



**The Kite
Academy
Trust**
Flying high
together

KITE ACADEMY TRUST

COMPLAINTS POLICY

P1135

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1 Introduction

At The Kite Academy Trust, we are driven by our mission - *to work as one team; sharing our expertise to ensure every pupil receives an excellent education and an equal opportunity to thrive and succeed in life* – in pursuit of our vision *for every pupil to be happy and healthy; to contribute positively to their communities and achieve academic excellence.*

Our academies aim to provide safe, happy and caring learning environments for every child and build respectful, trusting relationships within our Kite community. To this end, we welcome feedback from pupils, parents/carers and others, and we accept not all of this will be positive. Where concerns are raised, they will be dealt with respectfully, fairly, openly, promptly and without prejudice.

The Kite Academy Trust is committed to promoting a positive, inclusive and welcoming culture where all forms of discrimination are actively challenged and eradicated. We believe that every individual has the right to be valued, respected and offered equal opportunities, access and treatment.

2 Who can make a complaint?

This complaints procedure is not limited to parents/carers of children that are registered at an academy within The Kite Academy Trust. Any person, including members of the public, may make a complaint to The Kite Academy Trust about any provision of facilities or services provided. Unless complaints are dealt with under separate statutory procedures (please see **4 Which Procedure do I need?** below), this complaints procedure will be applied.

The procedure set out in this complaints policy is based upon Part 7 of the Education (Independent School Standards) Regulations 2014 and, therefore specifically applies to complaints from parents/carers of registered pupils, regarding their child. Complaints from people who are not parents/carers of a registered pupil will be dealt with respectfully and expediently, however there is no obligation for the full procedure to be followed.

3 Concern or Complaint?

A concern may be defined as *‘an expression of worry or doubt over an issue considered to be important for which reassurances are sought’.*

A complaint may be defined as *‘an expression of dissatisfaction however made, about actions taken or a lack of action’.*

It is in everyone’s interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. The Kite Academy Trust takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, you will be referred to an appropriate alternative staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, you will be referred 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.

4 Raising a Concern or Making a Complaint

A concern can be raised in person, in writing or by telephone. They may also be made by a third party acting on behalf of the person with the concern, as long as they have appropriate consent to do so. Concerns must be raised in the first instance with either the Class Teacher or Academy Head Teacher. It is to be hoped that most concerns can be expressed and resolved on an informal basis, in this way.

Complainants should not approach individual Trustees or Governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering a complaint at a later stage of the procedure.

If, following an informal approach, the issue remains unresolved, the next step is to make a formal complaint. Complaints must be made in writing and directed as follows:

- Complaints about academy staff (except the Academy Head Teacher) should be made to the Academy Head Teacher.
- Complaints that involve, or are about, the Academy Head Teacher should be addressed to the Chair of the Academy Council, via The Kite Academy Trust Governance Professional.
- Complaints about an individual governor, the Chair of the Academy Council or the Academy Council as a whole should be addressed to The Kite Academy Trust Governance Professional.
- Complaints about an individual Trustee, the Chair of Trustees or the Board of Trustees as a whole should be addressed to The Kite Academy Trust Governance Professional.
- Complaints about the Kite Business Services or Education Services teams/ provision should be addressed to The Kite Academy Trust Governance Professional.
- Complaints about a member of the Kite Executive Team, including the Chief Executive Officer (CEO), should be addressed to The Kite Academy Trust Governance Professional.

A complaint form is included at Appendix A of this policy, for use at any stage of the procedure. For contact details of key personnel referred to above, please see Appendix B.

Please ensure that any documents that are submitted, including the complaints form, are marked as **private and confidential**.

If help in completing the complaint form is required, please contact the academy office. A third-party organisation, such as Citizens Advice, is also able to provide help.

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.

5 Anonymous Complaints

The Kite Academy Trust will not normally investigate anonymous complaints, however, the Academy Head Teacher/ Chair of Academy Council/ CEO or Chair of Trustees (as appropriate), will determine whether the complaint warrants an investigation.

6 Scope of this Policy

This procedure covers all complaints about any provision of community facilities or services by The Kite Academy Trust and its academies, other than complaints that are dealt with under other statutory procedures, including those listed below:

Exceptions	Who to contact
Admissions to schools	Concerns about admissions are handled through the local authority appeals process.
Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under The Kite Academy Trust Safeguarding & Child Protection Policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the Local Authority Designated Officer (LADO) who has local responsibility for safeguarding.

