



# Complaints Policy

## February 2023

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Statutory or Best Practice Policy	Statutory
School or Trust Policy	Trust

We want to ensure that your needs are met.  
If you would like this information in any other format, please contact us on  
01637 303106 or email [info@kernowlearning.co.uk](mailto:info@kernowlearning.co.uk).

## Stages of a complaint

<b>Stage 1:</b>  Informal concerns	Parent brings complaint to attention of member of staff
	Issue to be resolved within 15 school days
	Where no satisfactory solution has been found, parent to be advised that they should proceed to Stage 2
<b>Use Meeting Request Form - annex 1</b>	
<b>Stage 2:</b> Formal Written Complaint	Parent to put complaint in writing using Complaint Form (within policy below)
	Complaint to be acknowledged within 5 school days
	(Optional) Meeting with parents within 10 school days
	Response to the complaint sent within 15 school days
<b>Use Complaints Form - annex 2</b>	
It is very important that you include a clear statement of the actions that you would like the School to take to resolve your concern.	
<b>Stage 3:</b>  Referral to Complaints Committee	Parent to request hearing within 10 school days of receiving notice of the outcome of Stage 2
	Request to be acknowledged within 5 school days
	Hearing to take place within 20 school days of receipt of request
	Notification of date, time and place of the hearing and details of the committee members present sent at least 5 school days before the
	School and parents to submit evidence in support of their case to Clerk at least 3 school days before the hearing
	Complaints Committee decision sent not more than 5 school days after the hearing
<b>Use Complaints Form - annex 3</b>	
Tell us why you are dissatisfied by the procedure that has been followed.	

### General principles:

- This procedure is intended to allow you to raise a concern or complaint relating to Kernow Learning schools Learning Academy and or the services that it provides.
- Kernow Learning has adopted this procedure for complaints from people who are parents/carers of pupils attending any of Kernow Learning's schools at the time the complaint is made.
- Kernow Learning and each of our schools will usually also follow this procedure when dealing with complaints from others but reserves the right to substitute this procedure for an alternative process where it is appropriate to do so.
- Complainants will be informed about the procedure that will be used to consider their complaint as soon as possible after their complaint is received by Kernow Learning or an individual school This procedure does not apply to concerns and complaints

relating to the following, which are dealt with under separate policies:

- staff grievances or disciplinary procedures
  - admissions
  - exclusions
  - issues related to child protection
  - SEND statements and EHC Plans
- The aims of the procedure are to deal with any complaint against Kernow Learning or to the individual school or any individual connected with Kernow Learning by following the correct procedure to deal with all complaints thoroughly and in a timely manner and by being open, honest and fair when dealing with the complainant.
- 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.
- In order to investigate a complaint as fully as possible, we have implemented a staged approach. We anticipate that almost all complaints that arise will be resolved at Stage 1 or Stage 2 (see page 1).
- We expect our members of staff to be addressed in a respectful manner and for communication to remain appropriate at all times. The procedure under Part 2 will only be used on very rare occasions to deal with unreasonably persistent complainants or unreasonable complainant behaviour.
- To enable a proper investigation, concerns or complaints should be brought to the attention of Kernow Learning or to the individual school, as soon as possible. In general, any matter raised more than 3 months after the event being complained of will not be considered. However, the Trust may make exceptions to this.
- If, at any stage, Kernow Learning or the individual school considers the concern or complaint to be persistent, vexatious or amounts to harassment then the concern or complaint will be dealt with in accordance with the relevant part of this policy (Persistent or Vexatious Complaints or Harassment).
- An anonymous concern or complaint will not be investigated under this procedure, unless there are exceptional circumstances.
- If it becomes necessary to alter the time limits and deadlines set out within this procedure, the complainant will be advised accordingly and given an explanation as to why this has been the case and provided with revised timescales.
- A written record will be kept of all complaints, including at what stage they were resolved. Correspondence, statements and records relating to individual complaints will be kept confidential except where access is requested by the Secretary of State or where disclosure is required in the course of a school inspection or under other legal authority.

