



Complaints Policy and Procedure

Date of Policy Approval	9 September 2020	Trust Board (Minute 15) refers)
<p>In accordance with the Trust Scheme of Delegation implementation and operation of this Policy is delegated to the Headteacher/Head of School of each school subject to the direction of the Chief Executive.</p> <p>The Policy is subject to review and/or material change following legislative changes or a change to Trust Policy agreed by the Board. Any material change to this Policy is subject to approval of the Trust Board on recommendation of the Performance and Standards Committee.</p> <p>The Chief Executive may make minor non-material amendments to the Policy without reference to the Performance and Standards Committee.</p> <p>For assurance, the termly report of the Chief Executive to the Performance and Standards Committee will include a numerical report on the number of complaints (if any) received in each Academy during the current academic year (including any outstanding from the previous year), the stage that each complaint has reached and the outcome.</p>		

Trust Policy Statement

Introduction

This Policy and Procedure follows the Department of Education Model Policy 2020 and sets out the legal framework. The Apollo Partnership Trust requires this policy to be implemented by all its' academies.

The Trust is committed to working in partnership with all members of the academy community. We place great value on the role that parents and carers can play in supporting the learning of their child. All our staff, Trustees and governors actively encourage positive relationships between each academy and the families of children and young people who attend each academy.

The Board recognises however that, on occasion, things can go wrong - and accepts that there may be times when parents or carers (or others involved in the life of our academies) have concerns about aspects of academy life. When this happens, it is important that these concerns (and, if appropriate, complaints) are raised with the academy as quickly as possible. It is for this reason that the Trust Board has developed this policy and procedure.

Our Policy requires all our academies to make every effort to resolve a concern/complaint at local (academy) level. For this reason, we have a Three-Stage Procedure which all our academies MUST follow.

Our academies will deal with a concern/ complaint raised by a parent or carer, (or any other member of the academy community), objectively and as quickly, sympathetically and effectively as possible. The aim shall be to address all concerns/complaints as soon as possible after they arise and to resolve matters amicably at an early stage. With that in mind, complainants will be asked to say at the outset what they feel might resolve the issue.

The responsibility for implementation of this policy rests with the Headteacher/Head of School of each individual academy, with support from the Trust Governance Officer.

Legal Framework

The Policy and Procedure is compliant with the requirements of [The Equality Act 2010](#)

The procedure follows the Department for Education's guidance (updated July 2020): <https://www.gov.uk/government/publications/setting-up-an-academies-complaints-procedure/putting-in-place-a-complaints-procedure>.

Complaints Procedure

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to the Academy about any provision of facilities or services provided. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), all Trust academies will follow the procedure below.

Concern or Complaint?

The Department of Education best practice guidance (July 2020) distinguishes between a **concern**:

“an expression of worry or doubt over an issue considered to be important and for which reassurances are sought”

and a **complaint**

“an expression of dissatisfaction however made, about actions taken or a lack of action”.

This procedure is designed having regard to this guidance.

Scope of this procedure

This procedure covers all concerns and/or complaints about any provision or facilities provided by a Trust academy but **DOES NOT** include those issues listed at Appendix 1. (These are covered by separate procedures).

What to do if you have a concern or a complaint

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Headteacher/Head of School will refer you either to another member of Academy staff or the Trust Governance Officer (who acts as independent Complaints Officer to the Trust). Similarly, if the member of staff directly involved feels unable to deal with a concern, the Headteacher/Head of School (or Trust Governance Officer) will refer you to another member of Academy staff. That staff member may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand that there are occasions when people would like to raise their concerns formally. In this case, the Academy will attempt to resolve the issue internally, through the three stages described below.

The Three Stage Academy Complaints Procedure

These are:

Stage 1: Concern/complaint heard by an appropriate staff member : informal stage.

Formal Stages:

Stage 2: Concern/complaint made in writing and heard by the Headteacher

Stage 3: Complaint heard by Panel of Governors.

Complaint referred to the Education Funding and Skills Agency (EFSA)*

**Completion of Stage 3 exhausts the Trust Procedure. If a complainant is not satisfied at the completion of Stage 3 (including an occasion when the Academy issues a Notice of Closure of procedure at an earlier Stage), the complainant may refer their complaint to the Education Funding Council (EFSA) – see p.13 below.*

How to raise a concern or make a complaint

A concern or complaint can be made in person, in writing or by telephone.

