



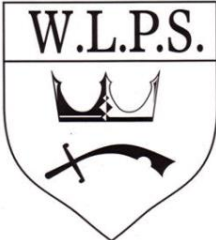
Complaints policy

(including serial and unreasonable complaints)

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| Signed by: Trust/Committee Chair | I. McCarthy I. McCarthy | |

www.robustmat.essex.sch.uk/our-trust/policies

This is a model policy/procedure which reflects legislation, any relevant statutory and non-statutory guidance and best practice. The responsibility for setting policy and procedure resides with the ROBUS Multi Academy Board of Trustees and as such the relevant Board must be satisfied that the content of the policy/procedure suits their requirements prior to its formal adoption.



Contents

| | |
|---|-----------|
| 1. Introduction | 3 |
| 2. Scope of this complaints procedure/exceptions | 3 |
| 3. Who to contact regarding your concern or complaint | 5 |
| 4. Procedure for handling complaints and concerns | 6 |
| 5. Vexatious, persistent or unreasonable concerns/complaints | 10 |
| 6. Record Keeping | 12 |
| 7. Complaint Campaigns..... | 12 |
| 8. Confidentiality, monitoring and storage of information in relation to complaints..... | 12 |
| 9. What happens if you are dissatisfied with the outcome..... | 13 |
| 10. Complaints relating to fulfilment of the EYFS requirements..... | 13 |
| Appendix A – complaints form | 14 |
| Appendix B – roles and responsibilities..... | 16 |
| Appendix C – dealing with complaints against schools (flowchart)..... | 19 |

Confirmation that the Complaints Policy in respect of the ROBUS Multi-Academy Trust has been discussed and formally adopted by the Board of Trustees.

The policy was agreed at the Board of Trustees' meeting held on: 27th March 2024

1. Introduction

We aim to provide the best possible education and support for our whole trust community. This means having a clear, fair, and efficient way for dealing with any complaints to or against the trust, so that any issues that arise can be dealt with as swiftly and effectively as possible.

This policy applies to any matter which has been raised with the Multi-Academy Trust as a matter of concern, but which has not been capable of resolution informally and which the complainant or the Multi-Academy Trust considers should be dealt with on a formal basis. This complaints procedure is not limited to parents or carers of children that are registered at the Multi-Academy Trust. Any person, including members of the public, may make a complaint to the Multi-Academy Trust about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (a list of these can be found below), we will use this procedure.

All staff will be made aware of these procedures and are expected to review this document regularly in order that they are familiar with our process of dealing with complaints.

This document explains our complaints procedures. The steps that it outlines should be referred to and followed by all pupils, parents/carers, and other stakeholders whenever any concerns arise. Concerns or complaints should be brought to the trust's attention as soon as possible to enable a proper investigation to take place.

A concern or complaint can be made in person, in writing (including email) or by telephone. For ease of use, a template complaint form is included at Appendix B. In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure; i.e., providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

The Multi-Academy Trust expects that complaints will be made as soon as possible after an incident arises (or where a series of associated incidents have occurred) and no later than 3 months afterwards (of the last of these incidents). The Multi-Academy Trust will consider exceptions to this timeframe in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

Complaints received outside of term time will be considered to have been received on the first school day after the holiday period.

The trust and its academies will do its utmost to adhere to the timescales laid out within this procedure; however, if it becomes necessary to alter the time limits and deadlines detailed, you will be advised and given an explanation. Revised timescales will be agreed with you.

2. Scope of this complaints procedure

2.1 This procedure covers all complaints about any provision of community facilities or services by the Multi-Academy Trust, other than complaints that are dealt with under other statutory procedures, including those listed below:

Anonymous complaints will not normally be investigated. However, the academy Headteacher or Chair of Governors/Trust Board, will use discretion to determine whether the complaint warrants an investigation.

This document does not apply to complaints where there is a specific procedure in place. This includes:

- staff grievances, disciplinary or conduct issues
- whistleblowing
- the conduct of individual trustees/governors (separate procedures apply)
- matters likely to require a child protection investigation (including allegations of abuse against staff)
- pupil admissions
- pupil exclusions
- statutory assessments of special educational needs and education health and care plans
- appeals relating to assessment decisions for external qualifications
- complaints about services provided by other providers who may use trust premises or facilities
- changes to the trust's legal status or consultations on reorganisations
- national curriculum – content (please contact the Department for Education at www.education.gov.uk/contactus)

Each of these follows its own process of complaint which are outlined in separate policies.

2.2 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.

2.3 If a complainant commences legal action against the Multi-Academy Trust in relation to their complaint, we will consider whether to suspend the Complaints Procedure in relation to their complaint until those legal proceedings have been concluded.

2.4 If there is an allegation or concern about physical or sexual misconduct towards a child, or there is a belief that a child may be at risk of serious harm, the trust may immediately refer the case to child protection and welfare services. If it is decided that there is cause for an official investigation, the decisions by these authorities will supersede those made by the trust and outlined in this document. Where the complaint relates to a safeguarding referral made by a member of staff at the trust, any consideration of that complaint by the trust will be limited to a review of the reasonableness of the decision to make the referral in light of the evidence available to the member of staff at that time and in light of the trust's safeguarding policies.

For more information on the trust's child protection protocols, please refer to our safeguarding policy.

3. Who to contact regarding your concern or complaint

Complainants should first attempt to address their complaint to the individual Academy informally. If you are a parent/carer and have a concern to raise, the best route is to inform your child's class teacher first as they will be best placed to help you either directly or by putting you in contact with the relevant member of staff. If you are not a parent/carer of a child at the academy, then you should address your concerns to the Academy Headteacher.

We encourage parents/carers to approach staff with any concerns that they may have and aim to resolve all issues informally by establishing an open dialogue and seeking mutual resolution. Only if this fails to resolve the situation should the complaint be submitted in writing (including email) to the Academy Headteacher, the academy's nominated Complaints Governor, or to the Chair of Governors (if the complaint is about the Headteacher specifically). The Academy Headteacher and/or nominated Complaints Governor/Chair of Governors (as appropriate) will acknowledge receipt of the complaint before considering it and issuing a final written response.

Below is a list outlining who to raise your concern or complaint with and how to contact them.

| Subject of concern or complaint | Contact | Contact details |
|---|---------------------|--|
| Issue relating to child's experience of school | Class Teacher | As per usual contact details provided |
| Regarding a staff member | Headteacher | As per the academy's website |
| Regarding the Academy Headteacher | Chair of Governors | Simon English (TPS) english@thundersley.essex.sch.uk Steve Golder (KPS) Steve.golder@kingston.essex.sch.uk Ann Stewart (MPS) a.stewart@montgomerieprimary.essex.sch.uk David Mills (WLPS) David.mills@robusmat.essex.sch.uk |
| Regarding the Chief Executive Officer | Chair of Trustees | Chair@robusmat.essex.sch.uk |
| Regarding a governor/trustee | Governance Manager | clerk@robusmat.essex.sch.uk |
| Regarding a strategic decision | Governance Manager | clerk@robusmat.essex.sch.uk |
| If you are not a parent/carer or pupil at the trust | Academy Headteacher | As per the academy's website |

Any leadership team member or academy governor will refer complaints that are taken straight to the above detailed person.

4. Procedure for handling complaints and concerns

4.1 Resolving complaints

At each stage in the procedure, we will be seeking 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 trust policies in light of the complaint
- an apology

4.2 Initial informal meeting – Stage 1

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 and the Multi-Academy Trust takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

It is expected that where a matter of concern relates to a pupil it will have been raised with the pupil's class teacher or Academy Headteacher before a request is made to deal with it under this policy.

Once a concern has been raised, you may be invited to attend an informal meeting with a member of staff or the academy headteacher/chair of governors to discuss your concerns.

You are welcome to bring a friend, partner, or, in the case of a pupil who has raised a concern, a parent/carer to this meeting. It may be appropriate for a pupil to attend the meeting if their parent/carer has raised a concern, depending on the nature of the issue.

Staff have responsibility to ensure that you understand any future points of action that have been agreed upon in this meeting and will make and then circulate a record of what has been discussed, as well as any outcomes and a plan of action, if one has been agreed.

All staff will do their best to ensure that your concerns are dealt with appropriately and efficiently but if you cannot come to an agreement, or are dissatisfied with the outcome of your meeting, you can make a formal complaint in writing.

There is no suggested timescale for resolution at this stage given the importance of dialogue through informal discussion although it would be expected that most issues would be resolved within 15 school days.

It is a precondition to the operation of this policy that the complainant shall have made reasonable attempts to seek an informal resolution and shall have acted in relation to the matter in a reasonable and measured way consistent with the Academy's behaviour code adopted from time to time. The nominated Complaints Governor/Chair of Governors shall have

discretion, which will be exercised reasonably, not to allow a complaint to be pursued where this precondition has not been met.

Where the matter is not resolved at the informal stage, the concern/complaint may be elevated to the formal stage.

4.3 Formal Complaints

In order to ensure that complaints are processed efficiently and effectively, we deal with formal complaints in two stages.

4.3.1 Stage 2 – Formal Investigation into complaint

If you do not feel that your concern has been dealt with as you would like, are unhappy with the outcome of your informal meeting, or feel that the issue is serious enough that it warrants it, you can make a formal complaint in writing. Please refer to Section 2 of this document in order to address your complaint correctly.

1. The complainant must put the complaint in writing (including email), setting out briefly the facts in sufficient detail, stating what it is that the complainant considers should have been done or where the Academy has not met reasonable expectations, to allow the matter to be investigated and responded to, setting out what the complainant would see as a fair resolution to the complaint. The person that you write to will record the date that the complaint is received and will acknowledge receipt of the complaint in writing (including email) within 5 school days of the written complaint being received.
2. An investigation will be carried out, and the person dealing with the complaint may delegate the investigation to an independent investigator, to a member of the academy's senior leadership team, or the academy's governing body/board of trustees, who may offer the complainant a meeting and speak to others involved, if this is considered to be the most appropriate way to resolve the matter. Whenever reasonably possible, any meeting with the complainant will take place within 15 school days of the written complaint being received.
3. At the conclusion of the investigation, the complaint handler (usually the Academy Headteacher) will provide a formal written response, outlining their findings and will indicate what, if any, steps should be taken to resolve the matter. Whenever reasonably possible, this will be done within 15 school days of the meeting with the complainant and if no meeting is to take place within 25 school days of the complaint being received.

If a decision has been taken not to take any further action on the issue, the reasons for this will be explained, and your right to take the matter further and the steps to be taken will be fully outlined to you.

If the complaint is against a member of staff, depending on the nature of the complaint, the trust may decide to deal with the complaint under the staff disciplinary or grievance policy, and if that is the case, the content of this may need to remain confidential.

Any complaint relating to the Academy Headteacher must be raised in the first instance with the Chair of Governors (or Vice-Chair in the absence of the Chair) who will, if an informal resolution

cannot be reached, designate a governor to investigate in the same way as in the first stage of the formal process outlined above. Please mark them as “Private and Confidential”.

If the complaint is against the Chair of Governors/Trust Board, then the complaint must be made to the Governance Manager via the academy. Please mark them as “Private and Confidential”. The Vice-Chair will investigate the complaint (or appoint another governor/trustee to do so) in the same way as in the first stage of the formal process outlined above.

Where a complaint is brought against a member of the Local Governing Body/Trust Board, the matter will be dealt with under the “Dealing with Complaints Against Governors and Trustees” policy.

4.3.2 Stage 3 – appeal to a panel

If you remain dissatisfied with the outcome at Stage 2 and wish to take the matter further, you can escalate your complaint to Stage 3 – a meeting with members of the trust’s complaints committee. This is the final stage of the complaint’s procedure.

You should write to the Trust’s Governance Manager to exercise this right within 15 school days of the outcome at Stage 2. If no request for an appeals panel hearing is received within 15 school days, it will be deemed that the decision is accepted, and the complaint will be closed (unless there are exceptional circumstances to explain the delay).

If a panel meeting is requested, the Governance Manager will acknowledge your appeal and make the necessary arrangements and will usually convene the appeals panel within 15 school days from the acknowledgement being sent.

Where it is not possible to find a mutually convenient date within that timescale, the trust will take reasonable steps to agree a time and date mutually convenient to all parties. If, despite best efforts, it is not possible to find a mutually convenient date and time for a hearing within a reasonable timeframe, the Governance Manager may determine that the hearing proceeds because of written submissions from you and the academy.

The Governance Manager will ensure that all parties to the appeal have access to the same documentation and will support the collation and circulation of documents. Any supporting documentation relevant to the complaint must be submitted to the Governance Manager by both parties at least 5 school days before the appeal panel hearing. The panel is under no obligation to hear oral evidence from witnesses but may do so and/or take written statements into account. The panel will not normally accept recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

You are entitled to attend the panel hearing and to be accompanied to the hearing. You should notify the Governance Manager in advance if you intend to bring someone with you.

The panel will formulate its response as quickly as reasonably possible, aiming to do so within 10 school days, and the Governance Manager will notify all concerned.

4.3.3 Attendance at a Complaints Panel Hearing

The meeting is not a court case and will be as informal as circumstances allow and the panel will consider how the complainant can be made to feel most comfortable presenting to the panel, especially in the case of a young child having to present or explain information.

Who is on the panel?

The complaints panel will be formed of three impartial academy governors/trustees or independent people. No person can sit on the complaints panel if they have had any former knowledge or involvement in the case that is being dealt with. The chair of the panel will be nominated from within the group of panel members. All panel members will be familiar with and have access to the complaints policy.

The panel will not review any new complaints at this stage or consider evidence unrelated to the initial complaint. New complaints must be dealt with from Stage 1 of this procedure so that they can be fully investigated.

4.3.4 Panel procedure

The panel will determine the procedure to be followed to ensure that it is best placed to deal with issues arising from the complaint. The procedure is usually as follows:

- 1) The complainant and academy headteacher will enter the hearing together
- 2) The chair will introduce the panel members and outline the process
- 3) The complainant will explain the complaint
- 4) The academy headteacher and panel will question the complainant
- 5) The academy headteacher will explain the academy's actions
- 6) The complainant and panel will question the academy headteacher
- 7) The complainant will sum up their complaint
- 8) The academy headteacher will sum up the academy's actions
- 9) The chair will explain that both parties will hear from the panel within 5 school days
- 10) Both parties will leave together while the panel decides
- 11) The clerk to the panel will stay to assist the panel with the decision-making process

The clerk to the panel will ensure that sufficient notes are taken to record an accurate reflection of the points considered and any decisions taken, or actions agreed. Electronic recordings of the hearing will not normally be permitted, and if taken, would require the consent of all those present.

The clerk to the panel will notify the complainant and the academy of the panel's decision in writing within 5 school days of the appeal hearing. The letter will set out the decision of the panel together with the reasons underpinning that decision. The letter may set out recommendations which will be made to the academy governing body/trust board.

The panel may:

- Dismiss all or part of the complaint
- Uphold all or part of the complaint
- Decide on the appropriate action to be taken to resolve the complaint
- Evaluate all the evidence available and recommend changes to the trust's systems or procedures as a preventative step against similar problems arising in the future

The panel's decision is final. Once the complaints process is concluded (or a complaint has been terminated due to undue delay or failure to lodge a stage 3 request within the time stated in the policy) the matter is closed.

If you are unhappy with the outcome, you may wish to put your complaint to the Secretary of State. Complaints can be made online at <https://www.gov.uk/complain-about-school>

The complaints panel will proceed *irrespective of whether or not* the complainant and/or their representative attend. If the complainant fails to attend on the day without compelling reasons, the complaints panel will *still proceed in their absence and the process will continue to its conclusion*. Any further attempt to re-open the matter will be considered as falling under the serial/persistent complaint section as defined in Appendix A.

4.4 Withdrawal of a complaint

If a complainant wants to withdraw their complaint, a request will be made for this to be confirmed in writing.

5. Dealing with vexatious, persistent or unreasonable concerns or complaints

Whilst it is hoped that this procedure will reduce any dissatisfaction with the trust, it is acknowledged that there may be rare occasions where a complainant continues to be dissatisfied with the trust and the outcomes achieved under the complaints procedure. You should try to limit communication with the academy that relates to your complaint while the complaint is being progressed. It is not helpful if repeated correspondence is sent during stage 1 or 2 of the procedure as it could delay the outcome being reached.

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

If the complainant subsequently contacts the trust again about the same issue, the trust can choose not to respond. The normal circumstances in which the trust will not respond is if:

- The trust has taken every reasonable step to address the complainant's needs, and the trust's position has been clearly set out in writing together with the complainant's options
- The complainant is contacting the trust repeatedly but making substantially the same points each time
- The complainant refuses to follow the complaints procedure or insists on the complaint being dealt with in ways that are not in line with this procedure or with good practice
- The trust reasonably believes that the aim of the contact is to cause disruption or inconvenience
- That the complainant acts or communicates in an inappropriate way* towards trust staff

If the trust has decided that it is appropriate to stop responding, the complainant will be informed in writing. Whenever possible, the Academy Headteacher or Academy Chair of

Governors will discuss any concerns with the complainant informally before deciding to stop responding.

The trust will ensure when making this decision that complainants making any new complaints are heard, and that the academy is acting reasonably.

5.1 Unreasonable Complaints

The Multi-Academy Trust is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who have cause to complain. We do not normally limit the contact that complainants have with the trust; however we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from behaviours which are abusive, offensive, or threatening.

*unacceptable behaviour/acting in an inappropriate way may include, but is not limited to:

- using threats or violence to intimidate
- using abusive, offensive, or discriminatory language or violence
- acting maliciously or aggressively
- knowingly providing falsified information
- publishing unacceptable information on social media or other public forums

If aggressive or abusive behaviour takes place, the Academy Headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact the 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 trust sites.

We adopt the Department for Education definition of unreasonable complainants as those, who because of the frequency or nature of their contacts with the trust, hinder our consideration of their or other people's complaints.

Unreasonable complaints are taken seriously by the trust as they put a strain on valuable resources and hinder the progress of proper investigations. The trust may judge that a complaint is unreasonable by assessing a number of factors, including those outlined below:

- 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 while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on or raises large numbers of detailed but unimportant

questions and insists that 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 unfounded or has been addressed;
- refuses to accept the findings of the investigation into that complaint where the Multi-Academy Trust's complaints procedure has been fully and properly implemented and completed, including referral to the Department for Education (DfE);
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone whilst the complaint is being dealt with

A complaint may also be considered to be unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing (including email) or electronically:

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers

6. Record Keeping

A written record will be kept of all complaints that were resolved at the formal stage of the complaints procedure. Records will contain details of whether the complaint was resolved at stage 2, or whether it proceeded to a stage 3 panel hearing. The action taken by the trust as a result of a complaint (regardless of whether they are upheld) will also be recorded.

Written records of any meetings/interviews in relation to the investigation will be kept.

7. Complaint Campaigns

For the purposes of this policy, a complaint campaign is defined as a complaint from three or more separate individuals (whether or not connected with the trust) which are all based on the same subject. Depending on the subject in question, the trust may deviate from the procedure set out in this policy and instead:

- send a template response to all complainants and/or
- publish a single response on the trust's website (as applicable)

8. Confidentiality, monitoring and storage of information in relation to complaints

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 outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls. This material will be treated as confidential and held centrally and will be viewed only by those involved in investigating the complaint or on the review panel. Records of complaints will be

kept securely and then disposed of in line with the trust's data retention policy. Complaint records may be inspected by the Secretary of State of any inspection body.

The trust regularly monitors all complaints that are made, to what stage they progressed, and how they were resolved. This is to enable us to spot any emerging patterns to ensure that similar problems are avoided in the future or to see if they could have been managed more effectively. The governing board does not receive any personal data that is not relevant to this monitoring process.

9. What happens if you are dissatisfied with the outcome?

Once the complaints process is concluded (or a complaint has been terminated due to undue delay or failure to lodge a stage 3 request within the time stated in the policy) the matter is closed.

If the person making the complaint remains dissatisfied, they have a right to refer their complaint to the ESFA. They may only be able to help if you are unable to complain, or are not satisfied with how the trust has handled your complaint, because the trust:

- 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

The ESFA cannot change the trust's decision about a complaint. Their role is to make sure the trust handles your complaint properly by following a published process. The ESFA will not normally consider complaints received more than 12 months after a decision or the trust's last action.

If you think your concerns are within ESFA's remit, please contact them using the online form at <https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy>

10. Complaints relating to fulfilment of the EYFS requirements

In order to comply with the statutory framework, written concerns or complaints relating to the fulfilment of the EYFS requirements will be dealt with in accordance with the following process:

- the written concern/complaint will be acknowledged within 5 days;
- the Headteacher will investigate the concern or complaint which may include meeting with the complainant. A written response notifying the complainant of the outcome of the investigation will be sent within 28 days of the complaint being received;
- where the complainant remains dissatisfied, the Headteacher will ensure that a formal complaints panel will be convened in accordance with stage 3 of this policy.

A record of the written complaints and their outcome will be maintained and made available to Ofsted on request.



Complaint Form

Please complete and return to the Academy Headteacher/Chair to Governing Body/Trust Board/Governance Manager [please delete as appropriate] who will acknowledge receipt and explain what action is to be taken.

| |
|---|
| Your name: |
| Pupil's name (if relevant): |
| Your relationship to pupil (if relevant): |
| Address: Postcode: Daytime telephone number: Evening telephone number: Mobile telephone number: Email address: |

| |
|--|
| Please give details of your complaint, including whether you have spoken to anyone at the academy/trust about it [please continue on a separate sheet if necessary] |
|--|

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

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

Signature:

Date:

FOR OFFICIAL USE ONLY

Date acknowledgement sent:

Acknowledgement sent by:

Complaint referred to:

Action taken:

Date:

ROLES AND RESPONSIBILITIES

Complainant

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

- explain the complaint in full as early as possible
- co-operate with the academy/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 the 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 the minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems
- the headteacher or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details

Complaints Co-ordinator

(This could be the Headteacher or CEO/designated complaints governor/trustee or other staff member providing administrative support)

The complaint's co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, headteacher, CEO, Chair of Governors, Chair of Trust or the Governance Manager and 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 young person
- keep records

Governance Manager

The Governance Manager 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 (e.g., stage 1 paperwork, academy/trust 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

Complaints' Committee Chair

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

- both parties are asked (via the panel 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 courtesy and respect
- 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 that it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GPDR. If a new issue arises, it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting
- both the complainant and the academy/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 Panel Clerk (and the complaints co-ordinator, if there is one)

Complaints' 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 academy/trust and the complainant
(It is recognised that the complainant may 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 given 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 not to be in the child/young person's best interests

- the welfare of the child/young person is paramount

Dealing with complaints about schools – flowchart

