



South Downs Learning Trust

# A MULTI ACADEMY TRUST

## DEALING WITH CONCERNS & COMPLAINTS

DATE APPROVED BY TRUSTEES	MAY 2019
DATE OF NEXT REVIEW	MAY 2021
STATUS	MANDATORY

### OUR VISION

**A community of primary and secondary academies that are the first choice for students and families in Sussex, with an outstanding reputation for high aspiration and high achievement.**

## Introduction

The South Downs Learning Trust (the Trust) aims to ensure that any concern or complaint is managed sympathetically, efficiently, quickly and at the appropriate level and resolved as soon as possible. We will try to resolve every concern or complaint in a positive way with the aim of putting right a matter which may have gone wrong and, where necessary, we will review our systems and procedures in the light of the circumstances of the complaint.

We recognise that a difficulty which is not resolved quickly and fairly, can soon become a cause for resentment and so we need to know as soon as possible if there is any cause for dissatisfaction.

A 'concern' may be treated as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'. A complaint may be generally recognised as 'an expression or statement of dissatisfaction however made, about actions taken or a lack of action'.

It is in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to follow formal procedures.

However, there will be occasions when complainants want to raise their concerns formally. In those cases, the procedures set out in this document should be followed.

This policy is readily accessible to parents/carers, students and members of the public on the Trust and Academy websites so that they know how to raise concerns.

## Principles

- This policy will be implemented fairly and impartially in accordance with the principles of the public sector equality duty as embodied in the Equality Act 2010 and the principles of natural justice.
- All complaints will be dealt with thoroughly and in a timely manner to ensure fairness to all.
- Confidentiality is important and communication will be treated with discretion. However, information must be shared to carry out a thorough investigation. All staff are aware of the principles of data protection and will not process personal data unless necessary. The Trust safeguards the personal data it collects through the operation of the Trust's data protection policy. In addition, the Trust has taken steps to ensure that all its contracts that process data have the necessary data protection compliant provisions.
- All staff will be made aware of this complaints procedure and are expected to review this policy regularly in order that they are familiar with the Trust's processes for dealing with complaints and can be of assistance when an issue is brought to their attention.
- The Trust has adopted this policy for complaints from individuals who are parents/carers of pupils attending any of the academies at the time the complaint is made, or from individuals who are accessing the services of the Trust at the time the complaint is made.
- This policy does not apply to concerns and complaints relating to the following, which are dealt with under separate policies:
  - Admissions

- Staff Grievances or Disciplinary Procedures
  - Exclusions
  - Issues Related to Child Protection
  - Statutory assessment of Special Educational Needs/EHC Plans
  - National Curriculum content
  - MAT/Academy re-organisation proposals
  - Whistleblowing
- Complaints relating to services provided by other providers who may use the Trust's premises should be directed to those providers.
  - If it becomes apparent that a complaint has the potential to lead to a disciplinary issue, then advice will be sought.

### Aims

- Encourage resolution of problems by informal means wherever possible.
- Promote an open-door policy where every parent can express their concerns to any member of staff.
- Encourage resolution of problems by informal means wherever possible.
- Resolve all issues swiftly to established timescales, impartially and in a spirit of co-operation.
- Ensure a full and fair investigation by an independent person where necessary.
- Respect people's desire for confidentiality.
- Ensure robust procedures are in place so that stakeholders have confidence in the process.
- Protect the rights and professional integrity of staff members and other employees.
- Provide an effective response and appropriate redress where necessary.
- Ensure the Trust/Academies regularly monitor complaints received.

### Procedure

- a) The Executive Headteacher has responsibility for this policy and ensuring its consistent application across the Trust. Some operational aspects of the policy may be delegated to members of the Trust's Executive team/Academy Leadership Teams as set out under the relevant procedure.
- b) The complaints procedure has three stages:
  - Stage 1 Informal resolution of a complaint;
  - Stage 2 Formal complaint
  - Stage 3 Hearing before a Complaints Panel appointed by the Trustees/Local Governing Committee
- c) At all stages, the Trust/Academies will have in mind whether early resolution of the complaint is possible through one or more of the following means:
  - An apology.
  - An explanation.
  - An admission that the situation could have been handled differently or better.