Exceptions	Who to contact
	<p>For our academies in Surrey, please also contact the Surrey Children's Single Point of Access (C-SPA) on 0300 470 9100.</p> <p>For our academies in Hampshire, please also contact Hampshire Safeguarding Children Partnership via http://www.hampshirescp.org.uk or on 0300 555 1384 (daytime) or 0300 555 1373 (out of hours).</p>
Exclusion of children from school*	<p>Further information about raising concerns relating to exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions</p> <p><i>*complaints about the application of The Kite Academy Trust Behaviour Policy can be made through this complaints procedure.</i></p>
Statutory SEN assessments	SEND Tribunal (see SEN Code of Practice).
Data protection / Freedom of Information	<p>Complaints relating to data protection issues or requests under the Freedom of Information Act 2000 will be handled in accordance with The Kite Academy Trust Data Protection Policy/ Freedom of Information Policy. Please contact the Trust's Data Protection Officer at dpo@kite.academy in the first instance.</p> <p>Complaints may also be raised with the Information Commissioner's Office at https://ico.org.uk/make-a-complaint</p>
Whistleblowing	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>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</p> <p>Volunteer staff who have concerns about an academy should raise these through this complaints procedure. Complaints may also be able to be raised directly with the local authority or the Department for Education, depending on the substance of the complaint.</p>
Staff grievances	Complaints from staff will be dealt with under The Kite Academy Trust's Grievance Procedure.
Staff conduct	<p>Complaints about staff will be dealt with under The Kite Academy Trust's Disciplinary Procedure, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a member of staff as a result of a complaint. The complainant will, however, be notified that the matter is being addressed.</p>
Complaints about services provided by other providers who may use academy premises or facilities	Providers should have their own complaints procedure to deal with complaints about their service; please contact a provider directly.

The Kite Academy Trust policies referred to above are available on the Trust's website. Copies are also available from an academy or the Kite Business Services Hub.

If other organisations are investigating any aspects of a complaint - for example, the police, local authority 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 organisations have completed their investigations. If this happens, complainants will be kept informed.

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

7 Timescales for Raising & Responding to a Complaint

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. We will only consider complaints made outside of this time frame if exceptional circumstances apply.

The Trust will endeavour to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits have been set for each action within each stage. Although every effort will be made to comply with these time limits, it may not always be possible to do so, due to the complexity or extent of the matters raised and where further investigations are necessary. Where revised timescales are required, the complainant will be updated accordingly and provided with an explanation for the delay.

8 School Working Days

Timescales within this policy and its procedures are stated in school working days. School working days do not include INSET days or periods of school closure (i.e. school holidays). We will consider complaints made outside of school working days to have been received on the first school day after the closure.

A school working day is considered to end at 4pm. Therefore, any notification received after this time is considered to be received on the following school working day.

9 Pausing a Complaint

Where a complaint is raised but we do not have clarity from the complainant on the issues, we may pause the timescales of the complaints process whilst clarity is sought, so that the complaint can be dealt with comprehensively effectively. If this happens we will inform the complainant of a proposed new timescale.

10 Withdrawal of a Complaint

If a complainant wishes to withdraw their complaint, we will ask for this to be confirmed in writing.

11 Resolving Complaints

The Kite Academy Trust acknowledges that it is in the best interests of all parties that concerns and complaints are resolved to the reasonable satisfaction of those involved at the earliest possible stage. At each stage of this procedure, resolution will be sought. As part of the resolution, we may offer one or more of the following:

- an explanation;
- an admission that the situation could have been handled differently or better;
- reassurance that steps have been taken to prevent a recurrence of events which led to the complaint, and an indication of the timescales within which any changes will be made;
- an undertaking to review school policies in light of the complaint;
- an apology.

In no circumstances will any of the above constitute an admission of negligence or an acceptance of liability on behalf of The Kite Academy Trust or its academies.

As part of our commitment to complaint resolution, The Kite Academy Trust will seek to engage in mediation or facilitated meetings which can provide a helpful mechanism for discussion when a complaint is raised, or at any stage during the complaints process. These meetings can help to rebuild the relationship between parties.

Mediation and/or facilitated meetings can be arranged via the Surrey County Council Area Schools Support Service and will be impartial and objective. If agreed by all parties, the complaint may be paused to allow time for this to occur.

12 Outcome Principles

After consideration of the available evidence as part of a complaint investigation, the following principles for an outcome will be applied:

- where a complaint can be fully substantiated, it will be **upheld**. The complainant will be provided with details of the action to be taken to resolve the issue;
- where a complaint can be partially substantiated, it will be **upheld in part**. The complainant will be provided with an explanation of the aspects of the complaint found to be valid and those that were not, along with action to be taken to resolve any aspect that is upheld;
- where there is insufficient evidence to reach a conclusion, the complaint will **not be upheld**;
- where the investigation could not substantiate the matters raised, the complaint will **not be upheld**.

If, at any formal stage of the complaint procedure, it is determined that staff disciplinary or capability proceedings are necessary, the matter will be dealt with under The Kite Academy Trust Disciplinary/ Capability Procedure and the details will remain strictly confidential. Where a complaint appears to be likely to lead to potential disciplinary or capability action, the HR Business Service Manager will be informed.

The complainant is entitled to be informed that the matter is being dealt with appropriately, but they are not entitled to participate in the proceedings and will not receive any detail about them or the outcome.

13 Deviation from the Procedure

There may be occasions when it's necessary or reasonable to deviate from this complaints procedure. In these cases, the complainant will be kept informed in a timely manner with reasons for the deviation explained.

14 Virtual Meetings

To accommodate differing circumstances, there may be occasions where it is deemed appropriate to hold a complaint-related meeting virtually.

15 Audio or Video Evidence

Complainants should make sure they obtain informed consent from all parties present before recording conversations or meetings.

In line with guidance from the Department for Education, we do not normally accept electronic recordings as evidence when we are asked to consider a complaint. Unless exceptional circumstances apply, we will not accept as evidence any recordings of conversations that were obtained covertly and without informed consent of all parties being recorded.

16 Social Media

In order for complaints to be resolved as quickly and fairly as possible, The Kite Academy Trust requests that complainants do not discuss complaints publicly via social media. Complaints will be dealt with confidentially for those involved, and we expect complainants to also observe this confidentiality.

