



COMPLAINTS POLICY

SHINE Multi Academy Trust

Management log

Document	Complaints policy
Author	HR Director
Person responsible for the document	CEO
Date approved	11 th March 2025
Date issued	4 th April 2025
Review period	Annual
Next review	Spring 2026
Signed	

J O'Leary



Chair of the board

CEO

Related Policies

Admissions
Behaviour
Child Protection
Code of Conduct
Exclusion
Equality
Keeping our academies safe
Managing Allegations
Whistleblowing

All above policies are available through our academies local servers, directly through SHINE or through the Trust website www.shine-mat.com

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1 Equal opportunities statement

1.1 The SHINE Multi Academy Trust (SHINE) is committed to promoting equal opportunities and all stakeholders³ will receive equal treatment regardless of age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation (Protected Characteristics).

2 Introduction

2.1 SHINE is dedicated to providing the best possible education and support for all pupils within its academies. This means having a clear, fair, and efficient procedure for dealing with any complaints to or against an academy, so that any issues that arise can be dealt with as swiftly and effectively as possible.

2.2 SHINE's board of trustees (Board) welcomes feedback on the services it provides. Should anyone be unhappy⁴ with any aspect of an academy within SHINE, it is important that the Board and relevant academy learns about this. The Board recognises there is a difference between a concern and a complaint⁵. Taking informal concerns seriously at the earliest stage reduces the numbers that develop into formal complaints. The Board aims to ensure that concerns are handled, if at all possible, without the need for formal procedures. SHINE's formal complaints procedure is only necessary if efforts to resolve the concern informally are unsuccessful. Where an individual may feel that an issue has not been dealt with appropriately it is important, for all involved, that there is a clear and transparent process for a complaint to be considered.

2.3 This policy outlines how complaints will be dealt with by the Board and the relevant academy in accordance with the procedure that complies with the Education (Independent Academy Standards) (England) Regulations 2014.

2.4 This policy will be followed in respect of all complaints by parents/carers against SHINE or the academies within the trust except in the following areas (where separate policies exist):

Exceptions	Who to contact
Admissions to schools	Concerns about admissions are handled through a separate process – either through the appeals process or via the local authority. Ref: admissions policy https://www.shine-mat.com/admissions/ or contact admin@shine-mat.com
Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. Ref: child protection policy http://www.shine-mat.com/pupil-welfare/ 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). Ref: Ironville and Codnor Park https://www.derbyshire.gov.uk/social-health/children-and-families/child-protection/child-protection-service.aspx https://www.derbyshirelmc.org.uk/derbycitymultiagencysafeguardinghub/mashflyerandcontactinformation Ref: John Hunt, Langold and Ranskill https://www.nottinghamshire.gov.uk/care/safeguarding/childrens-mash Ref: Scotholme and Whitemoor https://www.nottinghamcity.gov.uk/ncscp
Exclusion of children from school*	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions . Ref: exclusion policy http://www.shine-mat.com/pupil-welfare/ <i>*complaints about the application of the behaviour policy should be made through the complaints procedure.</i>

Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. Ref: whistleblowing https://www.shine-mat.com/business-and-personnel/ The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus. Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.
Staff grievances	Complaints from staff will be dealt with under SHINE's internal grievance procedures. Ref: staff server or admin@shine-mat.com
Staff conduct	Complaints about staff will be dealt with under the SHINE's internal disciplinary procedures, if appropriate. Ref: professional standards charter https://www.shine-mat.com/business-and-personnel/ 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.

2.5 If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, 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. If this happens, we will inform you of a proposed new timescale.

2.6 If a complainant commences legal action against SHINE in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

2.7 Please note that anonymous complaints will not normally be examined under this or any complaints procedure. However, the chief executive officer (CEO)/headteacher or chair of the board if appropriate, will determine whether the complaint warrants an investigation.

2.8 Please note that should a complaint, informal or formal, reveal an issue for which other procedures exist (for example, child protection) then it will be dealt with under those procedures rather than as a complaint.

2.9 All SHINE staff will be made aware of the complaints procedure and the headteacher will review this policy regularly with them in order that they are all familiar with SHINE's process of dealing with complaints and can be of assistance when an issue is brought to their attention.

2.10 A complaint must be raised within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. SHINE will consider complaints made outside of this time frame if exceptional circumstances apply.

2.11 SHINE will consider complaints made outside of term time to have been received on the first academy day after the holiday period.

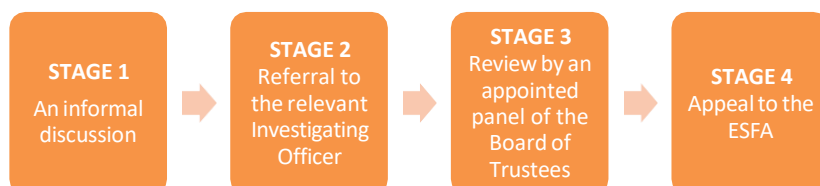
3 General principles

3.1 SHINE's complaints procedure will:

- encourage resolution of problems by informal means wherever possible
- be easily accessible and publicised
- be simple to understand and use
- be impartial and non-adversarial
- allow swift handling with established time-limits for action and keeping complainants informed of progress
- respect any desire for confidentiality
- address all the points at issue and provide an effective response and appropriate redress, where possible
- provide information to the Board and its appointed local governing bodies and their leadership teams so that services can be improved

4 Our four-stage procedure

The following diagram outlines the key stages of our complaints procedure.



5 Stage 1 - Informal resolution

5.1. Many enquiries and concerns can be dealt with satisfactorily by the class teacher, senior leader, the headteacher or CEO without the need to resort to a formal procedure. SHINE values informal meetings and discussions and encourages parents, carers and stakeholders to approach staff with any concerns they may have, and they will aim to resolve all issues with open dialogue and mutual understanding.

5.2 If a parent, carer or stakeholder has a concern that they would like to take up with the academy they should initially inform a member of staff either in person, over the telephone or in writing. The parent, carer or stakeholder will then be invited to an informal meeting with the member of staff most appropriate for dealing with that concern.

5.3 If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, please alert the headteacher of the relevant academy or in the case it may be the headteacher then contact the clerk to the board c/o Whitemoor Academy, Bracknell Crescent, Nottingham NG8 5FF marking the envelope 'private and confidential' or via email admin@shine-mat.com, and they will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, headteacher or clerk to the board will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

5.4 There is no suggested timescale for resolution at this stage given the importance of dialogue through informal discussion although, it would be expected that most issues are resolved within ten academy days.

5.5 Should face to face discussions appear unlikely to resolve matters, either party may initiate a move to the formal procedure at stage 2 onwards.

6 Stage 2 - Formal written complaints

6.1 If a parent, carer or stakeholder (complainant) does not feel that their concern has been dealt with as they would like, is unhappy with the outcome of the informal meeting or feels that the issue is serious enough to warrant a formal written complaint, the complainant should set out the precise nature of the complaint on the form at the end of this policy. If you require help

in completing the form, please contact the clerk to the board via governance@shine-mat.com. You can also ask a third-party organisation for example like the Citizens Advice to help you. The complainant should return the completed form⁷ to the clerk to the board c/o Whitemoor Academy, Bracknell Crescent, Nottingham NG8 5FF marking the envelope 'private and confidential' or via email admin@shine-mat.com (or for the attention of the chair of the board if the complaint is about the clerk to the board). The complainant should keep a copy of this form and all other relevant correspondence.

6.2 In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations. Please do contact the clerk to the board if you need assistance.

6.3 The clerk to the board will pass the complaint onto the appropriate investigating officer

- the headteacher of the relevant academy
- the chair of the board if the complaint is about the headteacher
- the CEO if a complaint is escalated to the trust (but not related to the headteacher) or if a complainant wishes to complain directly about the trust
- the chair of the board if the complaint is about the CEO
- the chair of the board if the complaint is about a trustee/governor (the vice chair of the board if the complaint is about the chair of the board)⁸

The investigating officer should acknowledge the complaint in writing within five academy days of receipt of the form, stating that they will investigate the concerns and respond within fifteen days (see 6.7).

6.4 The investigating officer may invite the complainant in for a meeting to discuss the issue outcome, possible solutions, or to explain what has or will happen as a result of the complaint.

6.5 The investigating officer will keep a record of all interactions with the complainant and other staff, meetings and decisions made in reference to the complaint.

6.6 If the complaint is an allegation of abuse, a formal investigation may be instigated by the Board or external child welfare authorities to whom the academy reports. Please refer to our policy covering allegations of abuse against staff for an outline of this procedure.

6.7 The investigating officer will respond to the complainant in writing within fifteen academy days from acknowledgement of the complaint, outlining their response to the complaint, and any action that has or will be taken. If the investigating officer has decided not to take any further action on the issue, they will explain what they have decided and how they have reached this decision and will outline the complainant's right to take the matter further and the steps to be taken.