- An assurance that the event complained of will not occur again.
  - An explanation of the steps that have been taken to ensure that it will not happen again and an indication of the timescales within which any changes will be made.
  - An agreement to review policies or procedures as a result of the complaint.
- d) The Trust/Academies will not normally investigate anonymous complaints. However, the Executive Headteacher, if appropriate, will determine whether the complaint warrants investigation.
- e) Complaints must be raised within 3 months of the incident or where there is a series of associated incidents, within 3 months of the last incident. The Trust/Academies will consider complaints made outside this time frame in exceptional circumstances. Complaints made outside term time will be considered to have been received on the first school day thereafter.
- f) If other bodies are investigating aspects of the complaint, this may impact on the Trust's/Academies ability to adhere to the timescales detailed in these procedures or may result in the complaints procedure being suspended until the resolution of the parallel investigation.
- g) If it becomes necessary to alter the time limits and deadlines set out within this procedure, the complainant will be advised accordingly and given an explanation as to why this is the case and provided with revised timescales.
- h) If the complainant commences legal action against the Trust/Academy in relation to their complaint, the Trust/Academy will consider whether to suspend the complaints procedures in relation to their complaint until those proceedings have concluded.
- i) Where a complainant experiences difficulty in accessing the complaints process as detailed in this policy due to disability, learning difficulties and/ or difficulties using English, the complainant must advise the Trust/Academy and alternative arrangements will be made.
- j) If a complainant withdraws their complaint, the Trust/Academy will ask for written confirmation of the withdrawal.
- k) A written record will be kept of all complaints, including at what stage they were resolved. The retention schedule for complaints is set out in the Trust's policy on management and retention of records. Correspondence, statement and records relating to individual complaints will be kept confidential except in cases where access is requested by the Secretary of State or where disclosure is required in the course of an academy inspection or under other legal authority.
- l) In this policy, "school days" excludes weekends, bank holidays and academy holidays.

## **Further Recourse**

If the complainant remains dissatisfied following the conclusion of the Trust/Academy complaints procedure (Stage 3) they are entitled to refer their complaint to the Education and Skills Funding Agency (ESFA) who have limited powers to review how the complaint has been handled. They can be contacted in writing at:

**Education & Skills Funding Agency  
Cheylesmore House  
5 Quinton Road  
Coventry  
CV1 2WT**

ESFA may only be able to help if an individual is unable to complain, or is not satisfied with how the complaint was handled because the Trust/Academy:

- does not have a complaints procedure
- did not provide a copy of its complaints procedure when requested
- does not have a procedure that complies with statutory regulations
- has not followed its published complaints procedure
- has not allowed its complaints procedure to be completed

ESFA cannot change a Trust/Academy decision about a complaint. Their role is to make sure the Trust/Academy handled the complaint properly by following a published procedure.

Information about making a complaint is available via the link below:

<https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy>

## **Complaints about a Trustee or Governor**

Complaints against the Chair of Trustees or any individual Trustee should be made by writing to the Clerk of the Trust.

Complaints against the Chair of Governors or any individual governor should be made by writing to the Clerk to the Local Governing Committees.

## **Serial and Unreasonable Complaints**

- i. The Trust/Academies are 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 Trust/Academies. However, we do not expect staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.
- ii. The Trust defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the Trust/Academy, such as, if the complainant:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
  - refuses to co-operate with the complaints investigation process
  - refuses to accept that certain issues are not within the scope of the complaints procedure
  - insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
  - introduces trivial or irrelevant information which they expect to be taken into account 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 school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education
  - seeks an unrealistic outcome
  - makes excessive demands on 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 falsified information
  - publishes unacceptable information on social media or other public forums
- iii. Complainants should try to limit their communication with the Trust/Academy that relates to their complaint, while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.
- iv. Whenever possible, the Executive Headteacher/Headteacher/Head of School will discuss any concerns with the complainant informally before applying an '*unreasonable*' marking.
- v. If the behaviour continues, the Executive Headteacher/Headteacher/Head of School will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact the Trust/Academies causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.
- vi. 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 Trust premises.