17 Retention of Complaints Paperwork

The Kite Academy Trust will ensure that a copy of all relevant information relating to complaints is kept in a secure, confidential file, separate from staff and pupil records. This information will be retained in line with The Kite Academy Trust Records Retention Policy and in accordance with the principles of the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR).

It is to be noted that the Secretary of State, or a body conducting an inspection under section 109 of the Education and Skills Act 2008, may request access to complaints documentation.

Please also see The Kite Academy Trust Records Retention Policy.

18 Formal Complaints Procedure

The Kite Academy Trust's complaints procedure consists of 3 formal stages. It is to be hoped that most concerns can be expressed and resolved on an informal basis, prior to Stage 1 of the formal procedure. Where an issue remains unresolved, the following stages will be implemented:

18.1 Stage 1 Investigation

- Formal investigation by the Academy Head Teacher where attempts at informal resolution have been unsuccessful.
- Acknowledgement of receipt of complaint to be sent within 3 school days of receipt of the complaint.
- Complaint to be investigated and written response to be received by the complainant within 20 school days of receipt of the formal complaint.

Formal complaints must be made to the Academy Head Teacher (unless they are about the Academy Head Teacher), via the academy office. This may be done in person or in writing; it is preferable that the Complaint Form is completed to ensure that relevant information is communicated at the outset. Please see Appendix A for the complaint form and Appendix B for contact details of the Academy Head Teacher.

The Academy Head Teacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 3 school days.

Within this response, the Academy Head Teacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Academy Head Teacher can consider whether a face-to-face meeting is the most appropriate way of doing this.

During the investigation, the Academy Head Teacher will:

- interview those involved in the matter and/or those complained of, if necessary, allowing them to be accompanied if they wish;
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the Academy Head will provide a formal written response within 20 school days of the date of receipt of the complaint.

If the Academy Head Teacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the academy will take to resolve the complaint.

The Academy Head Teacher will advise the complainant of how to escalate their complaint if they believe it has not been fully addressed at this stage.

18.2 Deviations from Stage 1

There are situations in which it is necessary and/or appropriate to deviate from Stage 1 of the procedure detailed above. Such situations include (but are not limited to):

- **Complaints about the Academy Head Teacher**

If the complaint is about the Academy Head Teacher, the Chair of the Academy Council (or a suitably appropriate Governor) will be appointed to undertake Stage 2 of this procedure. Complaints that involve, or are about, the Academy Head Teacher should be addressed to the Chair of the Academy Council, via The Kite Academy Trust Governance Professional.

At the conclusion of the investigation, a copy of the formal written response will be provided to the Academy Head Teacher, Executive Head Teacher and Academy Council (as appropriate). The findings of the investigation will also be shared with the Board of Trustees.

- **Complaints about Academy Council Governors**

If the complaint is about an Academy Council Governor, the Chair of Academy Council will be appointed to undertake Stage 2 of this procedure. Where the complaint concerns the Chair of Academy Council, a suitably appropriate Governor, independent of the Academy Council in question, will be appointed to undertake Stage 2 of this procedure. If the complaint is about the Chair and Vice Chair jointly, or the majority of/entire Academy Council, a Trustee will be appointed to undertake Stage 2 of this procedure. Complaints about an individual governor, the Chair of the Academy Council or the Academy Council as a whole should be addressed to The Kite Academy Trust Governance Professional.

At the conclusion of the investigation, a copy of the formal written response will be provided to the Academy Head Teacher and Academy Council (as appropriate). The findings of the investigation will also be shared with the Board of Trustees.

- **Complaints about Trustees**

If the complaint is about a Trustee, the Chair of Trustees will be appointed to undertake Stage 2 of this procedure. Where the complaint concerns the Chair of Trustees, it will be directed to the Vice Chair of Trustees for investigation. If the complaint is about the Chair and Vice Chair of Trustees jointly, or the majority of/entire Board of Trustees, a suitable investigator completely independent of The Kite Academy Trust will be appointed. Complaints about an individual Trustee, the Chair of Trustees or the Board of Trustees as a whole should be addressed to The Kite Academy Trust Governance Professional.

At the conclusion of the investigation, a copy of the formal written response will be provided to the CEO, the Members and Board of Trustees (as appropriate).

- **Complaints about Kite Business or Education Services**

If the complaint is about a member of the Kite Business Services or Education Services teams, or relates to the services provided by these teams, a member of the Kite Executive Team will be appointed to undertake Stage 2 of this procedure. Complaints about the Kite Business Services or Education Services teams/ provision should be addressed to The Kite Academy Trust Governance Professional.

At the conclusion of the investigation, a copy of the formal written response will be provided to the CEO and Board of Trustees (as appropriate).

- **Complaints about the Kite Executive Team**

If the complaint is about a member of the Kite Executive Team, a Trustee will be appointed to undertake Stage 2 of this procedure.

Where the complaint concerns the CEO, it will be directed to the Chair of Trustees for investigation. Complaints about a member of the Kite Executive Team, including the Chief Executive Officer (CEO), should be addressed to The Kite Academy Trust Governance Professional.

At the conclusion of the investigation, a copy of the formal written response will be provided to the CEO and Board of Trustees (as appropriate).