The objective of the procedure is to resolve any concern or complaint quickly and amicably. For that reason, Stage 1 will be regarded as an informal stage at which staff will endeavour to resolve the matter. Thereafter, the concern or complaint becomes a formal matter and **MUST** be made in writing.

Stage 1 concerns/complaints and subsequent stages may be made by a third party acting on behalf of a complainant, as long as they have the consent of the complainant to do so.

Complaints against school staff (except the headteacher/head of school) should be made in the first instance, to the headteacher/head of school). A complainant wishing to speak with the headteacher/head of school should make an appointment via the school office. It is not necessary at this stage to divulge the nature of a concern or a complaint other than to register the issue is a concern/complaint. If the complaint is in writing please mark the envelope “Private and Confidential”.

All complaints that involve or are about the headteacher/head of school should be made in writing and addressed to the Chair of Governors, c/o the school office. Please mark the letter “Private and Confidential – f.a.o. the Chair of the Governing Body”.

For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the Trust Governance Officer. You can also ask a third-party, or a third-party organisation (e.g. Citizens Advice) to help you complete the form.

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.

Note

1. *Complainants are asked to note that:*

- *the academy will keep a record of all concerns and complaints;*
- *all complaints raised will be dealt with in confidence. Every effort will be made to ensure that confidentiality is maintained for all concerned;*
- *anonymous complaints will not usually be investigated except in exceptional circumstances. This is to discourage vexatious complaints and also is due to the absence of a complainant to respond to;*
- *if the complaint concerns the conduct of the headteacher/head of school, it will be dealt with initially in accordance with Stage 2 of this procedure;*
- *if the complaint concerns the Chair of the Academy Local Governing Body (LGB), an individual Governor or the whole of the LGB it must be made in writing to the Trust Governance Officer at the Trust Offices, Castle Rock School. Please mark the letter "Private and Confidential"*
- *complaints about the Chief Executive (CEO) or a Trustee of the Trust, should be addressed to the Chair of Trustees, via the Trust Office at Castle Rock School. Please mark the letter "Private and Confidential".*
- *a concern/complaint will not be referred to the next stage unless and until the previous stage of this procedure has been completed;*
- *at all stages, the headteacher/head of school, Chair and/or Complaints Panel may take the view that, after careful consideration of the issues raised by the complainant and the response of the academy thereto, the procedure should be brought to a close having regard to the criteria at Appendix 2. Where this is the case the Trust Governance Officer will issue a "Notice of Closure of Procedure letter". This letter will advise the complainant that the complaint will not be*

considered further and the reasons for this. Complainants who are not satisfied with this response may make representations to the ESFA (see below).

- *the local authority has no role in consideration of complaints relating to the academy – but see Appendix 1.*
 - *if a complaint relates to a member of staff and includes any of the following it will (and must) be considered in accordance with the academy’s safeguarding procedures:*
 - *behaviour in a way that has harmed a child, or may have harmed a child;*
 - *possible commission of a criminal offence against or related to a child; or*
 - *behaviour towards a child or children in a way that indicates that he or she may pose a risk of harm if they work regularly or closely with children.*
2. *There are some issues which fall outside the scope of this procedure . These are listed at Appendix 1.*
3. *Complainants will be advised of the outcome of their complaints. However, complainants **will not under any circumstances** be advised of any disciplinary action that may be taken against staff in relation to any complaint.*

Time scales

A complaint must be made within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. Complaints made outside of this time frame will be considered only in exceptional circumstances.

Complaints received outside of term time

These will be considered to have been received on the first school day after the holiday period.

Some complaints may be received close to the end of term. Where this happens it may not be possible, because of school closure/holidays, to complete the procedures within the timescales stated below. Where this does happen, complainants will be advised and the complaint will be held in abeyance until the school returns from holiday, when the procedure will be resumed.

Resolving complaints

The objective of this procedure is to resolve the complaint. If appropriate and subject to this procedure, the Academy will acknowledge if a formal complaint is upheld in whole or in part. In addition, the Academy 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 the Academy will try to ensure that the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that the event will not happen again and an indication of the timescales within which any changes will be made
- an undertaking that the Trust will review school policies in light of the outcome of the complaint
- an apology.

Withdrawal of a complaint

If at any stage the complainant wishes to withdraw their complaint, they may do so. They will be asked to confirm this in writing.

Stage 1 – Informal complaints : Concern/complaint heard by staff member

All concerns or complaints received by any Academy in the Trust must be reported by that Academy to the Trust Governance Officer within 3 school days of receipt.

The objective always will be to resolve concerns / complaints informally.

Concerns should be raised with either the class teacher, year head / subject head or head teacher/head of school.

It is important at this stage that complainants **DO NOT** approach any governor(s) to raise any concerns or complaints. This is because neither individual Governors (including the Chair) nor the LGB have any authority to act until Stage 3 of the procedure. Any involvement or knowledge of the issue before that stage will mean that the governor (s) will not be able to consider a complaints at Stage 3 of the procedure.

If following Stage 1, the issue remains unresolved, the next step is to make a formal complaint

Stage 1 : Process

The member of staff who investigates the matter will:

- invite the complainant(s) to suggest what they think might resolve the issue;
- subject to discussion of any suggestions made, investigate the matter; and
- where the matter is investigated advise the complainant (orally) of their findings and conclusions.

The investigation will be objective, impartial and fair.

Timescale : Normally, we would expect this stage to be resolved within a maximum of five school days.

The outcome of all concerns/complaints dealt with at this stage must be reported by the Academy to the Trust Governance Officer within five school days of advising the complainant of the outcome.

Stage 2: Formal Complaints : heard by the headteacher/head of school

This Stage applies when a complainant is not satisfied with the way the concern/complaint has been dealt with at Stage 1. All complaints that proceed to Stage 2 are regarded as formal complaints.

Formal complaints must be made to the headteacher/head of school in writing and preferably on the Complaint Form provided, via the school office. Unless the Complaint is about or involves the headteacher/head of school, the complaint should be addressed to the headteacher/head of school and marked "Private and Confidential".

A complaint about the headteacher/head of school*, (or a member of the governing body (including the Chair or Vice-Chair), must be made in writing and addressed to the Chief Executive of the Trust at the Trust Office, Castle Rock. The letter should be marked "Private and Confidential.

**see below*

Stage 2 : Process

The headteacher/head of school (or Chief Executive) will follow:

- record the date on which the formal complaint was received;
- notify the Trust Governance Officer of receipt of the complaint;
- acknowledge receipt of the complaint in writing (either by letter or email) within five school days. Within this response, the head teacher/Chief Executive will seek to clarify the nature of the complaint, ask what (if anything) remains unresolved for the complainant and invite the complainant to state the outcome that they would like to see;

- consider whether a face to face (mediation) meeting might be the most appropriate way of resolving the matter. This may be with the Chair of the Local Governing Body or the Chair of the Trust, subject to the nature of the complaint. Mediation meetings will be organised and attended by the Trust Governance Officer who will make a summary note of the meeting. Summary notes will be provided to the complainant following agreement of the notes by the Chair.
- may ask another member of staff to investigate/collate and/or verify information concerning the complaint : the headteacher/head of school/Chief Executive will however determine the complaint at this Stage.
- meet the complainant, hear the complaint, investigate and make every effort to resolve the issue. This meeting will be organised and attended by the Trust Governance Officer or his nominee who will make a summary note of the meeting. Summary notes will be provided to the complainant following agreement of the notes by the headteacher/head of school/Chief Executive.
- write to the complainant summarising the findings and outcome from the investigation. This response will detail any actions taken to investigate the complaint and will provide a full explanation of the decision made and the reason(s) for it. Where appropriate, the letter will include details of actions the Academy will take/has taken to resolve the complaint. The letter will also advise the complainant(s) of the next steps should they wish to proceed to Stage 3. (A copy of this letter to be provided to the Trust Governance Officer).

**If the complaint is about the headteacher/head of school, or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled governor from the Academy Governing Body will be appointed to work with the Chief Executive to complete all the actions at Stage 2.*

If the complaint is:

- jointly about the Chair and Vice Chair of the Governing Body or
- about the entire Governing Body or
- about the majority of the governing body

Stage 2 will be referred to the Chief Executive and Chair of the Trust.

Timescale: Normally Stage 2 will be completed within fifteen school days of receipt of the letter from the complainant. If this deadline cannot be met, this will be explained to the complainant who will be given an update on the target response date.

Stage 3 – Panel Hearing

If the complainant is not satisfied with the outcome at Stage 2 and wishes to take the matter further, they may escalate the complaint to Stage 3 – a Panel Hearing. This is the final stage of the Trust Complaints Procedure.

A request to escalate to Stage 3 must be made in writing to the Trust Governance Officer, c/o the Trust offices, Castle Rock School within ten school days of receipt of the final Stage 2 response. Requests received outside of this time frame will be considered only if exceptional circumstances apply. The request **MUST** explain why the complainant is not satisfied with the outcomes of Stages 1 and 2 of the Procedure.

A Panel, comprising three people not directly involved in the matter and with no prior knowledge of the issues detailed in the complaint, will be appointed to hear the complaint. Panel members will be appointed by the Trust Governance Officer and shall include:

- Two non-staff Governors from the Academy Governing Body; and
- One Governor from another Trust Academy with no involvement in the governance or management of the Academy.

The Trust Governance Officer will:

- record the date the complaint was received;
- acknowledge receipt of the complaint in writing (either by letter or email) within five school days;
- act as the main point of liaison for the complainant;
- arrange and act as Clerk to the Stage 3 Meeting;
- attend the Panel Meeting and make a summary note of proceedings: the Governance Officer does not take part in proceedings other than to advise the Panel and/or the complainant of procedure or points of clarity;
- provide the summary notes of the meeting, as agreed with the Chair of the Panel, to the complainant and notify the complainant of the outcome of the Stage 3 meeting.

The Trust Governance Officer will liaise with the complainant regarding the arrangements for the Stage 3 meeting (i.e. proposed date(s)*, time and location). The aim will be to convene the meeting within fifteen school days of receipt of the Stage 2 request.

**Note : three proposed dates will be offered: if the complainant rejects all of these, without good reason, the Governance Officer shall determine when the meeting will be held. The meeting will proceed, if necessary, in the absence of the complainant and on the basis of written submissions from the complainant and the school.*

If the complaint is:

- about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 3 will be heard by a Panel comprising two Trustees and an independent Panel Member (i.e. someone with no involvement with the Trust). The selection of all Members of all Panel meetings will be a matter for the Trust Governance Officer.

Stage 3 : Procedure at a Complaints Panel Meeting

The Panel will

- consider all documentation relating to the complaint;
- invite the complainant to explain to the Panel why they remain dissatisfied;
- invite the complainant(s) to suggest what they think might resolve the issue;
- invite the Headteacher to attend the Panel Hearing and to respond on behalf of the academy.

A complainant may bring someone along to the Panel Meeting to provide support. This can be a relative or friend. The name and status of any companion must be advised to the Trust Governance Officer not less than five school days before the date of the meeting. Generally, the Trust will not engage legal representatives for Stage 3 and similarly, does not encourage complainants to do this. This is because Panel Meetings are not legal hearings and the aim remains resolution of the issue rather than legal argument from both sides.

The Trust recognises however that, unusually, there may be some occasions when legal representation may be appropriate. For example, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representative.

Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under (Human Resources) staff disciplinary procedures, if appropriate, but outcomes from this will not under any circumstances be shared with them.

Representatives from the media are not permitted to attend Stage 3 meetings.

At least five school days before the meeting, the Trust Governance Officer will:

- confirm and notify the complainant of the date, time and venue of the meeting, (having first ensured, subject to the three meeting limit) that the date is convenient to all parties and that the venue and proceedings are accessible.

- Include with notification of the meeting an agenda and supporting papers (i.e. any written material from Stages 1 and 2). 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 not consider any new complaints made at this stage or consider evidence unrelated to the initial complaint. Any new complaints must be dealt with from Stage 1 of the procedure.

The meeting shall be held in private. Electronic recordings of meetings or conversations shall not normally be permitted unless a complainant's disability or special needs require it. Prior knowledge and consent of all parties attending the meeting to any request for electronic recording must be sought and obtained before the meeting takes place. Consent will be noted on the agenda and recorded in the summary notes taken at the meeting. (The Trust Governance Officer will do this, if required).

The Panel shall consider the complaint and all the evidence presented. The Panel may:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the Panel shall:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future. All such recommendations will be reported to and considered by the Local Governing Body and the Trust Board.

The Chair of the Panel will provide the complainant and the Headteacher of the Academy, in writing, within not more than ten school days following the meeting, with a letter which will include:

- any actions taken to investigate the complaint;
- a full explanation of the decision made by the Panel and the reason(s) for it;
- where appropriate, details of actions the Academy will take or has taken to resolve the complaint;
- details of how to contact the Education and Skills Funding Agency (ESFA) if the complainant remains dissatisfied with the way in which their complaint has been dealt with.

A written record will be kept of all complaints and their outcomes (i.e. whether they are resolved at the preliminary stage or proceed to a Panel meeting and the outcome of this). Receipt and outcome of all complaints (but not the details relating thereto) (Stages 1 – 3) shall be reported termly to the Performance and Standards Committee of the Trust Board.

Complaints escalated to / about the Trust, Chief Executive or a Trustee

If a complaint is escalated to Trust level, or if a complainant wishes to complain directly about the Trust, the complaint must be made in writing and submitted to the Chief Executive who will arrange for the matter to be investigated.

The Chief Executive will write to the complainant acknowledging the complaint within five school days of the date that the written request was received. The acknowledgement will confirm that the complaint will be investigated in accordance with Stage 2 of this Policy and Procedure and will confirm the target date for providing a response to the complainant.

Following the investigation, the Chief Executive will consider the findings of the investigation and determine the matter. The complainant will be advised of the decision in writing. The aim will be to ensure that the outcome and decision is notified within twenty school days of the date that the letter of complaint was received. If this time limit cannot be met, the complainant will be advised in writing. This letter will explain the reason for the delay and provide a revised target date for determination.

If the complaint concerns the CEO or a Trustee, the complaint will be investigated by the Chair of the Trust Board.

If a formal complaint is about the Chair of the Trust Board the complaint will be referred to the Vice-Chair of the Trust Board for investigation

Note : Where the Chair or Vice-Chair of the Trust Board has investigated a complaint, they will write the letter of outcome to the Complainant and provide a copy to the Chief Executive.

If the complainant is not satisfied with the outcome of the above process, they should write to the Trust Governance Officer within ten school days asking for the complaint to be heard by a Complaint Panel. Requests received outside of this time frame will be considered only if exceptional circumstances apply.

The Trust Governance Officer will follow the same process and timescales as that described for Stage 3 above including the process to be followed if the complainant rejects, without good reason, the offer of three proposed dates for the Panel meeting.

If the complaint is:

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

The Stage 3 meeting will be heard by a wholly Independent Panel comprising three people. The procedure at the Panel meeting shall be in accordance with that described above:

- None of the three people will have been involved in the incidents or events which led to the complaint, or have been involved in dealing with the complaint in the previous stages, or have any detailed prior knowledge of the complaint.
- All Panel Members shall be independent of the management and running of the Academy Trust. (This means that the Independent Complaint Panel members will not be Trustees, a Governor or an employee of the Trust).

The same procedure, timescales, deliberations and potential outcomes as those set out above will apply to this Stage of the process.

Next Steps : ESFA

If the complainant believes that the Trust did not handle their complaint in accordance with this Policy and Procedure or that the Trust acted unlawfully or unreasonably in the exercise of their duties under education law, they may contact the ESFA after they have completed Stage 3 or if they have received a formal Notice of Closure of Procedure.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by the Academy or by the Trust. They will consider whether the Academy or the Trust has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed [Part 7 of the Education \(Independent School Standards\) Regulations 2014](#).