### **Complaint Campaigns**

Where the Trust/Academies receive a series or a large volume of complaints based on the same subject from complainants unconnected with the Trust/Academies, the Trust/Academies will be at liberty to:

- Send a template response to all complaints;
- Treat all the complaints as one, follow Stage 2 of this policy and provide a standard response to all complainants;
- Where the complainants remain dissatisfied with the Stage 2 outcome, proceed to treat all complaints as one and implement Stage 3 save that there will be no formal hearing. The Clerk will decide when to hold the meeting and it will proceed in the absence of all parties and on the basis of written submissions from all parties. A standard response will be provided to all complainants.

### **Monitoring and Evaluation**

The Trust will monitor the level and nature of complaints and this policy will be evaluated in the light of complaints made and their resolution and the necessary changes will be made to this policy. Where it is considered necessary to deviate from this procedure, the Trust will maintain a record of the deviation and the reasons for doing so.

### **Appendices:**

**Appendix A** of this policy applies to complaints in relation to the operation of the central services of the Trust and not in relation to the operation or provision of education by an academy within the Trust.

**Appendix B** of this policy applies to complaints in relation to the operation or provision of education by an academy within the Trust.

**Appendix C** is the Complaints Form.

## **Appendix A - Complaints Procedure for Central Services of the Trust**

This section of the policy applies to complaints made in relation to the operation of the central services of the Trust such as finance, human resources, payroll, governance, audit, company secretarial, business and estates management and health and safety.

In order to investigate concerns and complaints as fully as possible, we have implemented a staged approach. Many concerns can be resolved by simple clarification or the provision of information. The Trust will endeavor to resolve all concerns and complaints at the earliest opportunity wherever possible.

### **Stage 1 - Informal Resolution of a Complaint**

- i. A complaint relating to the operation of the central services of the Trust, should initially be made to the Executive Business Manager. This may be by email, letter, telephone or in person by appointment. The Executive Business Manager will discuss the nature of the concern, establish what outcome the complainant is seeking and assure the complainant that the complaint will be considered. Name, date and contact details must be recorded. If the Executive Business Manager is not able to deal with the matter themselves, they will ensure that the complainant is clear who will deal with the issue and when this will happen. A third party, acting on behalf of a complainant, can also raise the complaint as long as the third party has the appropriate consent to do so and a copy of such consent is provided to the Trust.
- ii. If a meeting is arranged, then members of staff may request the presence of a third party (companion). Notes of the meeting will be taken during the meeting and agreed by all parties at the end. The complainant must be clearly informed about what will happen (including if no action is to be taken) and the next steps or outcome should be communicated as soon as possible.
- iii. If no satisfactory resolution is obtained at this stage, then the complainant should be advised to put the complaint in writing to the Executive Headteacher in order to implement stage 2 of the complaints procedure. In the case of a complaint against the Executive Headteacher, complainants have the opportunity to refer the matter directly to the Chair of Trustees at stage 1.
- iv. It is anticipated that most complaints will be resolved by this informal stage within 15 working school days of being notified of the complaint. Where this is not possible the complainant will be advised and a timescale for resolution provided.
- v. The complainant is not required to undertake stage 1 in order to proceed to stage 2. In the case of serious concerns, it may be appropriate to address them directly to the Executive Headteacher, or Chair of Trustees. If the complainant is uncertain about who to contact, the Clerk to the Trustees may be contacted for advice.
- vi. In certain cases, mediation may be appropriate. The Trust may suggest this as a way forward in order to allow for a full discussion of the concern and help rebuild the relationship between the parties.