A complaint form is included at Appendix A of this policy, for use at any stage of the procedure. For contact details of key personnel referred to above, please see Appendix B.

18.3 Stage 2 Investigation

- Formal investigation by a Governor/ Trustee/ Kite Executive Team/ independent investigator (as relevant), if the complainant believes that their complaint has not been fully addressed at Stage 1 or it is necessary/appropriate to deviate from Stage 1 (as above).
- If subsequent to a Stage 1 investigation, a request for a Stage 2 investigation must be made within 10 school days of the date of the Stage 1 outcome letter.
- Acknowledgement of receipt of a Stage 2 request to be sent within 3 school days of receipt.
- Complaint to be investigated and written response to be received by complainant within 25 school days of receipt of the Stage 2 formal complaint.

If the Complainant believes that their complaint has not been fully addressed at Stage 1, or it is deemed necessary/appropriate to deviate from Stage 1, a Stage 2 investigation will be undertaken. Where a Stage 1 investigation has been completed, a request for a Stage 2 investigation must be made in writing, preferably using the Complaint Form, and submitted to The Kite Academy Trust Governance Professional within 10 school days of the date of the Stage 1 outcome letter. A request to progress to a Stage 2 investigation will not normally be accepted after 10 days and will be at the discretion of The Kite Academy Trust. Please see Appendix A for the complaint form and Appendix B for contact details of the Governance Professional.

The Kite Academy Trust Governance Professional will acknowledge receipt of the Complaint Form within 3 school days.

An investigator will be appointed to investigate the complaint, relevant to the nature of the complaint. The Stage 2 investigator will have had no prior involvement in the complaint.

In most cases, the complainant will be invited to meet with the Stage 2 investigator at the outset of the process. The aim of this meeting is to enable the Stage 2 investigator to understand the scope of the complaint and resolution sought prior to commencing their investigation.

The Stage 2 investigator will consider all relevant evidence; where relevant, this may include but is not limited to:

- evidence and outcome from Stage 1 investigation (if applicable);
- a statement from the complainant;
- a meeting with/ statement from an individual who is the subject of the complaint;
- any previous correspondence regarding the complaint;
- any supporting documents from all parties;
- interviews with/ statements from anyone related to the complaint;
- relevant policies and whether they were followed.

After considering the available evidence, the Stage 2 investigator may:

- **uphold** the complaint and direct that certain action be taken to resolve it;
- **not uphold** the complaint;
- **uphold the complaint in part** i.e. the Stage 2 investigator may find an aspect of the complaint to be valid, but not another. They may recommend certain action to be taken to resolve any aspect that they uphold.

The Stage 2 investigator should inform the Complainant of their decision in writing within 25 days of receipt of the complaint. They should explain clearly how they have come to their decision. And detail any agreed actions/recommendations as a result of the complaint. Finally, they should provide the Complainant with details of how to progress the complaint to Stage 3 if they believe their complaint has not been fully addressed, including contact details for The Kite Academy Trust Governance Professional.

The Stage 2 investigator may recommend mediation or a facilitated meeting as part of their investigation findings, with the aim of rebuilding the relationship between parties to achieve successful resolution. Mediation and/or facilitated meetings can be arranged via the Surrey County Council Area Schools Support Service and will be impartial and objective. If agreed by all parties, the complaint may be paused to allow time for this to occur.

18.4 Stage 3 –Appeal Panel Hearing

- This is the final stage of The Kite Academy Trust complaints procedure.
- A hearing by an Appeal Panel, if the complainant believes that their complaint has not been fully addressed at Stage 2.
- A request for a Stage 3 Appeal Panel Hearing must be made within 10 school days of the date of the Stage 2 outcome letter.
- Acknowledgement of receipt of a Stage 3 request to be sent within 3 school days of receipt.
- Appeal Panel Hearing to be held within 40 school days of receipt of Stage 3 request.
- All parties to submit relevant paperwork at least 10 school days before the Appeal Panel hearing.
- Paperwork pack for Appeal Panel hearing to be sent to all parties at least 5 school days in advance of the Appeal Panel hearing.
- Outcome letter from Appeal Panel to be received by complainant within 10 school days of the hearing.

If the complainant does not believe that their complaint has been fully addressed at Stage 2 and wishes to take the matter further, they may request a Stage 3 Appeal Panel hearing. The Appeal Panel will comprise 3 members, all of whom were not directly involved in the matters detailed in the complaint or in any previous investigation of the complaint. Members of the Appeal Panel may be Trustees or Governors, with 1 member being independent of the management and running of The Kite Academy Trust (i.e. not a Trustee, Governor or employee of the Trust).

A request to escalate to Stage 3 must be made in writing, preferably using the Complaint Form, and submitted to The Kite Academy Trust Governance Professional within 10 school days of the date of the Stage 2 outcome letter. Requests received outside of this timeframe will only be considered if exceptional circumstances apply and are explained in the written request for a Stage 3 Appeal Panel hearing. Please see Appendix A for the complaint form and Appendix B for contact details of the Governance Professional.

The Governance Professional will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 3 school days.

The complainant may request an entirely independent Appeal Panel, if they believe there is likely to be bias in the proceedings. To do so, the complainant must provide evidence of the likely bias in support of their request. Any such request will be decided by the Appeal Panel and, if it is determined that the appearance of bias is sufficient to taint the decision reached, the request will be granted.