### What you can expect from us

Parents/carers/members of the public who raise either informal concerns or formal complaints with Kernow Learning or an individual Kernow Learning school can expect:

- We will communicate to you in writing:
  - How and when problems can be raised
  - The existence of the complaints procedure
- We will respond to you within a reasonable time.
- We will be available for consultation within reasonable time limits bearing in mind the needs of the pupils within the school and the nature of the complaint.
- We will respond with courtesy and respect.
- We will attempt to resolve problems using reasonable means in line with the trust's complaints procedure, other policies and practice and in line with advice from external advisors and will keep you informed of progress towards a resolution of the issues raised.

### What we expect from you

Kernow Learning would expect parents/carers/members of the public who wish to raise a complaint with the school to:

- Treat all staff with courtesy and respect
- Respect the needs and well-being of pupils and staff in the school
- Avoid any use or threatened use of violence to people or property
- Avoid any aggression or verbal abuse
- Recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond.
- Recognise that resolving a specific problem can sometimes take some time.
- Follow the complaints procedure.

### Raising a concern or complaint

#### 1. Informal stage

Many concerns can be resolved by simple clarification or the provision of information. Where a complaint is about your child or a child attending the school, it is normally appropriate to communicate directly with the child's class teacher. Where the complaint is about a member of staff, it is normally appropriate to communicate directly with them in the first instance. This may be by letter, by telephone or in person by appointment, requested via the school office. If you wish to hold a meeting to discuss your concern or complaint, it is helpful if you can explain the nature of your concern or the complaint in advance. You may wish to use the Meeting Request Form (Annex 1) provided. It is anticipated that most complaints will be resolved by this informal stage within 10 working days of being notified of the

complaint. In the case of serious concerns, it may be appropriate to address them directly to the Headteacher (or to the CEO, if the informal complaint is about the Headteacher). If you are uncertain about who to contact, please seek advice from the School Office.

It is anticipated that most complaints will be resolved by this informal stage within 10 working days of being notified of the complaint.

## 2. Formal Stage

If your concern or complaint is not resolved to your satisfaction at the informal stage or you wish the complaint to be dealt with immediately as a formal complaint, you should put your complaint in writing and send this to the Headteacher who will be responsible for ensuring that it is investigated appropriately. However,

If your complaint is about:	Refer to	How to contact
A Headteacher	Chief Executive Officer (CEO)	The Old Cricket Pavilion, Treninnick Hill, Newquay, TR7 2JU Tel: 01637 303106
The Deputy Chief Executive Officer (DCEO) or the Chief Operating Officer (COO)	Chief Executive Officer (CEO)	
The Chief Executive Officer (CEO)	Board of Trustees via Clerk to the Board of Trustees	
A Trustee or Local Governing Body member	Chair of Trustees or the Chair of the LAB via Clerk to the Board of Trustees	

A Complaint Form is provided to assist you (Annex 2).

You should include details, which might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents.

**It is very important that you include a clear statement of the actions that you would like the School to take to resolve your concern. Without this, it is much more difficult to proceed.**

Your written formal complaint will be acknowledged within 5 school days of receipt. Please pass the completed form, in a sealed envelope to the school office, or send by post to the address above. The envelope should be addressed to the Headteacher, or Chief Executive Operator or Chair of Local Governing Body or Chair of the Board of Trustees, as appropriate.

The Headteacher (Chief Executive Officer, Chair or suitable representative) may invite you to a meeting to clarify your concerns and to explore the possibility of an informal resolution. If you accept that invitation, you may be accompanied by one other person such as a relative or friend, who should not be legally qualified, to assist you in explaining the nature of your concerns. Where possible, this meeting will take place within 10 school days of receipt of the written complaint.

Where you decline the invitation to a meeting or the complaint cannot be resolved through a meeting, arrangements will be made for the matter to be formally investigated.