## **Stage 2 - Formal Complaint**

- i. If a complaint progresses to this stage, the complainant will be asked to put the complaint and their desired outcome in writing to the Executive Headteacher. In the case of a complaint against the Executive Headteacher, the complainant should address the complaint to the Chair of Trustees. Where the complainant is unable to do so, alternative arrangements will be made.
- ii. The written complaint should include details which might assist the investigation, such as the nature of the complaint, details of how the matter has been dealt with so far, the names of potential witnesses, dates and times of events and copies of all relevant documents. It is very important to include a clear statement of the desired outcome. The complaints form is attached at Appendix C.
- iii. The written complaint will be acknowledged within 5 school days of receipt outlining the procedure and setting a target date for response. The Executive Headteacher/Chair of Trustees shall endeavour to deal with the complaint within 15 school days of receipt of the written complaint. If the complaint requires detailed collection of information and investigation this period may be extended and the complainant will be advised.
- iv. If in the early stages of the investigation, if the Executive Headteacher considers that the complaint is best dealt with immediately at Stage 3, it will be passed to the Chair of Trustees and the complainant will be informed of this action without delay.
- v. If the complaint requires detailed collection of information and investigation this period may be extended but the complainant will be kept advised. The Executive Headteacher/ Chair of Trustees will investigate the circumstances of the complaint and in doing so may request statements from members of staff and pupils and all relevant documentation.
- vi. The Executive Headteacher/Chair of Trustees may appoint a senior leader to collect the necessary information and conduct the investigation. Evidence and written records of all meetings and telephone calls will be collected.
- vii. The Executive Headteacher/Chair of Trustees or their appointed representative may choose to meet with the complainant. Complainants may be accompanied by a relative or friend if they so wish. If the complaint concerns a member of staff, that member of staff has a right to be given details of the complaint and the opportunity to make representations in relation to the complaint.
- viii. The Executive Headteacher, or, where the complaint relates to the Executive Headteacher, the Chair of Trustees, is responsible for deciding on the validity of the complaint and the action to be taken. It is generally at this stage that it will become clear whether it is appropriate for the complaint to be dealt with under these procedures or whether there are statutory processes. If the latter is the case, the complainant will be informed in writing and advised of the process to be followed in dealing with the complaint.
- ix. The Executive Headteacher/Chair of Trustees will then either write to the complainant or arrange a meeting to resolve the matter within 15 school days of receipt of the formal complaint. If the Executive Headteacher/Chair of Trustees is unable to resolve the complaint within this period, they will provide the complainant with an update and revised response date.
- x. The meeting will be followed by a letter summarising the outcome. The response will detail the actions taken to investigate the complaint, details of the decision and the reasons for it. Where appropriate, it will include details of the actions the Trust/Academy will take to

resolve the complaint. The letter will also inform the complainant of their right to have the complaint considered by a complaints panel appointed by the Trustees if the complainant is not satisfied with the outcome at Stage 2.

### **STAGE 3 - COMPLAINTS PANEL HEARING**

- i. This is the final stage of the Trust's complaints procedure. Complaints rarely reach this stage. A Complaints Panel will normally be convened only following the completion of the relevant procedures at Stages 1 and 2.
- ii. If the complainant is dissatisfied with the outcome of the complaint at Stage 2 and requires the complaint to be heard by a Complaints Panel of the Trust, the complainant should notify the Clerk to the Trust within 10 school days of receiving notice of the outcome at Stage 2. Appeal requests received outside this period will only be considered in exceptional circumstances.
- iii. The complainant should ensure they provide copies of all relevant documentation and state all the grounds for their complaint and the outcome they desire. The complaint form attached at Appendix C may be used.
- iv. The Clerk will record when the complaint is received and acknowledge receipt of the complaint in writing within 5 school days of receipt of the request and will provide details of when the complaint will be heard, where possible, within fifteen school days from receipt of the notification that the complainant requires the complaint to be heard by the Complaints Panel.
- v. The Complaints Panel will comprise at least 3 people who had had no direct involvement in the matters detailed in the complaint and one member of the panel must be independent of the management and running of the central functions of the Trust.
- vi. The written complaint together with details of why the complainant is dissatisfied with the outcome of stage 2 will be sent to the Complaints Panel together with all other documents considered at Stage 2. The Complaints Panel will hear the complaint afresh.
- vii. The Complaints Panel will convene at a time suited to both complainant and Trust which may mean that the complaint may not always be considered within fifteen school working days from receipt of the notification that the complainant requires the complaint to be heard by the Complaints Panel. If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will proceed in the complainant's absence on the basis of written submissions from both parties.
- viii. All parties, including witnesses, should have at least 5 school days' notice of the time date and venue of the meeting, where possible.
- ix. The complainant will be invited to submit additional written evidence and allowed to bring a friend or a relative with him/her. Interpretation facilities must be made available if required. Legal representation is not encouraged except where it is appropriate to do so such as a complaint against a member of staff. Representatives of the press are not permitted to attend.
- x. All documents should be sent to all parties 5 school days before the meeting, where possible. Recordings of conversations obtained covertly and without the informed consent of all parties will not normally be accepted. The Complaints Panel will also not review any new complaints or consider evidence unrelated to the initial complaint.

