# Complaints Procedure

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| **Approved by:** | Tyne Coast Academy Trust Board | **Date: 17 October 2024** |
| **Last reviewed on:** | October 2024 | |
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## 1. Aim of the Policy

Tyne Coast Academy Trust (the Trust) and the academies within it aims to meet its statutory obligations when responding to complaints from parents/carers, pupils and others. The aim of this policy is to ensure that a concern or complaint is managed sympathetically, efficiently and at the appropriate level and resolved as soon as possible. Doing so is good practice, it is fair to those concerned and it helps to promote parents/carers and pupil's confidence in the Trust's ability to safeguard and promote welfare.

We will try to resolve every concern or complaint in a positive way with the aim of resolving the issue in a transparent manner. The Trust expects that most concerns can be resolved informally and guarantees to treat seriously and confidentially all concerns whether raised informally or formally.

## 2. Statement

We need to know as soon as possible if there is any cause for dissatisfaction. We recognise that a difficulty that is not resolved quickly and fairly can soon become a cause of resentment, which could be damaging to relationships and also to our Trust culture. We intend that parents/carers and pupils should never feel – or be made to feel – that a complaint will be taken amiss or will adversely affect a pupil or their opportunities at any of the schools within the Trust.

## 3. Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at any of the schools within the Trust. Any person, including members of the public, may make a complaint to the Trust or one of its academies about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (see scope of this complaints procedure in Section 9), we will use this complaints procedure.

## 4. The difference between a concern and a 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 Trust takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

Please direct your concern to the relevant staff member. If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases the Headteacher/Principal/Deputy Headteacher/Vice Principal in school or the Chief Executive Officer of the Trust if it is a Trust wide issue, will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Headteacher/Principal/Deputy Headteacher/Vice Principal or CEO of the Trust will refer you to another staff member. The member of staff may

be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important. Informal concerns will be resolved within 10 working days of being raised wherever possible. If the school/Trust is unable to meet this deadline, they will provide the person raising the concern with an update and revised response date.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, the Trust will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

**5. How to raise a concern or make a complaint**

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.

Concerns should be raised with either the staff member or the Headteacher/Principal of the school in question or the CEO of the Trust if the concern relates to the Trust central service/Trust as a whole. If the issue remains unresolved, the next step is to make a formal complaint.

Complainants should not approach individual school Governors or Trustees to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 3 of the procedure.

Complaints about school staff (except the Headteacher/Principal) should be made in the first instance to the Headteacher via the school office. Please mark them as 'Private and Confidential'. Complaints against the central services (except the CEO) should be made in the first instance to the CEO via the Trust office. Please mark them as 'Private and Confidential'.

Complaints that involve or are about the Headteacher/Principal should be addressed to the Chair of Governors, via the school office. Please mark them as Private and Confidential. Complaints that involve or are about the CEO should be addressed to the Chair of Trustees via the Trust office. Please mark them as 'Private and Confidential'.

Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to the Chief Operating Officer via the Trust office. Please mark them as 'Private and Confidential'. Complaints about the Chair of Trustees, any individual Trustee or the whole Trust Board should be addressed to the Chief Operating Officer via the Trust office. Please mark them as 'Private and Confidential'.

For ease of use, a template complaint form is included at the end of this procedure. 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.

**6. Anonymous complaints**
We will not normally investigate anonymous complaints. However, the Headteacher/Principal/CEO or Chair of Governors/Trustees, if appropriate will determine whether the complaint warrants an investigation.

**7. Timescales**
You must raise the complaint 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 consider complaints made outside of this time frame if exceptional circumstances apply.

We aim to resolve any complaints in a timely manner. Timescales for each stage of the procedure are set out below in the relevant paragraphs. For the purposes of this procedure a 'school day' is defined as a weekday during term time, when the school is open. The definition of 'school day' excludes weekends and Bank Holidays.

**8. Complaints received outside of term time**
We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

**9. Scope of this complaints procedure**
This procedure covers all complaints about any provision of services by the Trust, 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 should be handled through a separate process – either through the appeals process or via the local authority. |
| ● Matters likely to require a Child Protection Investigation | Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.<br><br>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH). |
| ● Exclusion of children from school* | Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions. **complaints about the application of the behaviour policy can be made through the school's complaints procedure.* |
| ● Whistleblowing | We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. |

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|---|---|
| | The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus. Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint. |
| ● Staff grievances | Complaints from staff will be dealt with under the Trust's internal grievance procedures. |
| ● Staff conduct | Complaints about staff will be dealt with under the Trust's internal disciplinary procedures, if appropriate.<br><br>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed. |
| ● Complaints about services provided by other providers who may use Trust premises or facilities | Providers should have their own complaints procedure to deal with complaints about services. Please contact them directly. |
| ● Statutory assessment of special educational needs | Concerns about assessments of special educational needs should be raised directly with the appropriate Local Authority. |

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations. If this happens, we will inform you of a proposed new timescale.

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

**10. Resolving complaints**

At each stage in the procedure, the school/Trust wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any

changes will be made
- an undertaking to review school/Trust policies in light of the complaint
- an apology.

**11. Withdrawal of a complaint**
If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

**12 Stage 1 – Informal Complaints**
It is to be hoped that most concerns can be expressed and resolved on an informal basis.

Concerns should be raised with the relevant member of staff or the Headteacher/Principal or the CEO if the complaint relates to the central trust team.

Informal complaints will be investigated and the person making the informal complaint will be asked how they believe the complaint may be resolved.

At the conclusion of their investigation, the appropriate person investigating the complaint will provide an informal written response within 10 school days of the date of receipt of the complaint.

Trust staff have a responsibility to ensure that the complainant understands any future points of action that have been agreed upon and should make a record of what has been discussed, as well as any outcomes. All staff will do their best to ensure that the complainant's concerns are dealt with appropriately and efficiently.

If the issue remains unresolved, the next step is to make a formal complaint.

**13. Stage 2 Formal Complaints**

Formal complaints should be set out in writing preferably using the complaint form with full details of the complaint, any relevant documents and full contact details for the attention of the Headteacher/Principal/CEO or the Chair of Governors/Trustees, as appropriate (complaints regarding the Headteacher/CEO should go to the Chair of Governors/Trustees as appropriate). Should a formal written complaint be received by another member of the school's/Trust staff, this should be immediately passed to the Headteacher/CEO, or Chair of Governors/Trustees.

The complaint will be acknowledged in writing normally within three working days of receipt during term time and as soon as practicable during the holidays (either by letter or email). Within this response, the Trust may seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Trust can consider whether a face to face meeting is the most appropriate way of doing this. The acknowledgement will indicate the action that is being taken and the likely timescale for resolution.

The Headteacher/Principal/CEO may deal with the matter personally or delegate a senior member of staff to act as 'investigating officer'. The 'investigating officer' may request additional information from the complainant and will fully investigate the issue. In most cases the Headteacher/Principal/CEO or investigating officer will meet or speak with the complainant to discuss the matter.

During the investigation, the investigating officer will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish. The Investigating Officer will arrange for a member of staff to take notes at all meetings arranged as part of the investigation.
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of the investigation, the Headteacher/Principal/CEO will provide a formal written response within 15 school days of the date of receipt of the complaint. If the school/Trust 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 school/Trust will take to resolve the complaint.

The Headteacher/Principal/CEO can:

- uphold the complaint in whole or in part
- not uphold the complaint

If the complaint is upheld in whole or in part, the Headteacher/Principal/CEO will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to be made to Academy systems or procedures to prevent similar issues in the future.

The school/Trust will advise the complainant of how to escalate their complaint to Stage 3 should they remain dissatisfied with the outcome of Stage 2.

If the complaint is about the head teacher, or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 2.

If the complaint is about the CEO, or a member of the Trust Board (including the Chair or Vice-Chair), a suitably skilled Trustee will be appointed to complete all of the actions at Stage 2.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body/Trust Board or
- the majority of the governing body/Trust Board

Stage 2 will be considered by an independent investigator appointed by the governing body/Trust Board (which may be the sponsor) if appropriate. At the conclusion of their investigation the independent investigator will provide a formal written response.

**14 Stage 3 Panel Hearing**

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3 – a request for a complaint to be heard by a Complaints Panel (an appeal). This must be made in writing and within 10 working days of the date of the decision made at Stage 2. The request should include clear reasons as to why the complainant believes the complaint is unresolved and confirmation of any possible outcome that would resolve the issues. Requests received outside of this timeframe will only be considered if exceptional circumstances apply. This is the final stage of the Complaints Policy.

Where an appeal is received, the school/Trust will within three working days refer the matter to the Chief Operating Officer who will act nor nominate a deputy to act as Clerk to the Complaints Panel. The Clerk will acknowledge in writing, receipt of the appeal within three working days and inform the complainant of the steps involved in the process. The Clerk will be the contact point for the complainant.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 20 school days of receipt of the Stage 3 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed. If the complainant rejects the offer of two proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

The panel will consist of two Governors/Trustees on the Governing Body/Trust Board who have not previously been involved in the complaint, and one panel member who is independent of the management and running of the school/Trust (the process used for selecting the independent person will conform to relevant guidance). The panel will select its own Chair.

The panel will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.

If the complainant is invited to attend the meeting, they may bring someone along to the panel meeting to provide support. This can be a relative or friend. Generally, it is not encouraged that either party bring legal representatives to the committee meeting, however, there may be occasions when legal representation is appropriate. Representatives from the media are not permitted to attend.

At least five school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all

parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the committee at least five school days before the meeting.

Any written material will be circulated to all parties at least three school days before the date of the meeting. The panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The panel will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The panel will consider the complaint and all the evidence presented. The panel can:
- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part
- be unable to make a decision based on the information presented.

If the complaint is upheld in whole or in part, the panel will:
- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's/Trust's systems or procedures to prevent similar issues in the future.

The Panel will reach a decision and make any recommendations within 10 school days of the hearing. The decision reached is final.

The panel's findings will be sent, in writing, via the Clerk, to the complainant, the Governors/Trustees and the Headteacher/Principal/CEO and where relevant, to the person complained about. The letter will state the reasons for the decision reached and any recommendations made by the panel.

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 school/Trust will take to resolve the complaint.

The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by the school/Trust.

If the complaint is:
- jointly about the Chair and Vice Chair or
- the entire governing body/Trust Board or
- the majority of the governing body/Trust Board

Stage 3 will be considered by a panel of independent investigators appointed by the governing body/Trust Board (which may be the sponsor) if appropriate. At the conclusion of their investigation the panel will provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the school/Trust will take to resolve the complaint.

The school/Trust will keep a written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.

**15. Next Steps**

If the complainant believes the school/Trust did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the ESFA after they have completed Stage 3.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by the school/Trust. They will consider whether the school/Trust has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the ESFA online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:
Academy Complaints and Customer Insight Unit
Education and Skills Funding Agency
Cheylesmore House
5 Quinton Road
Coventry
CV1 2WT

**16. Record Keeping**

The Trust will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved and the final outcome. Records will include copies of letters, emails and notes relating to meetings and phone calls. The written records will be in accordance with Part 7 of the Education (Independent School Standards) Regulations 2014, sub-paragraph (e) with details of whether they were resolved following a formal procedure, or progression to a panel hearing.

This material will be treated as confidential and held centrally and will be viewed only by those involved in investigating the complaint or members of the Stage 3 panel.

Findings and recommendations of the panel will be available on the school premises for inspection by the proprietor and the Headteacher/Principal/CEO.

This is except where the Secretary of State (or someone acting on his/her behalf) or the complainant requests access to records of a complaint through a Freedom of Information (FOI) request or under the terms of the Data Protection Act 2018 and the

General Data Protection Regulations (GDPR), or where material must be made available during a school inspection under Section 109 of the 2008 Act where access is requested.

Records of complaints will be held for three years from the completion of a particular complaints' procedure. Where the complaint involves a child/young person, the complaint will be kept on file in accordance with the statutory requirements.

Details of the complaint, including the names of the individuals involved, will not be shared with the whole Trust Board in case a review panel needs to be organised at a later date.

**17. Complaint Campaigns**

In the unfortunate circumstance that an Academy within the Trust becomes the focus of a campaign and as a result receives large volumes of complaints that are all based on the same subject and/or from complainants not connected to the Academy we will deal with this as follows:

- Send a template response to all complainants;
- Publish a single response on the Academy website.

Complainants who remain dissatisfied with the response will be directed to the ESFA.

**18. Managing serial and unreasonable complaints**

The Trust is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. We will not normally limit the contact complainants have with our academies or the Trust. However, we do not expect our staff to tolerate unacceptable behavior and will act to protect staff from that behavior, including that which is abusive, offensive or threatening.

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

- Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- Refuses to co-operate with the complaint's investigation process
- Refuses to accept that certain issues are not within the scope of the complaint's procedure
- Insists on the complaint being dealt with in ways which are incompatible with the complaint's procedure or with good practice
- Introduces trivial or irrelevant information which they expect to be considered and commented on
- Raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- Makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- Changes the basis of the complaint as the investigation proceeds

- Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- Refuses to accept the findings of the investigation into that complaint where the Trust's complaint procedure has been fully and properly implemented and completed including referral to the ESFA
- Seeks an unrealistic outcome
- Makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- Uses threats to intimidate
- Uses abusive, offensive or discriminatory language or violence
- Knowingly provides false information
- Publishes unacceptable information on social media or other public forums

The characteristics of 'frivolous' or 'vexatious' complaint are:

- Complaints which are obsessive, persistent, harassing, prolific, repetitious
- Insistence on pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason
- Insistence upon pursuing meritorious complaints in an unreasonable manner
- Complaints which are designed to cause disruption or annoyance
- Demands for redress that lack any serious purpose or value

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

The Trust will not refuse to accept further correspondence or complaints from an individual that has repeatedly and/or excessively contacted the Academy. The application of a 'serial or persistent' marking will be against the subject of the complaint rather than the complainant.

Wherever possible, the CEO will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

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

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

**19. Communication strategy for persistent correspondents**

Where an individual's behaviour if causing a significant level of disruption, the Trust will:

- Restrict the individual to a single point of contact via an email address
- Limit the number of times that contact can be made, e.g. a fixed number of contacts per term.

The Trust acknowledges that regardless of the application of any communication strategy, parents and carers will receive the information they are entitled to under The Education (Pupil Information) (England) regulations 2005, within the statutory timeframe.

Should an individual persist to the point that their behaviour may constitute harassment, the Trust will seek legal advice.

**20. The decision to stop responding**

The decision to stop responding to an individual will never be taken lightly and will not be made until the Trust are confident that:

- Every reasonable step has been taken to address the complainant's concerns
- The complainant has been given a clear statement of the Trust and/or academy's position and their options
- The complainant continues to contact the Trust and/or academy repeatedly, making substantially the same points each time

The Trust will also take into consideration the following when making the decision to stop responding to a complaint:

- The individuals' letters, emails and telephone calls are often and/or always abusive or aggressive
- The individual makes insulting personal comments about or threats towards staff
- The Trust have reason to believe the individual is intent on causing disruption or inconvenience through their excessive contact.

Where the Trust decides to stop responding the individual will be informed in writing.

**21. Monitoring arrangements**

This policy will be reviewed bi-annually and at each review will be approved by the Trust Board

## 17. Version control

| Version Number | Purpose/Change | Author | Approval | Date |
|---|---|---|---|---|
| 1 | Policy first developed to have one complaints procedure across the trust | C.Pinkney, Operations Manager | Tyne Coast Academy Trust Board | 18/10/2018 |

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| 2 | Reviewed in line with DfE guidance, changes made to various sections in line with DfE guidance and sections 4, 14 and 15 added to provide detailed information/further clarification | C.Pinkney, Operations Manager | Tyne Coast Academy Trust Board | 17/10/2019 |
| 3 | Policy re-written in line with DfE model complaints procedure for academies. | M Dobrianski<br>HR Manager | Tyne Coast Academy Trust Board | 08/07/2021 |
| 4 | Policy reviewed in line with DfE model complaints procedure and additional sections added on complaint campaigns, managing serial and unreasonable complaints, communication strategy and the decision to stop responding. Addition of Appendix 3 & 4 | M Dobrianski<br>HR Manager | Tyne Coast Academy Trust Board | 14/07/2022 |
| 5 | Policy reviewed to ensure continued compliance with the DfE model complains procedure. No changes required. | M Dobrianski<br>Head of HR & Business Operations | Tyne Coast Academy Trust Board | 19/10/2023 |
| 6. | Policy reviewed to ensure continued compliance with the model DfE policy. Minor changes to job titles and information provided on outcomes at stage 2. | M Dobrianski, Chief Operating Officer | Tyne Coast Academy Trust Board | 17/10/2024 |

## Appendix 1: Complaints Form

Please complete and return to the relevant person at the school/Trust central services (see page 4) who will acknowledge receipt and explain what action will be taken.