The complainant 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

Unreasonable Complaints

Whilst the Academy will always respond positively to concerns and/or complaints, there may be occasions when it would not be appropriate for the Academy to follow this procedure or when the Academy takes the view that the procedure should be ended. For example:

- where the complainant is considered to be acting unreasonably: the Trust defines an unreasonable complainant as *“a complainant who, because of the frequency or the nature of their contact with the academy, hinders our consideration of their or other people’s complaints”*; (see Appendix 2)
- where this complaints procedure (including referral to the EFSA) has been exhausted, the issue closed and the complainant seeks to raise the same or similar issues again;

- where the Academy believes it has made every reasonable step to address the reasonable concerns of the complainant. In this regard, the ability of the Academy to respond positively may be limited by the resources available (including staff time);
- where the academy is satisfied that the complainant is intent on causing disruption or inconvenience; or
- where the complainant demonstrates abusive or aggressive behaviour towards the academy or any member of staff at the academy.

Ultimately, if a complainant persists in pursuing a complaint to the point where the Academy considers that the behaviour of the complainant constitutes harassment, discrimination and/or is threatening or intimidating to the staff of the academy, and/or a threat to the welfare or well-being of any child at the academy, it may be necessary for the Academy to take further and proportionate action, including (by way of example) the imposition of a ban on the complainant from contacting the Academy and/or attending Academy premises and/or taking legal action (which may include seeking an injunction or court order).

Individuals will have the right to make representations to the Headteacher in circumstances where a decision to ban them has been made (and, in certain circumstances and where considered appropriate by the Academy, where a decision to ban is being considered).

Confidentiality

Every effort will be made to ensure that confidentiality is maintained for all concerned. Information should be handled and disseminated on a “need to know” basis only.

The Trust is committed to data protection always for all parties. All confidential information will be stored securely on academy/Trust premises.

APPENDIX 1: Complaints Not Covered by this Procedure

Issues not covered by this Procedure	Whom to Contact
<p>School Admissions</p> <p>SEN – statutory assessment of need</p> <p>School re-organisation proposals</p> <p>Matters likely to require a Child Protection Investigation</p>	<p>Local Authority</p>
<p>Exclusions</p>	<p>See www.gov.uk/school-discipline-exclusions/exclusions</p>
<p>Whistleblowing</p>	<p>All Apollo Partnership Trust Academies have an internal Whistleblowing procedure for employees and voluntary staff. Other concerns can be raised directly with Ofsted (0300 123 3155 (whistleblowing@ofsted.gov.uk) or in writing to: WBHL, Ofsted. Piccadilly Gate, Store Street, Manchester M1 2WD</p>
<p>Staff Grievances and Disciplinary Procedures</p>	<p>These matters will be dealt with by the disciplinary procedures of the Academy. The outcome of these procedures will remain confidential to the Academy.</p>

<p>Complaints relating to the services provided at Academy premises by third party providers.</p>	<p>Third party providers are required, as a condition of providing services/facilities at the Academy, to have their own complaints procedure.</p> <p>Third party providers must be contacted directly unless the matter involves a Safeguarding issue in which case the matter should also be raised with the Headteacher directly.</p>
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APPENDIX 2 : Complaints likely to be considered unreasonable by the Academy

One or more of the criteria listed below may result in the Academy taking the view that a complaint, or continuation with the Complaints Procedure is not reasonable and therefore that the procedure should be ended:

- where (at Stage 2) the Headteacher considers, after careful consideration of the outcome of the investigation, the nature of the complaint, the actions taken by the Academy to resolve the matter and the outcome from the mediation meeting and, having regard to the criteria set out below the complaint is not reasonable and/or that to continue with the Complaint Procedure would not be reasonable.
- a complainant refusing to articulate the complaint or to specify the grounds of complaint;
- a complainant refusing to specify the outcome sought by raising the complaint and/or seeking an unrealistic outcome;
- a complainant refusing to co-operate with the complaints investigation including a meeting with the Headteacher, Chair, a mediation meeting or attendance at a Panel meeting;
- a complainant insisting that the complaint be dealt with outside of this procedure;
- a complainant raising trivial or irrelevant information or raising large numbers of detailed but unimportant questions and / or insisting on answers within their own timescales;
- a complainant making unjustified complaints or allegations about staff who are trying to deal with the issues raised and / or seeking those staff replaced;
- a complainant changing the basis of the complaint as the investigation proceeds;
- a complainant repeatedly making the same complaint notwithstanding that investigations have resulted in the matter being concluded or declared groundless;