If necessary, witnesses will be interviewed and statements taken from those involved. If the complaint centres on a pupil, the pupil should also be interviewed. Pupils should normally be interviewed with their parent present, but if this would seriously delay the investigation of a serious or urgent complaint or if the pupil has specifically said that s/he would prefer that their parents were not involved, another member of staff with whom the pupil feels comfortable should be present. If a member of staff is complained against, they must have the opportunity to present their case.

Once all the relevant facts have been established as far as possible, you will be provided with a written response to the complaint, including a full explanation of the decision and the reasons for it. This will include what action the trust / school will take 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 heard by the Review Panel.

Where possible, this will be within 15 school days of receipt of the complaint.

### 3. Panel Hearing Stage

If you are dissatisfied with the decision of the Headteacher (Chief Executive Officer or Chair) under the Formal Stage or if you are not satisfied with the way the process has been followed, you may request that a Review Panel is convened to reconsider your complaint. Your request will only be considered if you have completed the relevant procedures at Stages 1 and Stages 2. To request a hearing before the Review Panel, you should write to the Clerk to the Board of Trustees at The Old Cricket Pavillion, Treninnick Hill, Newquay, TR7 2JU. Any such request must be made in writing within 10 working school days of receiving notice of the outcome of the Formal Stage.

You should ensure that you provide copies of all relevant documents and state all the grounds for your complaint and the outcome that you desire. You may wish to use the Complaint Review Request Form (Annex 3) provided to assist you, and include a statement specifying any perceived failures to follow the procedure. The procedure described below will be followed. A Review Request Form is provided for your

convenience. The Clerk will acknowledge your request in writing within 5 school days of receipt.

Parents/carers can be accompanied at a Panel Hearing if they wish.

### **Panel Hearing Stage Review Process**

Any review of the process followed by Kernow Learning will be conducted by a panel of at least three members who have previously not been directly involved in the matters detailed in the complaint; and one other person who is independent of the running and the management of the school (this could be a governor from another school).

Every effort will be made to enable the hearing to take place within 20 school days of the receipt of your request. You will be sent written notification of the date, time and place of the hearing, together with brief details of the Panel members who will be present. Fair consideration will be given to any bona fide objection to a particular member of the Panel. Copies of any additional documents you wish the Panel to consider should be sent to the Company Secretary at least 3 school days prior to the hearing. The Panel reserves the right not to consider any documentation presented after this.

You will be asked to attend the hearing and may be accompanied by one other person such as a relative or friend, who should not be legally qualified. The Company Secretary or nominated deputy will also attend the hearing in order to keep a record of the proceedings.

The Review Panel will be conducted in such a way as to ensure that all those present have the opportunity of asking questions and making comments in an appropriate manner. The Panel is under no obligation to hear oral evidence from witnesses but may do so and/or may take written statements into account.

After the hearing, the Panel will consider their decision and inform you of their decision in writing within 5 school days.

The Panel can:

- Request further information from you and/or the school to assist them in making their decision
- 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's systems or procedures to ensure that problems of a similar nature do not reoccur

The review will normally be conducted through a consideration of written submissions, but reasonable requests to make oral representations should be considered sympathetically.

The Review Panel will provide you with a copy of their findings and recommendations and, where relevant, this will also be provided to the person complained about. The findings and recommendations will be made available to be inspected by the Trust Leaders and the head teacher on the school premises.

The Trust reserves the right to rearrange the date of any meeting at any stage should new information regarding the complaint be submitted.

### **Referral to the Education Skills Funding Agency (ESFA)**

If you are dissatisfied with the decision of the Review Panel, you are entitled to refer your complaint to the Education Skills Funding Agency who have limited powers to review the Trust's handling of the complaint in accordance with the ESFA's 'Procedure for dealing with complaints about Academies'. At the time of writing this procedure, the ESFA procedure and the ESFA Academy complaints form are available at:  
<http://www.education.gov.uk/schools/leadership/schoolperformance/b00212240/making-complaint-school>

### **Audio or video evidence**

Complainants should make sure they obtain informed consent from all parties present before recording conversations or meetings. We do not normally accept electronic recordings as evidence when we are asked to consider a complaint. However, we may accept independently notarised transcriptions of recordings. We may also ask for the written consent of all recorded parties.