The Governance Professional will work with all parties to identify a mutually convenient date for the Appeal Panel hearing. They will aim to convene the meeting within 40 school days of receipt of the Stage 3 request. If this is not possible, the Governance Professional will provide an anticipated date and keep the complainant informed.

There may be occasions when the Appeal Panel determines that it is appropriate for the meeting to be held virtually. This can be requested by any party via the Governance Professional, for the final decision to be made by the Appeal Panel on a case-by-case basis.

If the Appeal Panel determines that all reasonable efforts to identify a mutually convenient date have been exhausted, they may proceed to hold the meeting without the complainant or academy representatives in attendance. In this case, the Appeal Panel Hearing will convene with the Governance Professional and Surrey County Council Area Schools Officer in attendance to consider the complaint on the basis of written submissions from both parties.

The Appeal Panel hearing is confidential and will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or additional needs require it. Prior knowledge and consent of all parties attending must be sought before a recording is made. Any such consent will be recorded in the minutes taken.

As this is not a legal process, neither party may bring legal representation with them except in exceptional circumstances, by prior agreement of the Appeal Panel.

Representatives from the media are not permitted to attend.

Financial compensation is not a possible outcome of the process.

Timescales

At least 15 school days before the meeting, the Governance Professional will:

- confirm and notify both parties of the date, time and venue of the hearing, ensuring the arrangements are convenient and accessible to all parties;
- inform the relevant parties of the date (at least 10 school days before the hearing) that copies of all evidence considered at Stages 1 and 2 must be submitted to the Governance Professional. Any evidence submitted after this date, including on the day of the hearing, will only be considered in exceptional circumstances with the agreement of the Appeal Panel, whose decision is final.

Any written material will be collated into a paperwork pack and circulated to all parties attending the hearing by the Governance Professional, so that it is received at least 5 school days before the hearing date. The Appeal Panel will not accept as evidence recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The Governance Professional will invite the following participants to the Appeal Panel hearing:

- a panel comprised of 3 members, 1 of whom is independent of The Kite Academy Trust
- the complainant
- the Academy Head Teacher and/or Executive Head Teacher
- the Stage 2 investigator
- A representative of the Surrey County Council Area Schools Support Service (to provide procedural advice, as required)

The complainant may ask to be accompanied to the Appeal Panel hearing by a supportive companion, interpreter or advocate. It is not advisable for this person to be a member of the academy community, for reasons of confidentiality and to avoid conflict of interests. The complainant must advise the Governance Professional of the name and role of this additional person prior to the hearing, for the Governance Professional to seek agreement from the Chair of the Appeal Panel. If the additional person is attending as an advocate, they will be presenting the complainant's case and speaking on their behalf, and therefore the complainant will not be permitted to address the Appeal Panel directly. If the additional person is attending as a supportive companion, they will not be permitted to address the Appeal Panel directly.

Either party may make a request to the Appeal Panel for a witness to attend for part of the hearing. It is the expectation that witnesses will have provided an account to the investigator at an earlier stage of

the complaints procedure; attendance of witnesses in person is therefore only likely to be necessary in rare circumstances and in order to clarify aspects of their previously given statements. The Appeal Panel will consider each request on a case-by-case basis.

If the attendance of any pupils is required at the hearing, parental permission will be sought. Extra care will be taken to consider the vulnerability of children where they are present at an Appeal Panel hearing and the Appeal Panel will respect the views of the child, giving them equal consideration to those of adults. As relevant, the complainant will be given the opportunity to say which parts of the Appeal Panel hearing, if any, their child needs to attend; the final decision on a child's attendance, however, is at the discretion of the Appeal Panel on the basis of whether attendance at the hearing is in the child's best interests. The welfare of the child is paramount.

Conduct of the Hearing

At the Appeal Panel hearing, the Panel will:

- Consider those aspects of the complaint which the complainant believes have not been fully addressed at the previous stages in the complaints procedure and/or where the complainant believes that the complaints procedure has not been followed;
- Consider the effectiveness of the investigation process at Stage 1 and 2;
- Consider ways to resolve the complaint and, if possible, achieve reconciliation between the academy and the complainant.

The Appeal Panel will consider the complaint as was submitted, and handled, at Stage 1 and 2, along with the original aspects of the complaint which the complainant believes have not been fully addressed at the previous stages. The Appeal Panel will not review any new complaints at this stage or consider evidence unrelated to the initial complaint. Any additional issues must be dealt with separately, and from the informal stage of this complaints procedure.

Procedure for the Appeal Panel hearing

The Appeal Panel hearing will follow the format as below:

- The complainant will be given up to 20 minutes to outline their case.
- Appeal Panel and academy representatives will have opportunity to ask the complainant questions, for clarification.
- The academy representative(s) will be given up to 20 minutes to outline their case.
- The Appeal Panel and complainant will have opportunity to ask the academy representative(s) questions, for clarification.
- The complainant will be given up to 5 minutes to summarise their case.
- The academy representative(s) will be given up to 5 minutes to summarise their case.
- The complainant and academy representatives will leave the hearing for the Appeal Panel to deliberate.

There may be rare occasions when it is not appropriate for the complainant and academy representative(s) to be in the same room. In such cases, the complainant and academy representatives will state their case to the Appeal Panel separately and then remain available to answer any questions which arise. This procedure may be requested by any party via the Governance Professional, for the final decision to be made by the Appeal Panel on a case-by-case basis.