- xi. The Chair of the Complaints Panel should ensure that full minutes are taken and that the meeting is kept as informal as possible to keep everyone at their ease. The meeting will not be recorded electronically unless it is requested by a party and all other parties agree.
- xii. When all evidence and issues have been raised the Chair of the Complaints Panel will inform all parties that they will receive the decision in writing within 5 school days.
- xiii. When everyone has left the Complaints Panel will consider:
  - The validity of the complaint and whether to uphold or dismiss it in whole or in part;
  - Appropriate action to be taken by the Trust and/or complainant;
  - Recommendations on changes to Trust systems or procedures to ensure similar problems do not arise in the future.
- xiv. Details of the findings and recommendations will be provided to the complainant together with a copy of the Minutes and, where relevant, the person complained about. The outcome letter will provide a full explanation of the decision and the reasons and, where appropriate, the action the Trust will take to resolve the complaint. Details of who to contact at the Department of Education will also be provided if the complainant remains dissatisfied with the outcome.
- xv. Details of the findings and recommendations will be available for inspection at the Trust's premises by the Trustees and Executive Headteacher.
- xvi. The Trust will retain all correspondence and notes confidentially. Broad summary outcomes will be reported to the Trustees.
- xvii. The Trust will maintain a written record of all complaints made under the Trust's formal complaints procedure (Stages 2 and 3) together with the details taken as a result of the complaint.
- xviii. There is no further right of appeal to the Trust.

## Appendix B - Academy Complaints Policy

### Introduction

This policy applies to most complaints made to Ocklynge Junior School and Ratton School (the Academies) by a parent, student or a member of the public in relation to the provision of facilities or services provided by the academies. The policy is readily accessible to parents, students and members of the public on the Academy websites so that they know how to raise concerns.

This policy complies with the policy for Dealing with Concerns and Complaints of South Downs Learning Trust (the Trust). This policy will be implemented fairly and impartially in accordance with the principles of the public sector equality duty as embodied in the Equality Act 2010 and the principles of natural justice.

All personal data received by the Academies in connection with a complaint will be processed in accordance with data protection principles and the Trust's data protection policy. All staff are aware of the principles of data protection and will not process personal data unless necessary. The Trust safeguards the personal data it collects through the operation of the Trust's data protection policy. In addition, the Trust and Academies have taken steps to ensure that all its contracts that process data have the necessary data protection compliant provisions.

The Headteacher/Head of School has responsibility for this policy and its implementation. Certain operational aspects of the policy may be delegated to a member of the senior leadership team.

The nature of complaints which fall within the remit of this policy include but are not limited to:

- Achievement issues - the matter relates to the classroom, the curriculum or special educational needs;
- Pastoral care including Behaviour - for concerns relating to other aspects of school life including behaviour and wellbeing;

### Stage 1 - Informal Resolution of a Complaint

- i. The initial contact be made by email, letter, telephone or in person to the class teacher or the school office depending on who or what is the subject of the complaint. A third party, acting on behalf of the complainant, can also raise the complaint as long as the third party has the appropriate consent to do so and a copy of such consent is provided to the Academy;
  - **Achievement issues** - the matter relates to the classroom, the curriculum or special educational needs, the complaint should go to the class teacher, form tutor, Curriculum (subject) Leader, SENCO or SMT link as appropriate.
  - **Pastoral care including Behaviour** - for concerns relating to other aspects of school life including behaviour and wellbeing, the complaint should go to the form tutor, class teacher, pastoral staff or senior leader as appropriate.
- ii. The member of staff dealing with the matter will discuss the nature of the concern, establish what outcome the complainant is seeking and assure the complainant that the

Academy is taking the complaint seriously. Name, date and contact details must be recorded;

- iii. If the member of staff is unable to deal with this, then they must ensure that the complainant is clear who will deal with the issue and when this will happen;
- iv. If a meeting is arranged, then members of staff may request the presence of a third party (companion). Notes of the meeting will be taken during the meeting and agreed by all parties at the end;
- v. The complainant must be clearly informed about what will happen (including if no action is to be taken) and the next steps or outcome should be communicated as soon as possible;
- vi. If no satisfactory resolution is obtained at this stage, then the complainant should be advised to put the complaint in writing to the Headteacher/Head of School in order to implement stage 2 of the complaints procedure;
- vii. In the case of a complaint against the Headteacher/Head of School, complainants have the opportunity to refer the matter directly to the Executive Headteacher at stage 1;
- viii. It is anticipated that most complaints will be resolved by this informal stage and the Academy will endeavour to deal with complaints at this stage within 15 working school days of being notified of the complaint. Where this is not possible the complainant will be advised and a timescale for resolution provided;
- ix. The complainant is not required to undertake stage 1 in order to proceed to stage 2. In the case of serious concerns, it may be appropriate to address them directly to the Executive Headteacher;
- x. In certain cases, mediation may be appropriate. The Academy may suggest this as a way forward in order to allow for a full discussion of the concern and help rebuild the relationship between the parties.

## **Stage 2 - Formal Complaint**

- i. If a complaint progresses to this stage, the complainant will be asked to put the complaint and their desired outcome in writing to the Headteacher/Head of School. If the complaint concerns the Headteacher/Head of School, the complainant will be asked to put the complaint in writing to the Executive Headteacher. Where the complainant is unable to do so, alternative arrangements will be made.
- ii. In the case of a complaint against the Executive Headteacher, the complaint must be made in writing to include the desired outcome to the Chair of Trustees.
- iii. The written complaint should include details which might assist the investigation, such as the nature of the complaint, details of how the matter has been dealt with so far, the names of potential witnesses, dates and times of events and copies of all relevant documents. It is very important to include a clear statement of the desired outcome. The complaints form is attached at Appendix C.
- iv. The written complaint will be acknowledged within 5 school days of receipt outlining the procedure and setting a target date for response.
- v. The Headteacher/Head of School and where relevant Executive Headteacher/Chair of Trustees shall endeavour to deal with the complaint within 15 school days of receipt of the written complaint. If the complaint requires detailed collection of information and investigation this period may be extended and the complainant will be advised.

- vi. The Headteacher/Head of School will investigate the circumstances of the complaint and in doing so may request statements from members of staff and students and all relevant documentation. Evidence and written records of all meetings and telephone calls will be collected.
- vii. The Headteacher/Head of School may appoint a member of the Academy's senior leadership team to collect the necessary information and conduct the investigation.
- viii. The Headteacher/Head of School may seek clarification of the nature of the complaint, what issues remain unresolved and the outcome the complainant seeks. In order to establish this information, the Headteacher/Head of School may meet with the complainant.
- ix. Where the complaint relates to the Headteacher/Head of School, the Executive Headteacher may appoint a member of the Trust's executive team to collect the necessary information and conduct the investigation;
- x. The Headteacher/Head of School/Executive Headteacher/Chair of Trustees or their appointed representative may choose to meet with the complainant and obtain further details of the complaint;
- xi. If the complaint concerns a member of staff, that member of staff has a right to be given details of the complaint and the opportunity to make representations in relation to the complaint.
- xii. Allegations of abuse regarding a member of staff should be reported to the Headteacher/Head of School/Executive Headteacher immediately and the Trust's Allegations of Abuse against Staff Policy must be followed.
- xiii. The Headteacher/Head of School is responsible for deciding on the validity of the complaint and the action to be taken. It is generally at this stage that it will become clear whether it is appropriate for the complaint to be dealt with under these procedures or whether there are statutory processes. If the latter is the case, the complainant will be informed in writing and advised of the process to be followed in dealing with the complaint.
- xiv. The Headteacher/Head of School will then either write to the complainant or arrange a meeting to resolve the matter within 15 school days of receipt of the formal complaint. If the Headteacher/Head of School is unable to resolve the complaint within this period, they will provide the complainant with an update and revised response date.
- xv. The meeting will be followed by a letter summarising the outcome. The response will detail the actions taken to investigate the complaint, details of the decision and the reasons for it. Where appropriate, it will include details of the actions the Academy will take to resolve the complaint. The letter will also inform the complainant of their right to have the complaint considered by a Complaints Panel appointed by the Local Governing Committee if the complainant is not satisfied with the outcome at Stage 2.