Unless exceptional circumstances apply, we will refuse to accept, as evidence, recordings of conversations that were obtained covertly and without informed consent of all parties being recorded.

### **Persistent or Vexatious Complaints or Harassment**

The majority of complaints are handled in an informal manner and are resolved quickly, sensitively and to the satisfaction of the complainant. However, there are occasions when complainants behave in an unreasonable manner when raising and/or pursuing concerns. The consequences are that the actions of the complainants begin to impact negatively on the day-to-day running of Kernow Learning 'schools and directly or indirectly the overall well-being of the children or staff in a school. In these exceptional circumstances the school may take action in accordance with this section of the complaints policy.



There are rare circumstances where we will deviate from the Complaints Procedure set out in Part One:

These include, but are not necessarily limited to:

- where the complainant's behaviour towards staff, members of the Governors or Trustees is unacceptable, for example, is abusive, offensive or threatening;
- where, because of the frequency of their contact with the Trust/school, the complainant is hindering the consideration of their or other people's complaints and/or the proper running of the Trust/school;
- where the complainant's complaint is vexatious and/or has patently insufficient grounds;
- 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 by the Trust/school.

In these circumstances, we may:

- inform the complainant that their behaviour is unacceptable or unreasonably persistent and ask them to change it;
- restrict the complainant's access to the Trust/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 banning the complainant from the school's premises;
- conduct the Review Panel on the papers only i.e. not hold a hearing;
- refuse to consider the complaint and refer the complainant directly to Stage 4.

In all cases we will write to tell the complainant why we believe his or her behaviour is unacceptable or unreasonably persistent, what action we are taking and the duration of that action.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of staff, members of the Governors or Trustees, 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.

### Persistent Complainants

**Who is a persistent complainant?** For the purpose of this policy, a persistent complainant is a parent/carers or member of the public who complains about issues, either formally or informally, or frequently raises issues that the complainant considers to be within the remit of the school, and whose behaviour is unreasonable. Such

behaviour may be characterised by:

- i. Actions which are obsessive, persistent, harassing, prolific, repetitious.
- ii. Prolific correspondence or excessive e-mail or telephone contact about a concern or complaint.
- iii. Uses Freedom of Information requests excessively or unreasonably.
- iv. An insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes.
- v. An insistence upon pursuing complaints in an unreasonable manner.
- vi. An insistence on only dealing with the Headteacher on all occasions irrespective of the issue and the level of delegation in the school to deal with such matters.
- vii. An insistence upon repeatedly pursuing a complaint when the outcome is not satisfactory to the complainant but cannot be changed, for example, if the desired outcome is beyond the remit of Kernow Learning because it is unlawful.

### Harassment

For the purpose of this policy, harassment is the unreasonable pursuit of such actions above ( i - vii) in such a way that they:

- appear to be targeted over a significant period of time on one or more members of school staff and/or
- cause ongoing distress to individual member(s) of school staff and/or
- have a significant adverse effect on the whole/parts of the school community and/or
- are pursued in a manner which can be perceived as intimidating and oppressive by the recipient. This could include situations where persistent demands and criticisms, whilst not particularly taxing or serious when viewed in isolation, have a cumulative effect over time of undermining confidence, well-being and health.
- Breach Kernow Learning's Anti-bullying and Harassment Policy.

### Actions in cases of persistent or vexatious complaints or harassment

In the first instance the school will verbally inform the complainant that his / her behaviour is considered to be becoming unreasonable / unacceptable and, if it is not modified, action may be taken in accordance with this policy. This will be confirmed in writing.