6.8 If in the early stages of the investigation, the investigating officer considers that the complaint is best dealt with at Stage 3, it will be passed to the chair of the board via the clerk to the board (or to the vice chair, where the investigating officer is the chair of the board) and the complainant informed of this action without delay.

6.9 The complainant has ten academy days to consider the outcome of their complaint at stage 2 and instigate stage 3. If no request for a complaints committee hearing is received within ten academy days it will be deemed that the decision is accepted and the complaint will be closed.

7 Stage 3 - Complaints committee

7.1 If the complainant is dissatisfied with the outcome of their complaint at stage 2, they may lodge their complaint with the chair of the board (c/o The clerk to the board, Whitemoor Academy, Bracknell Crescent, Nottingham NG8 5FF marking the envelope 'private and confidential' or via email admin@shine-mat.com) in writing, explaining their concern and the steps that have led up to them taking this course of action.

7.2 If the chair of the board is the subject of a complaint, or has reviewed the complaint under stage 2, the complainant should send the form directly to the vice chair (c/o The clerk to the board, Whitemoor Academy, Bracknell Crescent, Nottingham NG8 5FF marking the envelope 'private and confidential' or via email admin@shine-mat.com).

7.3 The chair of the board (or vice chair) will convene a committee of at least three trustees who were not directly involved in the matters detailed in the complaint. This will comprise at least one person independent of the management and running of the academy/SHINE. The

committee will hear the complaint within fifteen academy days of the request for a committee hearing. However, if the complaint is:

- jointly about the chair and vice chair or
- the entire trust board or
- the majority of the trust board

Stage 3 will be heard by a completely independent committee panel.

7.4 The clerk to the board shall take reasonable steps to convene a committee hearing at a time and date mutually convenient to all parties and will act as an impartial advisor.

7.5 The complainant is entitled to attend the committee hearing and be accompanied by a friend or representative. The complainant should notify the clerk to the board in advance if they intend to bring anyone to the hearing.

7.6 The complainant should notify the clerk to the board if they have any additional needs, which the committee should be aware of to ensure support can be arranged.

7.7 The committee hearing procedure is as follows:

1. The complainant and the investigating officer will enter the hearing together
2. The chair of the committee will introduce the committee members and outline the process
3. The complainant will explain the complaint
4. The investigating officer and committee will question the complainant
5. The investigating officer will explain the academy's / SHINE's actions
6. The complainant and committee will question the investigating officer
7. The complainant will sum up their complaint
8. The investigating officer will sum up the academy's / SHINE's actions
9. The chair of the committee will explain that both parties will hear from the committee within five academy days
10. Both parties will leave together while the committee deliberates

11. The clerk to the committee will stay to assist the committee with its decision making

7.8 The chair of the committee will notify the complainant and, where relevant, the person complained about, of the committee's decision in writing within five academy days of the committee hearing. The letter will set out the decision of the committee together with the reasons underpinning that decision. The letter may set out recommendations which will be made to the Board and will set out any further rights of appeal. Furthermore, a copy of the committee's findings and recommendations will be made available for inspection on academy's premises by the proprietor (SHINE) and the headteacher.

7.9 The committee can:

- 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 academy's systems or procedures to ensure that problems of a similar nature do not recur

8 Record of complaints

8.1 A written record will be kept of all complaints and documentation relating to the handling of a complaint including whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision. These will be kept confidentially by the Board except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

9 Roles and responsibilities

9.1 See appendix 1 (page 19).

10 Stage 4 - Appeal

9.1 If the complainant is dissatisfied with how the complaint has been handled after exhausting stages 1-3 of this policy, the complainant can write to the Secretary of State for Education via the Education and Skills Funding Agency (ESFA).

9.2 The ESFA will consider complaints that fall into any of the following three categories:

1. Where there is undue delay or SHINE or one of our academies did not comply with its own complaints procedures when considering a complaint.
2. Where SHINE or one of our academies are in breach of their funding agreement⁹ with the Secretary of State.
3. Where SHINE or one of our academies failed to comply with any other legal obligation.

9.3 The ESFA will normally only consider complaints when every stage of the above process has been completed.

9.4 Further details can be found at

<https://www.gov.uk/complain-about-Academy> <https://www.gov.uk/complain-about-school> and https://form.education.gov.uk/fillform.php?self=1&form_id=cCCNJ1xSfBE&type=form&ShowMsg=1&form_name=Contact+the+Department+for+Education&noRegister=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1.