The Appeal Panel will consider the evidence presented and will reach their decisions on the balance of probabilities. The Appeal Panel can:

- **uphold** the complaint in whole or in part;
- **not uphold** the complaint in whole or in part;
- **partially uphold** the complaint in whole or in part;
- determine that all or part of the complaint is out of their scope to consider.

The Appeal Panel will:

- decide on the appropriate action to be taken to resolve the complaint, where possible;
- recommend changes to the Trust/academy's systems or procedures to prevent similar issues in the future, where appropriate.

Following the hearing, The Chair of the Appeal Panel will provide a written response to the complainant and academy representatives within 10 school days, to include:

- a full explanation of the Panel's findings, with associated reasoning;
- any recommendations to be implemented by the academy and/or The Kite Academy Trust;
- details of how to contact the Department for Education, should the complainant believe that their complaint has been handled unreasonably or unlawfully by The Kite Academy Trust;
- a copy of the minutes of the hearing.

The Chair of the Appeal Panel will also inform the Board of Trustees of The Kite Academy Trust of the Appeal Panel's findings and recommendations.

The Kite Academy Trust recognises that the complainant might not be satisfied with the outcome of the hearing if the Appeal Panel does not find in their favour; it should be understood that it may only be possible for the Appeal Panel to establish the facts and make recommendations.

This is the final stage of The Kite Academy Trust complaints procedure.

19 Next Steps

If the complainant believes The Kite Academy Trust or its academies failed to manage their complaint in accordance with this complaints procedure, or they acted unlawfully or unreasonably in the exercise of their duties under education law, they may contact the Department for Education following completion of Stage 3 of this procedure.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by The Kite Academy Trust; they will consider whether The Kite Academy 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.

The complainant may refer their complaint to the Department for Education:

- online at www.gov.uk/complain-to-dfe
- by writing to Department for Education, Piccadilly Gate, Store Street, Manchester, M1 2WD

Ofsted will also consider complaints about schools. Complainants can contact Ofsted if they think a school is not being run properly and needs inspecting. Ofsted will not look into problems with individual pupils. This course of action is only available if the complaints procedure has already been followed.

The complainant may refer their complaint to Ofsted:

- online at www.complain.ofsted.gov.uk

Questions or queries regarding any aspect of this policy should be directed to The Kite Academy Trust's Governance Professional or the Surrey County Council Area Schools Officer. Please see Appendix B for contact details.

20 Learning Lessons

The Kite Academy Trust Board of Trustees and Executive Team will monitor the effectiveness of this policy in ensuring that complaints are managed respectfully, fairly, openly, promptly and without prejudice.

The Kite Academy Trust Governance Professional will record the number and nature of complaints received.

The Executive Team will review the outcomes and recommendations arising from complaints procedures to ensure relevant changes to procedures or practices are implemented, with the aim of continually raising standards and preventing similar events from occurring in the future.

21 Procedure for Managing Serial & Unreasonable Complaints

The Kite Academy Trust and its academies are committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. The Trust will not normally limit the contact complainants have with our academies or teams, however, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from such behaviour, including that which is abusive, offensive or threatening.

Complainants should try to limit their communication with the academy or team that their complaint relates to 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.

The Kite Academy Trust adopts the Department for Education definition of unreasonable complainants as those who, because of the frequency or nature of their contacts with the academy/Trust, hinder consideration of their or other people's complaints. Unreasonable complaints are taken seriously by The Kite Academy Trust as they put a strain on valuable resources and hinder the progress of proper investigations.

The Kite Academy Trust may judge that a complaint is unreasonable by assessing a number of factors, including when the person making the complaint:

- 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 procedure;
- 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 taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately or 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 a complaint investigation, where the complaint procedure has been fully and properly implemented and completed, including referral to the Department for Education;
- 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 aggressive, abusive, offensive or discriminatory language, behaviour or violence;
- knowingly provides falsified information;
- publishes unacceptable information on social media or other public forums.

A complaint may also be considered unreasonable if it is manifestly unjustified, inappropriate, or an improper use of formal procedures. In assessing this, the Trust shall have regard to all the circumstances of the case and the nature of the complaint itself, rather than the nature of the complainant. In assessing all the circumstances of the case, the Trust will consider a range of factors including:

- whether a complaint has reasonable foundation;
- the history and context of the complaint (and any evidence where relevant);
- whether the time and cost of investigating the complaint is proportionate to the issue(s) complained of;
- whether an investigation of the complaint is likely to cause a disproportionate or unjustified level of disruption, irritation or distress;
- unexplained delay in raising a complaint or issue;
- if the purpose of the complaint is to obtain an outcome which is unavailable via the complaints procedure, such as a claim for compensation;
- any evidence of a complaint being brought for an improper purpose.

Wherever possible, and following consultation with the CEO, a member of the Executive Team will discuss any concerns with the complainant informally before determining a complaint is persistent, serial or unreasonable.

If the behaviour continues, The Kite Academy Trust will write to the complainant explaining that their behaviour is unreasonable and asking them to change their behaviour.

For complainants who make excessive contact and cause a significant level of disruption, a decision may be taken to specify methods of communication to be used and limit the number of contacts via a communication plan. This will be reviewed after 3 months.