If the behaviour is not modified the school will take some or all of the following actions as necessary, having regard to the nature of the complainant's behaviour and the effect of this on the school community:

- inform the complainant in writing that his/her behaviour is now considered by the school to be unreasonable/unacceptable and, therefore, to fall under the terms of

this policy;

- inform the complainant that all meetings with a member of staff will be conducted with a second person present and that notes of meetings may be taken in the interests of all parties;
- inform the complainant that, except in emergencies, all routine communication with the complainant to the school should be by letter only;
- (in the case of physical, or verbal aggression) Kernow Learning will follow its Policy For Dealing With Unacceptable Behaviour On School Premises
- consider pursuing a case under Anti-Harassment legislation;
- put in place a specific procedure for dealing with complaints from the complainant, i.e. the complainant will not be able to deal directly with the Headteacher but only with a third person to be identified by Kernow Learning, who will investigate, determine whether or not the concern / complaint is reasonable or vexatious and then advise the Headteacher accordingly.
- legitimate new complaints may still be considered even if the person making them is, or has been, subject to the Policy for Dealing with Persistent or Vexatious Complaints and/or Harassment. However, the school will be advised by its Legal Services.
- If a complainant's persistent complaining/harassing behaviour is modified and is then resumed at a later date within a reasonable period of time, the school may resume the process identified above at an appropriate

### Complaint campaigns

If a Kernow Learning school or the trust become the focus of a complaint campaign and receives large volumes of complaints:

- all based on the same subject
- from complainants unconnected with the school

Kernow Learning may make the decision to:

- send a template response to all complainants
- publishing a single response on the school's website

### Review of policy

This policy is reviewed annually by Kernow Learning or in line with any changes to statutory or DfE guidance. For all monitoring of policies, we adopt a rigorous and reflective approach. We consider multiple perspectives on the effectiveness and success of the policy and procedures in question, incorporating the views of stakeholders. An Equality impact assessment is undertaken to ensure that there is no potential for any discrimination, adverse impact in relation to protected characteristics or any conflict with the Trust's values.

**Annex 1 Kernow Learning: Meeting Request Form (Stage 1)**

[Please complete this form and return it to School / Trust Office]

I wish to meet [ ] to discuss the following matter:

Brief details of topic to be discussed:

Dates/times when it would be most convenient for a meeting:

Your Name: .....

Relationship with Kernow Learning (e.g. parent or pupil on the school roll):

Pupil's name (if relevant to the matter to be discussed)

Your Address:

Telephone Numbers: Daytime:

Evening:

e-mail address:

Signed .....Dated .....

School Use:

Date Form received:

Date response sent:

Received by:

Response sent by:

## **Annex 2 Kernow Learning: Complaints Form (Stage 2)**

Please complete this form and return it to School / Trust Office or if your complaint is about any of the people below:

	Address to	How to contact:
A Headteacher	CEO	The Old Cricket Pavillion, Treninnick Hill,
The DCEO / COO	CEO	Newquay, TR7 2JU
The CEO	Board of Trustees via Clerk to the Board of Trustees	Tel : 01637 303106

Please give concise details of your complaint, (including dates, names of witnesses etc...) to allow the matter to be fully investigated:

You may continue on separate paper, or attach additional documents, if you wish.

Number of additional pages attached =

What action, if any, have you already taken to try to resolve your complaint? (i.e. who have you spoken with or written to and what was the outcome?)

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

Signature .....Date.....

School Use:

Date Form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

Request referred to:

Date:			
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### **Annex 3 Kernow Learning: Complaint Review Request Form Stage 3**

Please complete this form and return it to the Clerk to the Board of Trustees The Old Cricket Pavillion, Treninnick Hill, Newquay, TR7 2JU (Tel: 01637 303106), who will acknowledge receipt and inform you of the next stage in the procedure.

Your name: .....

Your Address:

Telephone Numbers: Daytime:

Evening:

e-mail address:

I submitted a formal complaint on the School on ..... and am dissatisfied by the procedure that has been followed.

My complaint was submitted to ..... and I received a response from  
..... on .....

I have attached copies of my formal complaint and of the response(s) from the School.

I am dissatisfied with the way in which the procedure was carried out, because:

You may continue on separate paper, or attach additional documents, if you wish.

Number of additional pages attached =

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

Trust Use:

Date Form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by: