the Complaints Form.
3. Within five school days a response will be given to acknowledge receipt of the complaint, confirm who the complaint has been forwarded to for investigation, and the timescales for a response.
4. Submitted complaints will be managed in accordance with the table of responsibilities below.

| Subject of Complaint | Complaint Manager |
|--|---|
| School staff | Headteachers |
| General complaints relating to the School or its facilities/services | Headteachers |
| Headteachers | RET CEO |
| Central staff | RET CEO |
| RET CEO | Chair of Board |
| Local governors | RET CEO |
| RET Board member | RET CEO in conjunction with RET Board member who is independent of the subject of the complaint |

5. The Complaint Manager will appoint an appropriate member of staff to conduct an investigation.
6. The investigator will consider all evidence relevant to the complaint, this may include but is not limited to:
 - Written records relating to any preceding concern.

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- Previous correspondence regarding the complaint.
 - A statement from the complainant.
 - A statement from any individual who is the subject of the complaint.
 - Any supporting evidence in either case.
 - Interview with anyone relevant to the complaint including the complainant.
 - Any relevant government regulation or guidance
7. The investigator will report the findings of the investigation to the Complaint Manager who will then determine if the Trust:
 - Upholds the complaint and direct relevant action to resolve it.
 - Rejects the complaint, stating the rationale for this decision, and provide the complainant with details of the appeals process which is by a Complaint Review Panel.
 - Upholds the complaint in part (i.e. upholds part of the complaint but not all of it) and directs relevant action to resolve the specific aspect of the complaint which has been upheld.
 8. The complainant will be contacted in writing within thirty school days of the investigation commencing and notified of the investigation outcome. If the complainant is not satisfied with the outcome of the investigation, they may appeal to a Complaint Review Panel. This request should be made in writing to complaints@russeleducationtrust.org.uk.
 9. Written records of the complaint and investigation will be held at the school according to the RET Data Retention Schedule, in line with the principles of the Data Protection Act 2018.

Stage 3: Complaint Review Panel

11. Complaint Review Panel Procedure

1. If the complainant is not satisfied with the decision made at the Investigation and Review stage, they may request an appeal which would be heard by a Complaint Review Panel. The complainant should specify the basis of their appeal, and in particular any specific issues that they feel the Complaint Review Panel should address.
2. The Complaint Review Panel should consist of at least three members, and this may include Trust and school managers, who have had no prior connection with the complaint, and at least one of the panel members must be independent. A governor from a local governing body at a different school within the MAT, who has no conflict of interest or prior knowledge of the complaint, can be an independent panel member for a complaint relating to a school within the MAT. MAT trustees however cannot be independent panel members as they have a Trust-wide role. Local governors may also serve as an independent panel member for complaints relating to the whole Trust or the Trust's central team. This is because such a person is unlikely, albeit this needs to be verified, to have had any direct involvement with the management and running of the issue, process or activity being complained about.
3. The complainant must request an appeal in writing within ten school days of receiving the decision made at the Investigation and Review stage or it will not be considered, except in exceptional circumstances that must be demonstrated by the complainant. The request should be sent to: complaints@russeleducationtrust.org.uk. On receipt of this request, the following process will be followed:
 - a. A Complaint Review Panel clerk will be appointed and they will write to the complainant within five school days to confirm receipt of the request and provide details of further action to be taken.
 - b. The clerk will convene a panel of at least three members, and subject to the guidance above in relation to prior connection to the complaint, this will include an independent panel member.
 - c. The appeal meeting will take place within thirty school days from the date the clerk acknowledged the complainant's appeal.
 - d. All supporting evidence and paperwork will be circulated to panel members and attendees five school days prior to the meeting. No late papers or written evidence will be considered unless in exceptional circumstances. The Complaint Review Panel will determine whether to accept late evidence.

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- e. The Complaint Review Panel will not review any new complaints at this stage or consider evidence unrelated to the initial complaint. New complaints will be reviewed afresh, commencing at section 7 of this procedure.
- f. The meeting will be held in private.
- g. It may be appropriate and helpful for panel members, complainants or other attendees to attend “remotely”. The Trust will seek the agreement of all parties for such arrangements but reserves the right to make the arrangements it deems appropriate to the circumstances.
- h. The complainant is also able to bring a companion with them to the hearing if they wish.
- i. The companion will be a friend or colleague. Neither party may bring legal representation with them. If, after the hearing, any party feels that legal action is necessary, please contact the Clerk to the Review Panel (see section 20 for contact details).
- j. The panel can make the following decisions:
 - 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 Trust or school’s systems or processes to ensure that problems of a similar nature do not recur.
- k. All parties who attend the meeting will be informed in writing of the outcome of the appeal within five school days of the hearing date.
- l. A copy of the panel’s findings and recommendations will be provided to the complainant.
- m. The Complaint Review Panel is the final stage of RET’s complaints process. The Trust or school will not consider the complaint beyond this point. If the complainant remains dissatisfied and wishes to take the complaint further, they should contact the ESFA (see section 21 for details).

Administration

12. Reporting and Recording Complaints

1. A written record of all complaints will be held centrally by RET, including which stage of the complaints process they were resolved, and any action taken by the school as a result of the complaint (regardless of whether it was upheld or not).
2. Where a complaint progresses to the Complaint Review Panel, the findings and recommendations made by the panel will be sent in writing to all parties and made available for inspection on the Trust or school premises.
3. All correspondence, statements and records relating to individual complaints will be kept confidential, except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

13. Recorded Evidence

1. When considering complaints, the Trust and its schools will not normally accept as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

14. Audio Recordings

1. Proceedings should not normally be recorded however, where the complainant requires special access arrangements e.g. due to disability, then meetings may be recorded with the consent of all parties.
2. Any decision to allow audio recordings to be made of any meeting will fully consider the data protection implications due to the personal data involved. Consideration will be given to the impact and consequences on the individuals involved in the complaint and the effect on any third parties in the event recordings are lost or leaked.
3. Complainants should make sure they obtain informed consent from all parties present before recording conversations or meetings. Informed consent must be sought at least 24 hours before the relevant meeting takes place.

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15. Serial, Duplicate and Persistent Complaints

1. When a complaint has been through the full process and the case is closed, if a subsequent complaint is received raising the same, or substantially similar issue, the Complaint Manager (as defined above) will determine in consultation with a representative of the Trust, whether the issue should be reinvestigated. This will only happen in exceptional circumstances, such as where new and relevant evidence has been provided.
2. The Trust will confirm in writing that the complaint has been dealt with fully in line with this Procedure and the complaint is now closed. They will also provide details of how to raise the issue with the ESFA if the complainant wishes to take the matter further.
3. Examples of where this may apply to a complaint may include:
 - a. Complaints from a spouse, partner, grandparent or student (where the student is a subject in the complaint) about the same subject matter.
 - b. Complaints from complainants who remain dissatisfied or refuse to accept the procedure, investigation or outcome of their complaint and the complaints procedure has been fully exhausted.
 - c. Complaints from a new individual raising substantially the same subject matter as a complaint previously reviewed and resolved by the Trust. Details of the outcome will be provided where it is possible to do so without revealing personal information of the original complainant. Where there are numerous complaints of the same nature from different individuals, these may be dealt with as Complaint Campaigns as set out in section 16.

16. Complaint Campaigns

1. Occasionally schools become the focus of a campaign and receive large volumes of complaints all based on the same subject and/or from complainants unconnected with the Trust/schools. In these cases, the Trust will send a coordinated response to all complainants, and, if necessary, direct complainants to a single response published on either an RET school website or the Trust website.