9.5 SHINE understands that the ESFA will not overturn our decision about a complaint. However, if they find we did not deal with a complaint properly they will request the complaint is looked at again and procedures meet the requirements set out in the regulations. If they deem that our complaints procedure does not comply with regulations, they will ask us to put this right. They may seek to enforce the decision under the terms of the funding agreement on behalf of the Secretary of State, if appropriate.

11 Managing serial and unreasonable complaints (vexatious)

11.1 Whilst it is hoped that this policy will reduce any dissatisfaction with SHINE, it is acknowledged that there may be rare occasions where a complainant continues to be dissatisfied with SHINE and the outcomes achieved under the complaints policy.

11.2 SHINE will not normally limit the contact complainants have with our academies or services. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

11.3 Where a complainant attempts to re-open an issue which has already been dealt with under the complaints policy, the chair of the board will contact them to inform them that the matter has already been dealt with and that either that stage of the policy has been exhausted or that the complaints policy has been exhausted and the matter is considered closed. Where further correspondence is received on the same matter, this may be considered unreasonable (vexatious) and the Board will be under no obligation to respond to that correspondence.

11.4 SHINE defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the academy, such as, if the complainant:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- refuses to co-operate with the complaints investigation process
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introduces trivial or irrelevant information which they expect to be considered and commented on
- raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- changes the basis of the complaint as the investigation proceeds
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- refuses to accept the findings of the investigation into that complaint where the complaint procedure has been fully and properly implemented and completed including referral to the ESFA

- seeks an unrealistic outcome
- makes excessive demands on academy 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
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums

11.5 Complainants should try to limit their communication with the academy that relates to their complaint, while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.

11.6 Whenever possible, the CEO/headteacher or chair will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

11.7 If the behaviour continues, the CEO/headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact SHINE and its academies causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

11.8 In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from SHINE's academies.



SHINE Multi Academy Trust

Complaint's form

Your name
Pupil's name (if relevant)
Academy pupil attends (if relevant)
Your relationship to pupil (if relevant)
Your address and postcode
Your daytime telephone number
Your evening telephone number
Your email address
Your complaint is... (Include details of actions already taken by the academy / trust to try to resolve the situation)

Your complaint continued...

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

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

What would you like as an outcome from your complaint?

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 General Data Protection Regulations (GDPR 2018)

The clerk to the board, Whitemoor Academy, Bracknell Crescent, Nottingham NG8 5FF marking the envelope 'private and confidential' or via email admin@shine-mat.com).

Office use

Date received

Date acknowledgement sent

Responsible member of staff (investigating officer).....

Appendix 1. Roles and responsibilities

Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the academy in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality

Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
 - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
 - interviewing staff and children and other people relevant to the complaint
 - consideration of records and other relevant information
 - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting

- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems

The CEO/headteacher or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details i.e. next stage or appeal to the ESFA.

Complaints co-ordinator (this could be the CEO/headteacher/designated complaints trustee or other staff member providing administrative support i.e. leader of governance).

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, CEO/headteacher, chair, clerk and LAs (if appropriate) to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
 - sharing third party information
 - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records

Clerk

The clerk is the contact point for the complainant and the committee and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to academy 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)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible

- collate any written material relevant to the complaint (for example; stage 1 paperwork, academy and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision

Committee chair

The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting 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 meeting are put at ease. This is particularly important if the complainant is a child
- the remit of the committee is explained to the complainant
- 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

If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting

- both the complainant and the academy are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently

- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the clerk (and/or complaints co-ordinator)

Committee member

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so
- no trustee may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the academy and the complainant

Committee proceedings

We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.

- many complainants will feel nervous and inhibited in a formal setting and we appreciate parents/carers often feel emotional when discussing an issue that affects their child.

Therefore, we will

- take extra care when the complainant is a child and present during all or part of the meeting
- take into careful consideration the atmosphere and proceedings to ensure that the child does not feel intimidated
- respect the views of the child and give them equal consideration to those of adults
- give the parent the opportunity to say which parts of the meeting, if any, their child needs to attend. However, the parent/carer should be advised that agreement might not always be possible if the parent/carer wishes their child to attend a part of the meeting that the committee considers is not in the child's best interests as the welfare of the child is paramount to SHINE