Where it has been decided that a complaint is persistent or serial, or that a complainant's behaviour is unreasonable, The Kite Academy Trust may decide that it is appropriate to stop responding to the complainant. In this event, the complainant will be informed of the decision in writing, either by letter or email. When making such a decision, The Kite Academy Trust will ensure that it acts reasonably in hearing any new complaint that may be raised by the complainant.

If the complainant is unhappy with the decision not to investigate a persistent or serial complaint, they may write to The Kite Academy Trust Governance Professional to ask for the decision to be reviewed. The investigator will be provided with all documentation relating to the current complaint and any previous complaints which were relevant to the decision (including the letter from the Trust to the complainant) and will review the decision not to investigate the complaint. The investigator will not investigate the complaint itself during this review.

The investigator will write to the Complainant with the outcome of the review within 10 school days of the date that the letter from the complainant seeking the review was received. If the investigator overturns the decision not to investigate the concern or complaint, it will be dealt with under the procedure within this policy in the usual way. If the investigator upholds the decision not to investigate the concern or complaint, the complainant may refer the concern or complaint to the Department for Education.

In response to any serious incident of aggression or violence, The Kite Academy Trust will immediately inform the Police and communicate our actions in writing. This may include barring an individual from The Kite Academy Trust premises.

22 Procedure for Managing Complaint Campaigns

In the rare event that the Trust or one of its academies receives a large volume of complaints all based on the same subject, from complainants unconnected with the Trust or its academies, either a template

response will be sent to all complainants or a single response will be published on the Trust/academy website.

23 Relevant Legislation and Guidance

This policy has been written with due consideration of the following:

[The Education \(Independent School Standards\) Regulations 2014](#)

[The Education Act 2002](#)

[Department for Education Best Practice Advice for School Complaints Procedures](#)

[The Equality Act 2010](#)

[The Data Protection Act 2018](#)

Document Management

Document ID:	P1135		
Last Review:	June 2025	Review Period:	2 years
Responsibility of:	CEO	Ratified by:	Trustees (21.07.25)

Appendix A – Complaint Form

Please complete and return to:

Stage 1 → Academy Head Teacher

Stage 2 → Governance Professional

Stage 3 → Governance Professional

Please see Appendix B for contact details.

Your name:		
Pupil's name: <i>(if relevant)</i>		
Your relationship to the pupil: <i>(if relevant)</i>		
Contact details	Telephone:	
	Email:	
	Address:	
Please give full details of your complaint (adding extra pages if necessary):		
Details of issue <i>(including relevant dates and person involved)</i>		
What action, if any, have you already taken to try and resolve your complaint?		
<i>(for example, who did you speak to and what was the response)?</i>		

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

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

Signature:

Date:

A separate, editable version of this form is available from the website, academy office or The Kite Academy Trust Business Services Hub

Appendix B – Contact Details

The Kite Academy Trust & Academies	
The Kite Academy Trust c/o Holly Lodge Primary Academy, Stratford Road, Ash Vale, Surrey, GU12 5PX 01252 984930 Governance Professional: clerk@kite.academy	Cross Farm Infant Academy Gresham Way, Frimley Green, Surrey, GU16 6LZ 01252 835847 info@crossfarm.kite.academy Academy Head Teacher: head@crossfarm.kite.academy
Folly Hill Infant Academy Coniston Way, Farnham, Surrey, GU9 0DB 01252 716121 info@follyhill.kite.academy Academy Head Teacher: head@follyhill.kite.academy	Hale Nursery & Primary Academy Upper Hale Road, Farnham, Surrey, GU9 0LR 01252 716729 info@hale.kite.academy Academy Head Teacher: head@hale.kite.academy
Holly Lodge Primary Academy Stratford Road, Ash Vale, Surrey, GU12 5PX 01252 548390 info@hollylodge.kite.academy Academy Head Teacher: head@hollylodge.kite.academy	Lakeside Nursery & Primary Academy Mindenhurst Road, Deepcut, Surrey, GU16 6LG 01276 469200 info@lakeside.kite.academy Academy Head Teacher: head@lakeside.kite.academy
Mytchett Primary & Nursery Academy Hamesmoor Road, Mytchett, Surrey, GU16 6JB 01252 544009 info@mytchett.kite.academy Academy Head Teacher: head@mytchett.kite.academy	Sandringham Infant & Nursery Academy Sandringham Way, Frimley, Surrey, GU16 9YF 01252 837538 info@sandringham.kite.academy Academy Head Teacher: head@sandringham.kite.academy
The Ferns Primary Academy Field Road, Farnborough, Hampshire, GU14 9FX 01276 31554 info@ferns.kite.academy Academy Head Teacher: head@ferns.kite.academy	The Grove Primary Academy Chobham Road, Frimley, Surrey, GU16 8PG 01276 22447 info@grove.kite.academy Academy Head Teacher: head@grove.kite.academy

Local Authority Area Schools Support Services	
West Surrey Area Schools Officers Kate Charles 01483 518104 kate.charles@surreycc.gov.uk Cara Harding 07968 834131 cara.harding@surreycc.gov.uk	East Surrey Area Schools Officers Ann Panton 07976 924186 ann.panton@surreycc.gov.uk Adelina Mason 07814 804432 adelina.mason@surreycc.gov.uk
Countywide School Support Officer Natalie Cull 07814 811489 natalie.cull@surreycc.gov.uk	Countywide School Relationships Support Assistant Nina Clarke 07974 860640 nina.clarke@surreycc.gov.uk
school.relationships@surreycc.gov.uk	