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|---|
| **Your name:** |
| **Pupil's name (if relevant):** |
| **Your relationship to the pupil (if relevant):** |
| **Address:**<br>**Postcode:**<br>**Day time telephone number:**<br>**Evening telephone number:**<br>**Email address:** |
| **Please give details of your complaint, including whether you have spoken to anybody at the school/Trust about it.** |

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| **What actions do you feel might resolve the problem at this stage?** |
| **Are you attaching any paperwork? If so, please give details.** |
| **Signature:**<br><br>**Date:** |
| **Official use** |
| **Date acknowledgement sent:** |
| **By who:** |
| **Complaint referred to:** |
| **Action taken:** |

| Date: |
|---|

## Appendix 2 – Roles and Responsibilities

### Complainant

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

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

### Investigator

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

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

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the Headteacher/CEO or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.
- The Headteacher/CEO or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

**Complaints Co-ordinator** (this could be the Headteacher/Principal/CEO/designated complaints Governor/Trustee or other staff member providing administration support)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, Headteacher/Principal, CEO, Chair of Governors, Chair of Trust or the Clerk and to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
  - sharing third party information
  - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.

**Chief Operating Officer/Governance Support Staff**

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

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to 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)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example: stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

**Committee Chair**

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

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR. If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting
- both the complainant and the school/Trust are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed

- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk (and complaints co-ordinator).

**Committee Member**

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so
  No governor/trustee may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school/Trust and the complainant
  We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- many complainants will feel nervous and inhibited in a formal setting
  Parents/carers often feel emotional when discussing an issue that affects their child.
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting
  Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.
  The committee should respect the views of the child/young person and give them equal consideration to those of adults.
  If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.
  However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.
- the welfare of the child/young person is paramount.

## Appendix 3 – Panel Hearing

The panel will consist of two Governors/Trustees who have had no prior connection with the complaint and one panel member who is independent of the management and running of the Trust. This will ensure that the panel has the benefit of an external source of scrutiny and challenge when considering the complaint. The independent panel member should not be a member, trustee or employee of the academy. The Trust will not use any person who has a clear connection with the Trust and its academies (e.g. a solicitor who routinely handles legal matters for the Trust) as an independent panel member.

The person escalating their complaint to a panel may be accompanied at the hearing. The DfE guidance and the regulations recommend that neither the complainant nor the Trust bring legal representation as these hearings are not a form of legal proceedings.

In cases where the person making the complaint is a child/young person the Trust will ask in advance if any support is needed to assist them in the presentation of their complaint. Where the parent/carer is the complainant, the Trust will allow the parent/carer to decide if the child/young person should attend. However, parents/carers need to be aware that this may not always be possible should the panel consider it is not in the child/young person's best interests.

The panel will also ensure that the child/young person does not feel intimidated by the atmosphere and proceedings during the hearing.

The panel will respect the views of the child/young person and given them equal consideration to that of adults.

The welfare of the child/young person is paramount.

The aim of the panel hearing will be:

- reconciliation
- to put things right that may have gone wrong

The panel will make findings and recommendations, a copy of which will be provided to the complainant and, where relevant, the person complained about.

The outcome letter will also include the conclusions and reasons for any decisions and any further right of appeal.

## Appendix 4 – Procedure for the Panel Hearing in respect of a complaint

- The chair will welcome all parties to the hearing and following introductions confirm the purpose of the hearing and the procedure to be followed
- The complainant will be invited to present their reasons as to why they believe the complaint remains unresolved and what outcome they are seeking that would potentially resolve their complaint
- The Headteacher/Principal/CEO will be offered the opportunity to ask questions of the complainant
- Members of the panel will be offered the opportunity to ask questions of the complainant
- The Headteacher/Principal/DCEO/CEO is then invited to confirm the actions taken by the school to resolve the complaint
- The complainant will be given the opportunity to ask questions of the Headteacher/Principal/CEO
- Members of the panel will be given the opportunity to ask questions of the Headteacher/Principal/CEO
- The Headteacher/Principal/DCEO/CEO is invited to sum up the school's actions and response to the complaint.
- The complainant is then invited to sum up their complaint
- The Chair of the Panel will check with all parties that they have been given sufficient opportunity to present their case, that they have been listened to and the process followed has been fair
- At this stage both the complainant and the Headteacher/Principal/CEO will leave the hearing allowing members of the panel to deliberate. A written response will be agreed and sent by the Chief Operating Officer to the complainant within 10 school days. The Headteacher/Principal/CEO will also receive a copy of the outcome letter.