# THE MERCIAN TRUST

*Increasing Opportunities | Improving Outcomes*

# Complaints, Compliments and Comments Policy and Procedure

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|---|---|
| **Policy Owner** | The Mercian Trust — Schools, Students and Staff Committee |
| **Responsibility** | Director of Governance Development |
| **Effective From** | September 2026 |
| **Review Date** | July 2027 *(or earlier if legislation changes)* |
| **Legislation** | • Education (Independent School Standards) Regulations 2014, Part 7<br>• Equality Act 2010<br>• Data Protection Act 2018 / UK GDPR<br>• DfE Best Practice Guidance for Academies Complaints Procedures (2021)<br>• Schools White Paper: Every Child Achieving and Thriving (Feb 2026)<br>• DfE/Parentkind Parental Complaints Guidance (Jan 2026) |
| **Changes since the last update** | • Para 9.11 (independent investigator): added confirmation that Stage 2 timescales may extend where an independent investigator is engaged, with an updated timescale to be provided<br>• Stage 3 "What you must provide" table: clarified that documents submitted must be relevant, individually labelled, and ideally indexed<br>• Corrected duplicate paragraph numbering in Section 9 (Resolution Panel composition)<br>• Added new provision on SEND expertise for Resolution Panel composition, aligned with the exclusions policy<br>• Part 2, Stage 2 timescale extended from 10 to 20 school days |

*This policy replaces all previous versions.*

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# The Mercian Trust's Flowchart of Complaints Process

The diagram below provides a visual overview of the complaints process for parents and carers (Part 1).

## Flowchart of Complaints Process

**CONCERN ARISES**
Before doing anything else — have you spoken directly to the person involved?

▼

**STAGE 1: INFORMAL CONCERN**
Speak to the relevant member of staff • Explain the issue and the outcome you want • Target: resolved within 15 school days

▼ Not resolved at Stage 1?

**STAGE 2: FORMAL WRITTEN COMPLAINT**
Submit Complaint Form to Headteacher within 15 school days • Include: what happened, what you want, what you tried at Stage 1 • Acknowledgement: 5 days • Response: 20 school days

▼ Not resolved at Stage 2?

**STAGE 3: COMPLAINTS COMMITTEE MEETING**
Write to Central Governance Team within 15 school days • Include grounds of dissatisfaction and outcome sought • Meeting within 20 school days • Decision within 5 school days of meeting

▼ Still dissatisfied with process?

**STAGE 4: REFERRAL TO THE DfE**
Only if you believe the Trust failed to follow its published procedure or acted unlawfully • DfE will not overturn Trust decisions but can review process compliance

# Unreasonable/Vexatious Complaints — Decision Workflow

When a complainant's behaviour gives rise to concern, the following workflow guides the Trust's decision-making.

**CONCERN ABOUT COMPLAINANT BEHAVIOUR IDENTIFIED**

▼ Does the behaviour meet the definition of unreasonable/vexatious set out in Part 3?

**STEP 1: Informal discussion with complainant — the Headteacher (or CEO where the complaint involves central Trust matters) leads this discussion, explains the concern, and requests a change of behaviour**

▼ Behaviour continues?

**STEP 2: Formal written warning — the Headteacher (or CEO where relevant) issues a written warning to the complainant. The letter describes the behaviour; requests change and explains the consequences of non-compliance. The decision to issue a warning rests with the Headteacher or CEO, who should notify the Central Governance Team.**

▼ Behaviour continues? Consider which restriction(s) are proportionate:

**STEP 3: RESTRICTION(S) IMPOSED — written notice to complainant specifying:**
Communication channel restriction | Named contact only | Premises restriction | Paper-only hearing | No further response | Direct referral to DfE (Stage 4) - *Duration stated • Review date stated • Complainant informed of right to contact DfE*

▼ Behaviour is extreme/immediate safety risk?

**ESCALATED RESPONSE (without prior warning if necessary)**
Police referral | Injunction / legal action | Complete withdrawal of access

At all stages: Review restriction at 3 months • Record decision • Report annually to Trust Board • New complaints from restricted complainants considered on their merits

## 1. Aims and Application

1.1 The Mercian Trust is committed to creating a safe, respectful, and collaborative environment for pupils, staff, parents, carers, and all members of our school communities. Our aim in publishing this Complaints Comments and Compliments Policy and Procedure, is to ensure that concerns and complaints are resolved:

- Thoroughly, fairly, and impartially
- At the earliest opportunity and at the lowest appropriate level
- In an open, honest, and transparent manner
- With due regard to the rights and wellbeing of all parties

1.2 This Policy applies to all schools within The Mercian Trust and to the Trust's central operations. It is informed by the February 2026 Schools White Paper (Every Child Achieving and Thriving), the DfE/ Parentkind Parental Complaints Guidance (January 2026), and the DfE Best Practice Guidance for Academies Complaints Procedures. It complies with Part 7 of the Education (Independent School Standards) Regulations 2014.

1.3 This Policy supersedes all previous versions and replaces any Complaints Policy previously adopted by the Trust. Provisions relating to unreasonable, persistent, and vexatious complaints are consolidated within Part 3 of this document.

1.4 Any person, including members of the public, may make a complaint about any provision of facilities or services that the Trust provides. Complaints from parents and carers of currently registered pupils are handled under Part 1; complaints from other persons are handled under Part 2.

1.5 **Communication of This Policy**: The Trust will ensure that all parents, carers, and other stakeholders are made aware of this Policy through the following methods:

(a) This Policy will be published on the Trust's website and each academy's website will provide a clear and accessible link to it.
(b) Parents and carers will be informed of any significant updates to this Policy through regular communication channels, including newsletters, parent meetings, or direct communications by email or letter.

These steps are intended to ensure that all parents and carers can access the procedure easily when needed.

## 2. Key Principles and Commitments

2.1 The Trust is guided by the following commitments:

| Our Commitment | What This Means in Practice |
|---|---|
| Informal resolution first | We expect all parties to attempt informal resolution before engaging the formal process. Most concerns should — and will — be resolved at Stage 1. |
| Clear expectations at every stage | Complainants must clearly state the nature of their concern and the outcome they are seeking at each stage. Without this, we cannot investigate effectively. |
| Timely responses | We will acknowledge and respond within published timescales and will explain any necessary delays. |
| Respectful communication | We expect all parties to communicate calmly and respectfully. The Trust's Code of Conduct for Parents applies throughout this process. |

| Our Commitment | What This Means in Practice |
|---|---|
| No social media complaints | Concerns must be raised directly with the school or Trust. Posting negative, defamatory or untrue comments on social media is not an appropriate means of raising a complaint and may constitute a breach of our Code of Conduct. |
| Accessibility | Reasonable adjustments will be made for complainants who require support, including information in alternative formats, interpreter assistance, or help completing the Complaint Form. |
| Confidentiality | All complaint documentation will be treated as confidential, save where disclosure is required by law or statutory process. |
| Protection of staff | The Trust will take all necessary steps to protect staff from abusive, threatening, or vexatious behaviour. This may include restriction orders, police referral, or legal action. |
| Attendance during disputes | Engagement in a complaint or dispute does not justify a pupil's absence from school. Any absence arising during a complaint will be recorded in line with the Trust/school's Attendance Policy. Parents and carers are reminded of their legal duty to ensure their child attends school regularly. |

## 3. Definitions

3.1 In this Policy, the following terms have the meanings set out below:

| Term | Meaning |
|---|---|
| Anonymous Complaint | A complaint submitted without any identifying information that would allow the Trust to establish the identity of the complainant. |
| Complaint | An expression of dissatisfaction, however communicated, about actions taken or a lack of action by a school or the Trust — but only where that dissatisfaction relates to one or more of the following:<br>• the Trust or school has failed to follow its own policy or published procedure;<br>• a policy or procedure of the Trust or school is itself deficient, unlawful, or unreasonable; or<br>• the complainant has been treated in a manner that amounts to discrimination under the Equality Act 2010.<br>Where a person's dissatisfaction does not fall within one of these categories, it will be treated as a **concern** rather than a complaint and will be dealt with informally under Stage 1. Staff will assist the person to frame their concern appropriately. |
| Concern | An expression of worry or doubt over an issue considered to be important, for which reassurances are sought. Most concerns can be resolved informally. |
| Central Governance Team | The Governance Professionals working centrally for the Trust. |
| Exceptional circumstances | Situations that are wholly outside the complainant's control, could not reasonably have been anticipated or avoided, and directly prevented them from submitting a complaint or escalation request within the stated timescale; evidence of such circumstances may be requested by the Trust before any late submission is accepted. |
| Meeting | An in-person, virtual or hybrid meeting (ie. video conference where all parties can participate verbally). Hybrid/virtual meetings will only be held where all parties have access to appropriate equipment and are content to proceed in this way. If an in-person meeting is required but cannot safely take place — for example where |

| Term | Meaning |
|---|---|
| | there has been verbal or physical abuse, or threats of abuse — the meeting may be postponed until it is deemed safe to proceed, at the Trust's discretion. |
| Parent | A parent, carer, or anyone with legal parental responsibility for a child registered at one of the Trust's schools. |
| Resolution Panel | A panel constituted by the Trust to consider formal complaints at the stage equivalent to a Governors Complaints Committee; the panel is drawn from trained individuals across the Trust rather than from the governing body of the school that is the subject of the complaint, in order to ensure independence and consistency of process. |
| School days | Days when pupils are in school, excluding weekends, academy holidays, and periods of full or partial closure. |
| Trust | The Mercian Trust and/or any of the schools within it. |
| Vexatious complaint | A complaint that is obsessive, persistent, harassing, repetitious, or designed to cause disruption, or one that insists on pursuing an unrealistic outcome beyond all reason. |
| Volunteer | Any individual who gives their time and skills unpaid in service to the Trust or one of its *schools*, including but not limited to: Local Governors (who provide governance and scrutiny at s*chool* level); Trustees (who serve on the Trust Board and carry ultimate legal and strategic responsibility for the Trust as a whole); and any other unpaid individuals supporting school activities, events, or operations in an official capacity. |

## 4. Scope — What This Policy Covers

4.1 This Policy covers all general complaints about the Trust and/or its schools. However, certain matters are handled under separate statutory procedures and are therefore excluded from this Policy. Please refer to Annex 1 for details and signposting.

4.2 **Anonymous Complaints:** These will not normally be investigated under this procedure as the absence of identifying information prevents the Trust from conducting a fair and thorough investigation, communicating outcomes or ensuring that any complaint involving a child is discussed only with an authorised person. The Trust may determine that exceptional circumstances, for example a serious safeguarding concern, justify an investigation into issues raised anonymously, in which case any action taken will be proportionate to the information available.

4.3 **Timeline for Submission**: Complaints submitted more than three calendar months after the incident giving rise to the complaint may not be accepted unless the Trust acknowledges valid reasons for the delay, or determines the complaint relates to a serious matter. Any complaints received outside of term time will be recorded as received on the first school day following the holiday period.

4.4 **Exceptional Circumstances** - Where a complainant has failed to submit a complaint or escalation request within the stated timescale, the Trust may still agree to consider it if exceptional circumstances apply. Exceptional circumstances are those that were outside the complainant's control and that prevented them from submitting their complaint in time. Examples may include but are not limited to; serious illness or bereavement affecting the complainant or an immediate family member, a safeguarding concern that prevented earlier disclosure or a period of hospitalisation or crisis. The following **would not normally constitute exceptional circumstances**: being unaware of the deadline, dissatisfaction with an earlier stage of the process or circumstances that existed throughout the complaint but were not raised at the time. Where exceptional circumstances are claimed the Trust reserves the right to request reasonable supporting evidence before agreeing to accept a late submission. The decision to accept or decline a late complaint on these grounds rests with the Trust and will be communicated in writing.

4.5 **Malicious Complaints**: Any malicious complaints against staff and/or volunteers are taken seriously and in line with the Trust's duty of care to all staff and volunteers including those made knowingly false and deliberately fabricated or intended to cause harm, rather than to seek genuine resolution. The Trust will:

- Inform the complainant in writing that the complaint has been found to be malicious and that no further action will be taken in respect of it
- Consider whether the complaint constitutes a breach of the Trust's Code of Conduct for Parents and respond accordingly
- Take appropriate steps to protect the member of staff or volunteer concerned, which may include involving the police or legal representation where the behaviour may constitute a criminal offence.

A complaint is not malicious simply because it is not upheld and the Trust will always distinguish between complaints made in good faith that are unsubstantiated and those made with deliberate intent to harm.

4.6 **Withdrawal of Complaints**: If a complainant wishes to withdraw their complaint at any stage, they will be required to confirm this decision in writing to the relevant contact for that stage. Once a complaint has been formally withdrawn, the complainant will not be able to reinitiate the same complaint later. The Trust may, however, continue an internal investigation where it considers this necessary or appropriate, regardless of the withdrawal.

**Important: Approaching Volunteers Individually**

Complainants must not approach individual Governors or Trustees regarding complaints. Governors and Trustees cannot act independently and may need to sit on the Resolution Panel at Stage 3. Approaching them individually compromises their impartiality and may prevent your complaint from being heard by a full panel.

All concerns and complaints should be directed through the channels set out in this Policy.

## 5. Compliments and Comments

5.1 We want to hear from you whenever things go well. Expressions of appreciation genuinely matter — they help us recognise excellent practice, maintain the morale and motivation of our staff and pupils, and inform our understanding of what works best across the Trust.

5.2 Parents and carers, pupils, and members of the wider community can share a compliment or make a constructive comment or suggestion in any of the following ways:

- By speaking directly to the member of staff concerned, or to the Headteacher
- By telephone or email to the school office
- In writing via email to the school office or to governance@merciantrust.org.uk for the Central Governance Team

**Compliments — What Happens Next**

All compliments received are passed to the relevant member of staff and their line manager.

Compliments and positive feedback are shared with the Local Governing Body via the Headteacher's Report, and with the Trust Board via the Governance Update.

Where a compliment or comment suggests a change in practice that could benefit pupils across the Trust, it will be considered as part of our school improvement and governance processes.

5.3 Comments and suggestions are also welcome. Where a comment identifies something we could do better, it will be treated as a concern, and the relevant member of staff will either address it directly or ensure it reaches the right person. A response will normally be provided within 5 school days.

5.4 Comments and suggestions are distinct from complaints. If your concern relates to dissatisfaction with something that has happened — rather than a general suggestion for improvement — please refer to the complaints procedure set out in Part 1 of this Policy.

5.5 **Pupil Voice**: The Trust recognises the importance of hearing directly from pupils about their experiences. The Trust regularly undertakes pupil voice activities — including questionnaires, group workshops, pupil/school councils, and, where appropriate, exit conversations with school leavers — to gather both quantitative and qualitative feedback. The outcomes of these activities will be shared with the Local Governing Body and other stakeholders, including pupils themselves, together with any response or changes the Trust/school intends to make as a result.

## 6. Who to Speak to First

6.1 Raising concerns early and informally almost always leads to the best outcomes. As a general guide:

| Type of Concern | Who to Contact First | How to Contact |
|---|---|---|
| Classroom or day-to-day matters | Your child's usual point of contact | Via the school's usual communication channel |
| Pastoral, wellbeing or behaviour concerns | An appropriate senior member of staff or member of the Senior Leadership Team (SLT) | Via the school office |
| Whole-school issues, serious concerns, unresolved matters | Headteacher | Via the school office |
| Concerns about the Headteacher or a Governor | Clerk to the Local Governing Body | Via governance@merciantrust.org.uk clearly indicating the name of the school your child attends |
| Concerns about the Trust, CEO, Trustees, or Central Governance Team | Central Governance Team | governance@merciantrust.org.uk or Mercian House, Sutton Road, Walsall, WS1 2PG |
| If you are unsure who to contact | The school office will direct your query appropriately | Call or visit the school office or email governance@merciantrust.org.uk |

6.2 The Trust encourages all complainants to make every reasonable attempt to resolve their concern informally before engaging the formal procedure. Early resolution preserves relationships and is better for children.

## 7. Use of Artificial Intelligence in Complaints

7.1 The Trust recognises that many people now use artificial intelligence (AI) tools to help structure or refine their writing, and we understand that complainants may use AI in this way. However, we will not accept complaints that are generated wholly or predominantly by AI, with no genuine first-hand input from the complainant.

7.2 All complaints must originate from a real individual with direct personal knowledge of the matter being complained about. The distinction we draw is this:

- Using AI to help check spelling, grammar, structure, or clarity — acceptable.
- Using AI to write the substance of the complaint, including facts, arguments, or legal references that you have not personally verified — not acceptable.

7.3 **AI-generated complaints** frequently contain inaccuracies, contradictions, or references to legislation and case law that do not reflect the complainant's actual experience. This makes fair investigation difficult and can lead to delays. Where a complaint appears to be wholly or predominantly AI-generated, the Trust will ask the complainant to resubmit it in their own words before it is progressed.

7.4 The decision as to whether a complaint appears to be wholly or predominantly AI-generated rests with the Headteacher at Stage 2, or with the Central Governance Team at Stage 3. Where a complaint is assessed as AI-generated, the following standard response will be issued to the complainant before the complaint is progressed:

**A Note on AI Tools**

AI tools can be useful for checking spelling and grammar, but they do not always get the facts or the law right.

The January 2026 DfE Parental Complaints Guidance advises parents to use AI tools 'with caution'. We agree. A complaint written in your own words, clearly stating what happened and what outcome you are looking for, is almost always resolved more quickly than one generated by an AI tool.

If you would like help writing your complaint, the school office can assist you, or you may seek support from organisations such as Citizens Advice.

## 8. Records of Complaints

8.1 The Trust will maintain a formal record of all written complaints, including the stage at which each complaint was resolved and any actions taken, regardless of whether the complaint was upheld.

8.2 All correspondence, statements, and related documents concerning individual complaints will be treated as confidential. They will only be disclosed outside of the complaints process where:

- Access is requested by the Secretary of State
- Disclosure is required as part of a school inspection
- An individual has a legal right to access their own personal data
- Other legal obligations require disclosure.

8.3 The findings and recommendations of the Resolutions Panel will be made available for inspection at the relevant academy premises. Complaint records will normally be retained for six years, or, where a complaint relates to a currently registered pupil, for six years after that pupil has left the Trust.

8.4 The number and nature of complaints (without individual details) will be reported to the Local Governing Body via the Headteacher's Report, and to the Trust Board via the Governance Update, to enable governance oversight and trend monitoring.

## 9. Part 1: Complaints Procedure for Parents and Carers

9.1 This Part applies to parents and carers of pupils currently registered at any of the Trust's schools. It sets out a four-stage procedure, from informal concern through to referral to the Department for Education.

**At Every Stage — What You MUST Provide**

The Trust cannot investigate effectively unless you clearly tell us:

- What your specific concern or complaint is
- When the issue occurred (or the period it relates to)
- What steps you have already taken to resolve it
- What outcome or resolution you are seeking

*Moving to a higher stage without providing this information may mean your complaint cannot be progressed. If you are not clear about what outcome you want, we will ask you before we proceed.*

## Stage 1: Informal Concern

| Stage 1: Informal Concern | |
|---|---|
| **Who to contact** | Your child's usual point of contact via the school's normal communication channels, or an appropriate senior member of staff or SLT member for pastoral or more serious concerns. If the concern relates to the Headteacher, raise it with the Clerk to the Local Governing Body or the Central Governance Team (governance@merciantrust.org.uk) at Stage 2 instead. |
| **Key timescales** | Most informal concerns should be resolved within 15 school days. There is no fixed timescale, but if no resolution has been found within this period, you will be advised of your right to escalate to Stage 2. |
| **What you must provide** | • A clear description of your concern<br>• When the issue arose<br>• What outcome you are looking for |

9.2 In the vast majority of cases, concerns are most quickly and effectively resolved by speaking directly with the member of staff who is closest to the issue. This can often be done via the school's usual communication channels.

9.3 You may raise your concern in person, by telephone, by email, or through a third party acting on your behalf (provided appropriate authority has been given). When raising a concern, please clearly explain the issue and identify the outcome you are looking for. Where appropriate, an informal meeting may be arranged. If helpful, any agreed steps will be confirmed in writing.

9.4 All informal concerns must be logged by staff on the school's management information system. Any serious concerns must be brought to the Headteacher's attention. If no satisfactory resolution is reached within 15 school days, you will be advised of your right to submit a formal written complaint under Stage 2.

9.5 If you are uncomfortable discussing the concern with a particular member of staff, please inform the Headteacher, who will arrange for another appropriate member of staff to deal with the matter.

## Stage 2: Formal Written Complaint

| Stage 2: Formal Written Complaint | |
|---|---|
| **Who to contact** | Headteacher of the relevant school/academy (or the Clerk to the Local Governing Body if the complaint concerns the Headteacher — see the table below for other specific circumstances). |
| **Key timescales** | • Acknowledgement within 5 school days<br>• Optional meeting within 10 school days of receipt<br>• Written response within 20 school days of receipt |
| **What you must provide** | • A written complaint using the Complaint Form (Annex 2) — or a letter/email that clearly includes:<br>(a) The specific nature of your complaint<br>(b) How the matter was raised at Stage 1, the response you received and reasons why you are escalating the matter to Stage 2<br>(c) Names of any relevant witnesses, key dates and times, and copies of any relevant documents<br>(d) The specific outcome or resolution you are seeking.<br>• Your complaint must be submitted within 15 school days of the Stage 1 outcome (unless exceptional circumstances apply).<br>• Please note: The issues you set out in this form, together with any clarification provided at a fact-finding meeting, will constitute the full scope of your complaint. New incidents or concerns that arise after this point cannot be added and must be raised separately. |

9.6 Without a clear statement of the outcome you are seeking, the Trust may ask you to clarify this before progressing your complaint. A complaint that simply expresses dissatisfaction without identifying a desired resolution cannot be fully investigated.

9.7 Upon receiving your written complaint, the school will acknowledge it within 5 school days and provide a target date for a more detailed written response, normally within 20 school days. Where appropriate, the Headteacher (or appointed representative) may invite you to a meeting to clarify the complaint; you may bring one other person to support you (a friend, relative, advocate, or interpreter).

9.8 Where required, the Headteacher will interview witnesses and, if the complaint involves a pupil, interview that pupil (normally with a parent present unless there is a good reason otherwise). If the complaint involves a member of staff, that individual will have an opportunity to respond. The contents of your complaint may be shared with the person(s) about whom it relates; this is necessary for a fair investigation.

9.9 The scope of a formal complaint is fixed at the point at which the complaint is first logged at Stage 2. The issues recorded at that point — including any clarified at an initial fact-finding meeting with the Headteacher or investigating officer — constitute the full extent of the complaint to be investigated. Subsequent incidents, concerns, or issues that arise after that point, or that were not raised at the time of logging, cannot be added to the live complaint. Any new issues must be raised as a separate concern starting at Stage 1. The Headteacher (or investigating officer) will confirm in writing to the complainant the agreed scope of the complaint at the outset of the Stage 2 investigation.

9.10 Complainants should be aware that where a complaint concerns a named member of staff or volunteer, the content of the complaint will normally be shared with them in full. This is necessary to ensure a fair investigation and to uphold the right of the individual to respond. Complainants are therefore encouraged to ensure that all factual statements in their complaint are accurate and substantiated.

9.11 The Trust may engage an independent investigator where the complaint is particularly complex or involves legal issues. In those circumstances, it may not be possible to complete Stage 2 within the anticipated timeframe. Where this is the case, we will provide you with an updated timescale once the investigator has been appointed.

**Special Circumstances — Who to Contact at Stage 2**

| Situation | Who to Contact |
|---|---|
| Complaint about the Headteacher, or Headteacher has already considered it at Stage 1 | Clerk to the Local Governing Body at the academy's address |
| Complaint about a Governor or the Local Governing Body | Clerk to the Local Governing Body (marked Private and Confidential) |
| Complaint about the CEO of the Trust | Central Governance Team: governance@merciantrust.org.uk |
| Complaint about a Trustee or Member of the Trust | Central Governance Team: governance@merciantrust.org.uk |
| Complaint about the Central Governance Team | Chair of the Trustees, c/o Mercian House, Sutton Road, Walsall, WS1 2PG |
| Complaint about the Trust Board as a whole | Central Governance Team: governance@merciantrust.org.uk (for independent investigation) |

## Stage 3: Resolution Panel Meeting

| Stage 3: Resolution Panel Meeting | |
|---|---|
| **Who to contact** | Central Governance Team: governance@merciantrust.org.uk or Mercian House, Sutton Road, Walsall, WS1 2PG. |
| **Key timescales** | • Request within 15 school days of the Stage 2 outcome |

| | |
|---|---|
| | • Acknowledgement within 5 school days<br>• Meeting within 20 school days of receipt<br>• Written decision within 5 school days of the meeting |
| **What you must provide** | • A written request to the Central Governance Team within 15 school days of receiving the Stage 2 outcome<br>• Copies of all documents relevant to the complaint that you wish the Panel to consider, provided as individually labelled files. Where possible, please include an index or list of the documents provided, to help ensure the bundle before the Resolution Panel is clear, organised and easy to navigate.<br>• A clear statement of the grounds on which you are dissatisfied with the Stage 2 outcome<br>• The specific outcome you are seeking from the Resolution Panel<br>The Resolution Panel will not consider new complaints or unrelated evidence at this stage. Any new complaints must start at Stage 1. |

9.12 The Central Governance Team will arrange for a Resolution Panel to be convened, comprising at least three members. The Panel must be, and must be seen to be, independent of the management of the school to which the complaint relates. Members may be drawn from:

- Governors or trustees from other schools within the Trust who have had no prior involvement in the matter
- Members of the Central Leadership Team, provided they have had no prior involvement in the complaint and hold no conflict of interest; and/or
- External, independent individuals from outside the Trust — particularly where the complaint involves the Trust Board, the CEO, or senior central staff

9.13 In deciding the composition of the panel, the Central Governance Team will, as far as practicable, ensure it reflects a cross-section of experience and is sensitive to relevant considerations including the nature of the complaint. No member of the Panel may have had prior involvement in the complaint or in the circumstances giving rise to it. Where possible, at least one member convened for a panel involving a complaint relating to special educational needs and/or disability provision, or otherwise, should have additional experience, training or expertise in supporting pupils with SEND.

9.14 You will receive written notification of the date, time, and location of the meeting at least 5 school days in advance, along with the names of Panel members, where practicable. If you have a legitimate objection to a specific member, please raise this promptly and it will be given fair consideration.

9.15 Copies of all documents submitted individually by both parties, which are to be considered by the Panel, will be shared with all parties at least 5 school days before the meeting. Documents submitted after this point may not be considered.

9.16 You are entitled to bring one person to accompany you — a friend, relative, advocate, or interpreter. Legal representatives are not encouraged to attend. Representatives from the media are not permitted. Please notify the Central Governance Team in advance if you intend to bring someone.

9.17 A Governance Professional will be present at all Stage 3 meetings to take accurate minutes of the proceedings. These minutes constitute the formal record of the meeting and will be made available on request, to all parties following the meeting. To support the accurate production of minutes, the Governance Professional may, at their discretion, make an audio or AI-assisted recording of the meeting for transcription purposes only. Any such recording will be made openly/notified in advance, with all participants informed at the outset of the meeting and will be used solely to assist in the production of the formal minute. It will not be retained beyond the point at which the minutes have been finalised, reviewed, and approved, in accordance with the Trust's AI and Acceptable Use Policy, Digital Transformation Strategy, and Records Retention Policy. The recording itself does not form part of the formal record of the hearing and will not be shared with, or disclosed to, any party.

9.18 Electronic recordings by any other participant — whether audio, video, or AI-assisted — are not permitted without the prior written consent of all parties present, including the Panel members, the complainant, and the academy representative(s). Covert recordings made by any party, at any stage of the complaints procedure, will not be accepted as evidence and may be treated as a breach of this Policy. Where a complainant or academy representative wishes to rely on a recording made outside

the meeting, they must declare this in advance of the meeting; the Panel reserves the right to determine the weight, if any, to be given to such material.

9.19 **Procedure for the Stage 3 Meeting:**

(a) The Panel holds a pre-meeting (up to 30 minutes) to agree the format and deal with any late submissions
(b) Both the complainant and the school representative(s) enter together
(c) The Chair introduces Panel members and explains the process
(d) The complainant presents their complaint
(e) The school representative(s) and Panel members may ask questions
(f) The school representative(s) explain the school's/Trust's actions
(g) The complainant and Panel members may ask questions of the school representative(s)
(h) The complainant sums up their complaint
(i) The school representative sums up the school's/Trust's response
(j) The Chair explains that a decision will be communicated within 5 school days
(k) Both parties leave; the Panel deliberates with the Governance Professional present

9.20 The Resolution Panel may adjourn if further evidence is required. After deliberating, the Panel will provide a written decision to all parties within 5 school days. The Panel may:

- Dismiss the complaint in whole or in part
- Uphold the complaint in whole or in part
- Determine actions to resolve the complaint; and/or
- Recommend changes to school or Trust procedures to prevent similar issues from recurring

9.21 The Stage 3 decision is the final stage of the Trust's internal complaints procedure.

### Stage 4: Referral to the Department for Education

9.22 If, after completing Stage 3, you believe the Trust has not handled your complaint in accordance with this published procedure or has acted unlawfully or unreasonably in the exercise of its duties under education law, you may contact the Department for Education (DfE).

9.23 The DfE will not reinvestigate the substance of your complaint or overturn decisions made by the Trust. It will consider whether the Trust has adhered to education legislation and relevant statutory policies. You can contact the DfE using their online enquiry form (tick the box marked 'complaint') or in writing to:

| DfE Contact Details |
|---|
| Department for Education<br>School Complaints Compliance Unit<br>Piccadilly Gate, Store Street<br>Manchester, M1 2WD<br><br>Online: www.gov.uk/contact-dfe (select 'complaint') |

## 10. Part 2: Complaints from Other Persons

10.1 This Part applies to complaints from persons who are not parents or carers of pupils currently registered at one of the Trust's schools (for example, members of the public, former parents, or prospective parents). As public bodies, the Trust's schools will handle such complaints respectfully and promptly.

| Stage | Action | Timescale |
|---|---|---|
| Stage 1 — Informal | Raise your concern with any member of staff, who will attempt to resolve it or | Response within 5 school days (or you will be kept informed of progress). |

| Stage | Action | Timescale |
|---|---|---|
| | refer it to an appropriate line manager or SLT member. | |
| Stage 2 — Formal Written | If unresolved, put your complaint in writing to the Headteacher of the relevant academy. The Headteacher may investigate or delegate the investigation to a colleague/ independent person. | Formal response normally within 20 school days. You will be informed if longer is needed. |
| Stage 3 — Review | If unsatisfied with Stage 2, write to the Clerk of the Local Governing Body within 10 school days. A Governor may consider the complaint alone or convene a Resolution Panel on the same terms as Part 1, Stage 3. | Decision normally within 20 school days. The Stage 3 decision is full and final. |

10.2 Concerns or complaints about the Headteacher, or about the Trust as a whole, should be referred directly to the Central Governance Team at governance@merciantrust.org.uk.

## 11. Part 3: Unreasonable, Persistent and Vexatious Complaints

11.1 The Trust is committed to dealing with all complaints fairly and impartially and will not normally limit contact with complainants. However, it does not expect staff to tolerate unacceptable behaviour. This Part sets out how the Trust will respond in the rare circumstances where a complainant's behaviour or approach becomes unreasonable, persistent, or vexatious.

11.2 Raising legitimate queries about the process — for example, if agreed timescales are not met — will not, in itself, lead to a complainant being regarded as vexatious. Similarly, expressing dissatisfaction with an outcome and challenging it once should not automatically attract this designation.

**What Constitutes Unreasonable or Vexatious Behaviour?**

11.3 Drawing on the Office of the Independent Adjudicator's definitions, and the DfE Best Practice Guidance, the Trust defines unreasonable complainant behaviour as behaviour that hinders the fair consideration of complaints because of the frequency or nature of the complainant's contact. This may include, but is not limited to, where the complainant:

(a) Refuses to articulate their complaint, specify its grounds, or identify the outcome sought, despite offers of assistance
(b) Refuses to cooperate with the complaints investigation process while still expecting resolution
(c) Insists the complaint be handled in ways incompatible with this procedure or with good practice
(d) Introduces trivial or irrelevant information and insists it be considered and commented upon
(e) Raises large numbers of detailed but unimportant questions demanding immediate responses to their own timescales
(f) Makes unjustified complaints about staff dealing with the issue and seeks to have them replaced
(g) Changes the basis of the complaint as the investigation progresses without reasonable justification
(h) Seeks an unrealistic outcome (such as the inappropriate dismissal of a member of staff)
(i) Makes excessive demands on school or Trust time through frequent, lengthy or complicated contact
(j) Refuses to accept the findings of a properly concluded complaints procedure, including after DfE referral
(k) Knowingly provides falsified information
(l) Publishes unacceptable, untrue, or defamatory material on social media or other public forums
(m) Electronically records meetings or conversations without the prior knowledge and consent of all parties

(n) Uses an excessively 'scattergun' approach, simultaneously pursuing the same complaint with the Trust, Ofsted, the DfE, the Teaching Regulation Agency, MPs, local councillors, the police, and/or legal advisers

(o) Makes the same complaint repeatedly with only minor differences, insisting each is a 'new' complaint

(p) Denies statements made at an earlier stage in the process

(q) Uses abusive, malicious, offensive, discriminatory, or threatening language or behaviour

(r) Refuses to send their child to school as leverage or in protest while in dispute

11.4 The Trust also applies the Office of the Independent Adjudicator's definition of a frivolous or vexatious complaint. Such complaints are characterised by being obsessive, persistent, harassing, prolific, or repetitious; insisting upon pursuing unmeritorious complaints or unrealistic outcomes beyond all reason; insisting upon pursuing meritorious complaints in an unreasonable manner; or being designed to cause disruption or annoyance.

**How the Trust Will Respond**

11.5 Before applying any restriction, the Headteacher (or CEO where relevant) will, wherever possible, speak informally with the complainant to explain the concern and ask them to change their behaviour.

11.6 If the behaviour continues, the following escalating steps may be taken. The Trust will always write to inform the complainant why its behaviour is being restricted, what action is being taken, for what period, and when it will be reviewed.

| Step | Action |
|---|---|
| Warning letter | A written letter is issued explaining that the complainant's behaviour is unreasonable and asking them to change it. |
| Communication restriction | The Trust may specify the method(s) by which the complainant may make contact (eg. emails only, one named contact, calls on specified days/times only). Restrictions will normally apply for 3–6 months and will be reviewed at that point. |
| Premises restriction | Access to school premises may be restricted or withdrawn. Any ban will be proportionate, communicated in writing with reasons, and reviewed within a specified period. |
| Paper-only Panel meeting | The Resolution Panel may consider the complaint on the basis of written submissions without holding a meeting. |
| No further response | Where the Trust has taken every reasonable step, given a clear statement of its position, and the complainant continues to make contact raising substantially the same points, the Trust may decide not to respond to further correspondence. A nominated member of staff will be identified to read, but not necessarily respond to, all future correspondence from this complainant. |
| Referral to Stage 4 (DfE) | The Trust may refer the complainant directly to Stage 4, bypassing Stage 3, where the complaint is clearly frivolous, vexatious, or has already been fully addressed. |

**New Complaints from Complainants Subject to Restrictions**

11.7 New complaints from persons subject to restrictions under this Part will be considered on their merits. The Headteacher (or CEO) will assess whether any existing restrictions remain appropriate in relation to the new complaint. The Trust does not operate a blanket policy of ignoring all contact from restricted individuals where that contact relates to a genuine new concern.

**Extreme Behaviour and Legal Action**

11.8 Where behaviour is so extreme that it threatens the immediate safety or welfare of staff, members of the Local Governing Body, or Trustees, the Trust may, without prior warning to the complainant:

- Report the matter to the Police
- Seek an injunction or other legal remedy
- Take such other action as is appropriate to protect staff and pupils

**Record-Keeping and Governance Reporting**

11.9 The decision to treat a complainant as unreasonably persistent or vexatious, together with any restrictions imposed, will be recorded and communicated to those within the Trust who need to know. The Trust Board will receive an annual report setting out the number of cases in which this Part has been applied, together with the nature of restrictions imposed. Local Governing Bodies will be notified where this Part has been applied to complainants at their school.

11.10 **Legal Proceedings**: Should a complainant commence legal action against the Trust in connection with their complaint, the Trust will consider whether it is appropriate to suspend the complaints procedure until those legal proceedings have concluded, in order to avoid any overlap or contradiction between the two processes. The complainant will be informed in writing if the procedure is suspended for this reason.

## 12. Part 4: Complaint Campaigns

12.1 A complaint campaign is defined as complaints received from three or more separate individuals that are all based on the same subject matter.

12.2 Where the Trust receives a complaint campaign, it may, depending on the subject matter:

- Send a template response to all complainants
- Publish a single response on the relevant school or the Trust's website.

12.3 This approach ensures that the Trust can respond efficiently and consistently to coordinated concerns without duplicating effort for each individual complainant.

## 13. Roles and Responsibilities

13.1 The Central Governance Team/Clerk (as appropriate) will:

(a) Ensure the complainant is kept fully updated at each stage
(b) Liaise with staff, Headteacher, CEO, Governors and Trustees as needed
(c) Ensure all parties are aware of their legal rights and duties under education law, the Equality Act 2010, Freedom of Information Act 2000, and UK GDPR
(d) Ensure the Resolution Panel has access to legal advice where appropriate
(e) Set the date, time, and venue of meetings, taking reasonable steps to accommodate all parties
(f) Collate and distribute written material at least 5 school days before any meeting
(g) Minute meetings accurately
(h) Notify all parties of the Panel's decision.

13.2 The Headteacher (or investigating person at Stage 2) will:

(a) Keep the complainant updated throughout
(b) Ensure the correct procedure has been followed
(c) Conduct or commission an appropriate investigation and compile a report
(d) Arrange or offer to meet the complainant (where appropriate)
(e) Notify the Clerk if the complaint is to proceed to Stage 3.

13.3 The Chair of the Resolution Panel will:

(a) Ensure the meeting is conducted in an informal, non-adversarial manner
(b) Ensure all parties are treated with respect and courtesy
(c) Explain the remit and format of the Panel to the complainant
(d) Ensure key findings of fact are made

(e) Ensure no new issues raised on the day are noted or considered by the Panel (these must go to Stage 1)
(f) Ensure the Panel acts independently and that no member has a prior involvement or conflict of interest
(g) Ensure the meeting is minuted

13.4 **All Staff**: All staff across the Trust's schools and central operations will be made aware of this Complaints, Comments and Compliments Policy and Procedure. Staff are expected to review this Policy regularly so that they are familiar with the process for dealing with complaints and can assist when a concern or complaint is brought to their attention.

13.5 **Trustees and Local Governors**: All Trustees and Local Governors are expected to familiarise themselves with this Policy and to understand their potential role within the complaints procedure, including the circumstances in which they may be called upon to sit on a Resolution Panel at Stage 3. Trustees and Governors must ensure they have not had any prior involvement in a complaint before agreeing to serve on a panel convened for that complaint. Whilst governor and trustee training on complaints handling is not a statutory requirement, the Trust strongly encourages all Trustees and Local Governors to undertake relevant training to stay abreast of current complaints procedures, legislation, and best practice. This may include training provided by the Trust's Central Governance Team, the National Governance Association (NGA), GovernorHub, The Key or other recognised governance training providers. The Central Governance Team will bring any significant updates to this Policy to the attention of all Trustees and Local Governors promptly following adoption.

## Annex 1: Matters Excluded from Scope

The following matters are excluded from this Complaints Policy and are subject to separate procedures:

| Excluded Matter | Signposting / Who to Contact |
|---|---|
| Admissions | Challenges to admissions decisions are made through our Admissions Policy/Local Authority appeals process in accordance with the School Admissions Code. |
| Child Protection and Safeguarding | Handled under the Trust's Child Protection and Safeguarding Policy. Serious concerns may be referred to the LADO (Local Authority Designated Officer) or Multi-Agency Safeguarding Hub (MASH). |
| Suspensions and Exclusions | Handled under the DfE's statutory guidance.<br>See: www.gov.uk/school-discipline/exclusions |
| National Curriculum Content | Contact the Department for Education at www.education.gov.uk/contactus |
| Statutory Assessment of SEND | Refer to the Local Authority where the relevant school is located. |
| Whistleblowing | Handled under the Trust's Whistleblowing Policy. The Secretary of State for Education is the prescribed person for education whistleblowers who do not wish to raise matters with their employer. See: www.education.gov.uk/contactus |
| Staff Grievances | Handled under the Trust's internal Grievance Procedure. |
| Staff Conduct (Disciplinary Matters) | May be handled under the Trust's internal Disciplinary Procedure. Complainants will not be informed of specific disciplinary action but will be told the matter is being addressed. |
| Subject Access Requests (SARs)/ Freedom of Information (FOI) | Contact the Trust's Data Protection Officer at dpo@merciantrust.org.uk |
| Discrimination/Harassment (Equality Act 2010) | This Complaints, Comments and Compliments Policy apply, but the complainant may also have the right to appeal to the SEND and Disability First-Tier Tribunal (for disability discrimination) or the County Court (for other Equality Act disputes). |
| Services Provided by Third Parties | Contact the third-party provider directly. Their own complaints procedure applies. |
| School Re-organisation Proposals | Where not resolved by the Trust, concerns can be raised with the Department for Education. |

# Annex 2: Complaints Form

This form must be completed to submit a formal complaint at Stage 2 or Stage 3. Complaints submitted without using this form may not be progressed until a completed form has been received. Complete all sections as fully as possible — incomplete forms may delay investigation of your complaint.

The form is available as an editable form by emailing governance@merciantrust.org.uk. You may also return a completed paper copy in a sealed envelope to the school office or Central Governance Team addressed to the Headteacher, Clerk to the Local Governing Body, or Central Governance Team as appropriate.

| Field | Your Response |
|---|---|
| **Your full name** | |
| **Your address and postcode** | |
| **Mobile No.** | |
| **Alternative Phone No.** | |
| **Email address** | |
| **Name of child (if applicable)** | |
| **Your relationship to the child** | |
| **Which school does this concern?** | |
| **Stage of this complaint (circle)** | Stage 2/Stage 3 |
| **Date of the incident(s) or period concerned** | |

**Please answer ALL of the following questions. Failure to do so may prevent your complaint from being progressed.**

1. **What is your complaint? (Please describe the specific issue(s) as clearly and factually as possible. If you have more than one complaint, please number each one.)**

2. **What action have you already taken to try to resolve your concern at Stage 1 (informally)? Who did you speak to, when, and what response did you receive?**

3. **If this is a Stage 3 request: Why are you dissatisfied with the Stage 2 outcome? Please be specific about what you believe was incorrect or unfair about the response**.

4. **What specific outcome or resolution are you seeking? (Please be clear and realistic. Without this, we cannot investigate your complaint effectively.)**

5. **Are you attaching any supporting documents? If so, please list them here:**

Signed: Date:

*All complaint documentation is handled in accordance with the Data Protection Act 2018 and UK GDPR.*

# Annex 3: Comments and Compliments Form

The form is available as an editable form by emailing governance@merciantrust.org.uk. You may also return a completed paper copy in a sealed envelope to the school office or Central Governance Team addressed to the Headteacher, Clerk to the Local Governing Body, or Central Governance Team as appropriate.

| Field | Your Response |
|---|---|
| **Your full name** *(optional)* | |
| **Your address and postcode** *(optional)* | |
| **Mobile No.** *(optional)* | |
| **Email address** *(optional)* | |
| **Which school does this compliment/comment relate to?** | |
| **Nature of Compliment/ Comment** | |
| **Would you like a response? If so, you will need to include your name and contact details on this form** | |

*All documentation is handled in accordance with the Data Protection Act 2018 and UK GDPR.*

## Annex 4: At-a-Glance Timescales Summary

| Stage | Action | Timescale |
|---|---|---|
| Stage 1 — Informal | Concern raised with appropriate staff member | • Resolution aim: within 15 school days |
| Stage 2 — Formal Written | Written complaint submitted to Headteacher (within 15 school days of Stage 1 outcome) | • Acknowledgement: 5 school days<br>• Optional meeting: within 10 school days<br>• Full Response: within 20 school days |
| Stage 3 — Resolution Panel | Written request to Central Governance Team (within 15 school days of Stage 2 outcome) | • Acknowledgement: 5 school days<br>• Hearing: within 20 school days<br>• Decision letter: within 5 school days of hearing |
| Stage 4 — DfE Referral | Complaint submitted to DfE (after Stage 3 is exhausted) | • DfE timescales apply; the DfE will acknowledge within 3 working days |

# Annex 5: Process Flowchart

## Flowchart of Complaints Process

**CONCERN ARISES**
Before doing anything else — have you spoken directly to the person involved?

▼

**STAGE 1: INFORMAL CONCERN**
Speak to the relevant member of staff • Explain the issue and the outcome you want • Target: resolved within 15 school days

▼ Not resolved at Stage 1?

**STAGE 2: FORMAL WRITTEN COMPLAINT**
Submit Complaint Form to Headteacher within 15 school days • Include: what happened, what you want, what you tried at Stage 1 • Acknowledgement: 5 days • Response: 20 school days

▼ Not resolved at Stage 2?

**STAGE 3: COMPLAINTS COMMITTEE MEETING**
Write to Central Governance Team within 15 school days • Include grounds of dissatisfaction and outcome sought • Meeting within 20 school days • Decision within 5 school days of meeting

▼ Still dissatisfied with process?

**STAGE 4: REFERRAL TO THE DfE**
Only if you believe the Trust failed to follow its published procedure or acted unlawfully • DfE will not overturn Trust decisions but can review process compliance

## Annex 4b: Unreasonable/Vexatious Complaints — Decision Workflow

When a complainant's behaviour gives rise to concern, the following workflow guides the Trust's decision-making.

**CONCERN ABOUT COMPLAINANT BEHAVIOUR IDENTIFIED**

▼ Does the behaviour meet the definition of unreasonable/vexatious set out in Part 3?

**STEP 1: Informal discussion with complainant — the Headteacher (or CEO where the complaint involves central Trust matters) leads this discussion, explains the concern, and requests a change of behaviour**

▼ Behaviour continues?

**STEP 2: Formal written warning — the Headteacher (or CEO where relevant) issues a written warning to the complainant. The letter describes the behaviour; requests change and explains the consequences of non-compliance. The decision to issue a warning rests with the Headteacher or CEO, who should notify the Central Governance Team.**

▼ Behaviour continues? Consider which restriction(s) are proportionate:

**STEP 3: RESTRICTION(S) IMPOSED — written notice to complainant specifying:**
Communication channel restriction | Named contact only | Premises restriction | Paper-only hearing | No further response | Direct referral to DfE (Stage 4)
*Duration stated • Review date stated • Complainant informed of right to contact DfE*

▼ Behaviour is extreme/immediate safety risk?

**ESCALATED RESPONSE (without prior warning if necessary)**
Police referral | Injunction / legal action | Complete withdrawal of access

At all stages: Review restriction at 3 months • Record decision • Report annually to Trust Board • New complaints from restricted complainants considered on their merits