Appendix C – Definitions

For the purpose of this policy, the following definitions apply:

- Any reference to a **Complainant** means the person making a complaint.
- Any reference to **Parent** includes the natural or adoptive parent of a pupil, irrespective of whether they are or ever have been married, whether they are separated or divorced, whether the pupil lives with them, whether the father has parental responsibility for the pupil or whether they have contact with the pupil. It also includes a non-parent who has parental responsibility for a pupil, an adult non-parent with whom the pupil lives, and an adult who is involved in the day-to-day care of the pupil (for example, collecting or dropping off the pupil from school).
- Any reference to a **Pupil** will also include a prospective or former pupil of an academy within the Trust.
- Any reference to the **Executive Team** may include the Chief Executive Officer, Deputy Chief Executive Officer, Director of Finance, Director of Education and Executive Head Teachers.
- Any reference to **Business Services Team** includes the Trust's Estates, Finance, Human Resources and Information Technology business functions.
- Any reference to **Education Services Team** includes the functions provided by the Trust Leaders for Curriculum & Learning Design, Teaching & Teacher Education, Initial Teacher Training, Early Years Foundation Stage, Special Educational Needs & Disability and Inclusion.
- Any reference to **Academy** means the particular academy within the Trust to which a complaint relates.

Appendix D - Roles & Responsibilities

The Kite Academy Trust

Anyone who raises either an informal concern or a formal complaint can expect The Kite Academy Trust and its academies to:

- respond with courtesy and respect;
- be impartial and non-adversarial;
- respond within a reasonable timeframe;
- communicate regularly with the complainant in writing;
- be available for consultation within a reasonable time limit, bearing in mind the Trust's operational requirements and the nature of the complaint;
- facilitate a full and fair investigation;
- attempt to resolve issues using reasonable means in line with this policy, other policies and practices and any advice from the Local Authority or other bodies;
- keep complainants informed of progress towards resolution of the issue raised;
- consider how the complaint can feed into school improvement evaluation processes, where appropriate.

Complainant

The Kite Academy Trust expects anyone who raises either an informal concern or formal complaint to:

- treat all staff with courtesy and respect;
- respect the needs and wellbeing of others;
- avoid any use, or threatened use, of violence to people or property;
- avoid any aggression or verbal abuse;
- recognise the time constraints under which employees of The Kite Academy Trust work and allow a reasonable time for a response;
- recognise that resolving a specific problem can sometimes take time.

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

- explain the complaint in full as early as possible;
- are co-operative in seeking a solution to the complaint;
- respond promptly to requests for information, meetings and 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 provide a comprehensive, open, transparent and fair consideration of the complaint through:

- sensitive and thorough discussion with the complainant to establish their perspective and desired outcomes;
- interviewing staff and other people relevant to the complaint;
- consideration of records and other relevant information;
- analysing information;
- liaising with the complainant to clarify what the complainant feels would put things right.

Governance Professional

The Governance Professional is the point of contact for:

- complaints that involve, or are about, an Academy Head Teacher
- complaints about an individual governor, a Chair of an Academy Council or an Academy Council as a whole.
- complaints about an individual Trustee, the Chair of Trustees or the Board of Trustees as a whole.

- complaints about the Kite Business Services or Education Services teams/ provision.
- complaints about a member of the Kite Executive Team, including the Chief Executive Officer.
- a Stage 3 Appeal Panel

The Governance Professional will:

- ensure that all people involved in the complaint procedure are aware of the process, their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR);
- co-ordinate a Stage 2 complaint process;
- co-ordinate a Stage 3 Appeal Panel, including:
 - 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 and send it to the parties in advance of the meeting within an agreed timescale
 - record the proceedings by way of taking notes
 - circulate the notes of the meeting
 - notify all parties of the Appeal Panel's decision.

Stage 3 Appeal Panel Chair

The Appeal Panel Chair, who is nominated in advance of the Appeal Panel Hearing, will ensure that the hearing is conducted in line with the complaints procedure and best practice principles. The Appeal Panel Chair will ensure that:

- the procedure for the hearing is explained to all attendees;
- the role of the Governance Professional and the Area Schools Officer is explained (including that they take no part in the decision-making but are there to record proceedings and provide procedural advice);
- the remit of the Appeal Panel is explained to the attendees and both parties have the opportunity to state their case without undue interruption;
- the issues are addressed;
- the hearing is conducted in a manner whereby everyone is treated with courtesy and respect;
- the Appeal Panel is open-minded and acts independently'
- no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure.

Stage 3 Appeal Panel Members

Panel members should be aware that:

- the Appeal Panel Hearing must be independent and impartial, and should be seen to be so;
- no Governor/ Trustee may sit on the Appeal Panel if they have had prior involvement in the complaint or the circumstances surrounding the complaint;
- all documentation relating to the complaint and the process must be read and the aims and purpose of the meeting understood.

Area Schools Support Service

The role of the Area Schools Support Service is to provide impartial advice and procedural guidance to complainants, schools and Governors/Trustees at all stages of the complaints process.

The Area Schools Support Service also offers impartial and objective mediation and/or facilitated between parties involved in a complaint, with the aim of rebuilding relationships and achieving successful resolution.