17. Unreasonable Complaints

1. Scope of Unreasonable Complaints

- a. The Trust and its schools are committed to dealing with complaints fairly and impartially. We will not normally limit the contact complainants have with the Trust/schools, however, there may be circumstances where unreasonable behaviour hinders consideration of a complaint. Unreasonable complaints include, but are not limited to, the following scenarios:
 - Issues raised by the complainant have been exhaustively reviewed and addressed by the Trust or school and further review would demonstrably, to any reasonable person, offer no further resolution of those issues.
 - The complainant refuses to cooperate with the school's relevant processes.
 - The complainant changes the basis of their complaint as the investigation progresses.
 - The complainant refuses to accept that certain issues are not within the scope of the complaints procedure.
 - The complainant refuses to accept that certain issues are not within the control of an RET school or the Trust e.g. complaints about national regulation.
 - The complainant seeks an unrealistic outcome.
 - Excessive demands are made of the time of staff and governors which are clearly intended to aggravate and/or cause disruption.
 - The complainant acts in a way that is offensive, abusive or discriminatory.

2. Procedure for Unreasonable Complaints:

- a. For complaints relating to their school, Headteachers may, in consultation with a representative of the Trust, decide not to investigate complaints that they deem to be unreasonable.

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- b. For complaints relating to the Trust as a whole, or the Trust's central team, the CEO in consultation with the Chair of the Board, may decide not to investigate complaints they deem to be unreasonable.
- c. Notification of the decision to deem a complaint unreasonable will be given to the complainant in writing.
- d. The complainant may appeal this decision to a Complaints Review Panel who will review the Trust/schools decision not to investigate a complaint they deem to be unreasonable.
- e. The procedure for the Complaints Review Panel will be as set out in section 11.
- f. The panel can make the following decisions:
 - Direct the school/Trust to investigate the complaint at the stage in the complaints procedure that it had progressed to.
 - Uphold the school/Trust's decision not to investigate the complaint on the basis that it is unreasonable.

18. Complaints Resulting in Staff Capability and Disciplinary Proceedings

1. If, at any stage, it is necessary to undertake staff disciplinary or capability proceedings as the result of a complaint, the details of this action will remain confidential to those members of staff that the Trust or school deems it necessary to inform. The complainant is entitled to be informed that the matter is being addressed but they are not entitled to participate in proceedings or receive any detail about them.

19. Social Media

1. For complaints to be resolved as quickly and fairly as possible, RET requires that complainants do not discuss complaints publicly, this includes, but is not limited to, face to face discussions, social media such as Facebook, Twitter, and WhatsApp or other group messaging systems. Complaints will be dealt with confidentially for those involved, and we expect complainants to observe confidentiality also.

20. Contact Details

1. Initial concerns should be submitted to the relevant RET school's main email address (available on RET school websites).
2. All complaints, and appeals to a Complaints Review Panel, should be submitted to RET's central office (complaints@russelleducationtrust.org.uk) who will forward the concern on to the relevant person.

21. Next Steps

1. If the complainant believes the Trust did not handle their complaint in accordance with the published Complaints Procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the ESFA.
2. The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by the Trust. They will consider whether the Trust has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed Part 7 of the Education (Independent School Standards) Regulations 2014.
3. The complainant can refer their complaint to the ESFA online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:
Academy Complaints and Customer Insight Unit
Education and Skills Funding Agency
Cheylesmore House
5 Quinton Road
Coventry CV1 2WT

22. Relevant Legislation and Guidance

1. The Equality Act 2010
2. The Data Protection Act 2018
3. Education Act 2011

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4. The Education (Independent School Standards) Regulations 2014
5. ESFA Best Practice Guidance for academies complaints procedures

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Appendix A

Russell Education Trust Complaint Form

| | |
|--|--|
| Name | |
| Name of student, year group and your relationship to them (where applicable) | |
| Contact address | |
| Contact telephone day | |
| Contact telephone mobile | |
| Contact email address | |
| Details of the complaint | |
| | |
| Action taken so far (including staff member who has dealt with it so far) or solutions offered | |
| | |
| The reason that this was not a satisfactory resolution for you | |
| | |
| What action would you like to be taken to resolve the problem? | |
| | |

Signed:

Date:

| | |
|---------------------|---------|
| <i>Official use</i> | |
| Date received: | Signed: |