### **STAGE 3 - COMPLAINTS PANEL HEARING**

- i. This is the final stage of the Trust's complaints procedure. Complaints rarely reach this stage. The Local Governing Committee will appoint a Complaints Panel to resolve the complaint and achieve reconciliation between the Academy and the complainant.
- ii. If the complainant is dissatisfied with the outcome of the complaint at Stage 2 and requires the complaint to be heard by a Complaints Panel of the Local Governing Committee, the complainant should notify the Clerk to the Local Governing Committees within 10 school

days of receiving notice of the outcome at Stage 2. Appeal requests received outside this period will only be considered in exceptional circumstances.

- iii. The complainant should ensure they provide copies of all relevant documentation and state all the grounds for their complaint and the outcome they desire. The complaint form attached at Appendix X may be used.
- iv. The Clerk will record when the complaint is received and acknowledge receipt of the complaint in writing within 5 school days of receipt of the request and will provide details of when the complaint will be heard, where possible, within 15 school days from receipt of the notification that the complainant requires the complaint to be heard by the Complaints Panel.
- v. The Complaints Panel will comprise at least 3 people who had had no direct involvement in the matters detailed in the complaint and one member of the panel must be independent of the management and running of the Academy.
- vi. The written complaint together with details of why the complainant is dissatisfied with the outcome of stage 2 will be sent to the Complaints Panel together with all other documents considered at Stage 2. The Complaints Panel will hear the complaint afresh.
- vii. The Complaints Panel will convene at a time suited to both complainant and Trust which may mean that the complaint may not always be considered within 15 school days from receipt of the notification that the complainant requires the complaint to be heard by the Complaints Panel. If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will proceed in the complainant's absence on the basis of written submissions from both parties.
- viii. All parties, including witnesses, should have at least 5 school days' notice of the time date and venue of the meeting, where possible.
- ix. The complainant will be invited to submit additional written evidence and allowed to bring a friend or a relative with him/her. Interpretation facilities must be made available if required. Legal representation is not encouraged except where it is appropriate to do so such as a complaint against a member of staff. Representatives of the press are not permitted to attend.
- x. All documents should be sent to all parties 5 school days before the meeting, where possible. Recordings of conversations obtained covertly and without the informed consent of all parties will not normally be accepted. The Complaints Panel will also not review any new complaints or consider evidence unrelated to the initial complaint.
- xi. The Chair of the Complaints Panel should ensure that full minutes are taken and that the meeting is kept as informal as possible to keep everyone at their ease. The meeting will not be recorded electronically unless it is requested by a party and all other parties agree.
- xii. When all evidence and issues have been raised the Chair of the Complaints Panel will inform all parties that they will receive the decision in writing within 5 school days. When everyone has left the Complaints Panel will remain to consider:
  - The validity of the complaint and whether to uphold or dismiss it in whole or in part;
  - Appropriate action to be taken by the Academy and/or parent;
  - Recommendations on changes to Academy systems and procedures to ensure similar problems do not arise in the future

- xiii. Details of the findings and recommendations will be provided to the complainant together with a copy of the Minutes. The outcome letter will provide a full explanation of the decision and the reasons and, where appropriate, the action the Academy will take to resolve the complaint. Details of who to contact at the Department of Education will also be provided if the complainant remains dissatisfied with the outcome.
- xiv. Details of the findings and recommendations will be available for inspection at the Trust's premises by the Trustees, members of the Local Governing Committee, Headteacher, Head of School and Executive Headteacher.
- xv. The Academy will retain all correspondence and notes confidentially. Broad summary outcomes will be reported to the Trustees.
- xvi. The Trust will maintain a written record of all complaints made under the Trust's formal complaints procedure (Stages 2 and 3) together with the details taken as a result of the complaint.
- xvii. There is no further right of appeal at the Academy.

**Appendix 3**

**COMPLAINT FORM**

Please complete this form with as much detail as possible and append any supporting documentation you would like considered as part of your complaint.

Your name:	
Student's name:	
Your relationship to the student:	
Address:	
Daytime telephone number:	
Evening telephone number:	
E-mail address:	
Please give details of your complaint:	
What action, if any, have you already taken to try and resolve your complaint? (Who did you speak to and what was the response?)	
What actions do you feel might resolve the problem at this stage?	
Signature:	Date:
Official use:	
Date acknowledgement sent:	
By whom:	
Complaint referred to:	
Date:	