- a complainant refusing to accept the findings and/or conclusions of the investigation where this procedure has been fully and correctly implemented including referral to the EFSA;
- a complainant making unreasonable and excessive demands on academy time by frequent, lengthy, complicated and/or stressful contact with staff, either in person, in writing, via e-mail, text or by telephone whilst the complaint is being dealt with;
- a complainant publishing or verbalising unacceptable or false information or comments about the academy or any member of school staff in any social media or newspaper;
- a complainant using threatening, abusive or intimidatory language or behaviour to any member of staff or member of the academy community.

Complaints about a decision to ban persons from school premises

Members of the public (including parents) do not have an automatic right of access or entry to Academy premises. The priority of the academy will always be to ensure that Academy premises are a safe place for pupils, staff and other members of the Academy community.

The Headteacher has the absolute right to request any person whose behaviour is a cause for concern to leave Academy premises. The Headteacher may also advise any person that they are temporarily barred from Academy premises. In very serious cases, a ban from Academy premises can be legally applied and enforced.

Individuals will have the right to make representations to the Headteacher in circumstances where a decision to ban them has been made and, in certain circumstances and where considered appropriate by the Academy, where a decision to ban is being considered).

Appendix 3 : 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 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 head teacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.
- The head teacher or Complaints Panel will determine whether to uphold or dismiss the complaint and advise the complainant, providing the appropriate escalation details.

Complaints Co-ordinator

This could be the head teacher, Chief Executive or person nominated by them with the Trust Governance Officer or designated complaints governor or trustee or a staff member providing administrative support.

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, head teacher, 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.

Trust Governance Officer

The Trust Governance Officer is also Clerk to the Trust Board and is the contact and liaison point for the complainant and Panel members. The post holder is independent of the process and will advise the complainant, Panel members and staff on procedure. In this capacity, the Governance Officer is not an advocate or representative for the complainant, the Panel or Panel Members, or any member of staff, Trustee or Governor.

The Governance Officer will

- 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
- support the Headteacher (or Chair of the Trust Board/Chief executive, as appropriate) on collation of written materials 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 the agreed timescale
- record the proceedings
- circulate the summary notes of Panel (or other) meetings
- notify all parties of the decision of the Panel.

Panel Chair

This is the person appointed by the Panel to ensure that:

- both parties are asked (via the Trust Governance Officer) 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 Panel 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 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 Panel is open-minded and acts independently
- no member of the Panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- summary notes of the meeting are made by the Trust Governance Officer

The Chair is supported by the Trust Governance Officer as required, throughout the process.

Panel members should be aware that:

- the Panel meeting must be independent and impartial, and should be seen to be so
No governor / trustee may sit on the Panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the meeting is to resolve the complaint and achieve reconciliation between the school and the complainant

It is recognised that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. The Panel may only be able to establish the facts and make recommendations.

Any recommendations from the Panel will be considered by the Chief Executive or, if the Panel so request, by the Trust Board.

- many complainants will feel nervous and inhibited in a formal setting
Parents/carers often feel emotional when discussing an issue that affects their child. All Panel

members should endeavour to put the complainant at ease : the Chair will do this at the outset by explaining the process for the meeting and emphasising that the meeting will, as far as possible, be conducted in an informal manner (i.e. it is not a formal or legal “Hearing”).

- 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 Panel 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 Panel 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 Panel 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 Panel considers is not in the child/young person’s best interests.

- the welfare of the child/young person is paramount.

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Complaint Form

Please complete and return to the Headteacher who will acknowledge receipt and explain what action will be taken.

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address: Postcode: Day time telephone number: Evening telephone number: Email address:

Please give details of your complaint, including whether you have spoken to anybody at the school about it.

If you have spoken to someone at school about the matter, or if your complain has been dealt with at stages 1 and 2 of the Complaints Procedure, please explain why you are not satisfied with the response of the school and/or the outcome of Stages 1 and 2.

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

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

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Action taken:

Date: