

# COMPLAINTS POLICY & PROCEDURES

## Aims and Principles of the Policy

This policy aims to:

- Encourage the resolution of concerns and complaints by informal means wherever possible;
- Ensure that concerns are dealt with quickly, fully and fairly and within the defined time limits where possible and practicable;
- Ensure the process is as non-personal and as fact based as possible;
- Minimise undue stress on all the parties;
- Ensure that the child's voice is heard (where appropriate);
- Ensure that the child's interests are paramount (and those of other students, including siblings who may also be in the school);
- Provide effective and appropriate responses to concerns and complaints;
- Maintain good working relationships between the school and all those involved in the process;
- Be impartial and non-adversarial;
- Ensure the Trust and its schools can learn lessons and apply any improvements where appropriate.

Key Principle of the Policy are:

- In line with Legislation and good practice;
- Is underpinned by good and honest communication;
- The complainant has the right to see all relevant documents (subject to confidentiality and Data Protection regulations) and to receive appropriate advice and support at all stages within the process;
- All Trust staff involved, implicated or cited within the complaint have the right to see full details of the complaint (subject to confidentiality requirements) and receive appropriate advice and support at all stages within the process;
- Clear recommended timescales that are adhered to at all times wherever practical and where they are not able to be adhered to, all parties receive clear communication;
- Appropriate confidentiality levels are maintained by all involved (including any school, administrative staff and governors);

- In keeping with current advice and guidance, which can be found at: <https://www.gov.uk/government/publications/school-complaints-procedures/best-practice-advice-for-school-complaints-procedures-2019>.

### **Who can make a Complaint?**

- This complaints policy and procedure is not limited to parents or carers of children that are registered at the Trust. Any person, including members of the public, may make a complaint to the Trust or its schools about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (see section on “scope of the procedure below), we will use this complaints policy and procedure. The Complaints co-ordinator, the Headteacher, the Chair of Governors or the Chair of Trustees, depending upon the nature of the complaints or about whom the complaint concerns, will determine whether the issue falls within the scope of this Complaints policy.

### **What is an Issue, what is a Concern?**

- Issues raised by parents, carers or other stakeholders are a normal part of the day-to-day business of the Trust and its schools – this feedback allows us to adapt and improve. These should be initially raised with relevant Form tutors as effective communication and timely responses will allow most issues to be dealt with promptly and effectively.
- Where the person raising an issue is not satisfied with the school’s response, they may wish to escalate their issue to a concern, directed to more senior management. The ways to do this are explained on the school websites.
- A concern may be defined as ‘an expression of worry or doubt over an issue considered to be important for which reassurances are sought’ and is a low-level informal complaint that is normally verbal or via e-mail and does not use the appropriate complaint form.

### **Dealing with Concerns (Informal Complaints)**

- Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.
- A concern can be made in person, by telephone, or in writing.
- Concerns ought to be handled, if possible, without the need for formal procedures and in the spirit of shared respect and willingness to find a mutually acceptable resolution.
- The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally.
- It would be helpful if staff were able to resolve issues on the spot, including apologising where necessary.

*All of the following refer to Formal Complaints*

### **What is a Formal Complaint?**

- A formal complaint is defined as ‘an expression of dissatisfaction about actions taken or a lack of action’ and it is likely, (but not necessarily), that it has previously been raised and investigated as a concern and uses the appropriate Formal Complaint Form (Annex D). The Trust strongly recommends the use of this form as it provides the best and least ambiguous means to collate relevant information necessary to address their concerns. Failure to use this form and/or provide full details will delay the process and could ultimately invalidate the complaint.
- For the avoidance of doubt, should, during the process, further information be added to the initial complaint and/or other issues raised, they will be deemed to be a part of the initial complaint.

### **How to make a Formal Complaint (Annex A)**

- The Formal Complaint procedures will need to be invoked when initial attempts to resolve the Concern are unsuccessful or when the person raising the concern remains dissatisfied and wishes to take the matter further.
- A Formal Complaint should be made on the Formal Complaint Form. It may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so.
- Complainants should not approach individual school Governors or Trustees to raise complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 2 of the procedure.
- The Learning Trust has designated a member of staff to be the ‘Complaints Co-ordinator’ at each relevant school, with responsibility for the operation and management of the Trusts’ complaints procedure. With each complaint, they will liaise with the Trust’s Compliance Officer or CEO who will be responsible to manage this policy and operational procedures at all stages.

The relevant school’s Headteacher or Deputy Head is normally nominated for this role. Complaints should be made in the first instance, to the Complaints Co-ordinator. Please mark them as Private and Confidential.

- Complaints that involve the Deputy Head should be made in the first instance, to the Headteacher of the relevant school. Please mark them as Private and Confidential.
- Complaints that involve or are about the Headteacher should be addressed in the first instance to the Chair or Vice-Chair of Governors who may refer it to an independent and suitably qualified person. Please mark them as Private and Confidential.
- Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to the Clerk of the Governing Body, who may refer the matter to the Trustees of The Learning Trust.
- For the avoidance of doubt, unless the complaint is directly concerning an Individual Person, who could be involved or directly implicated within the Complaints procedure, the complainant cannot ask for members of staff or the Governing Body to be excluded from the Complaints process nor,

as all relevant information is shared to a panel within the process, should any Governor be excluded from the case unless they or their actions are the subject of the complaint itself.

- For ease of use, an example of a complaint form can be found in Annex D. If you require help in completing the form, please contact the Trust. You can also ask third party organisations like Citizens Advice to help you.
- All complaints will be logged by the school.
- In accordance with equality legislation, 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.
- The LGB, in consultation with the CEO, may decide to escalate a complaint straight to stage 2, if they deem it serious enough to warrant immediate investigation by a Governors Disciplinary Panel.

### **Anonymous Complaints**

- We will not normally investigate anonymous complaints. However, the Complaints Co-ordinator, the Headteacher or the Chair of Governors depending on who the claim is about will determine whether the complaint warrants an investigation.

### **Investigating Complaints**

- At each stage, the Complaints Co-ordinator or the person nominated to investigate the complaint will:
  1. establish what has happened so far, and who has been involved;
  2. clarify the nature of the complaint and what remains unresolved;
  3. meet with the complainant or contact them (if unsure or for further information is necessary);
  4. clarify what the complainant feels would put things right, and establish if this is fair and reasonable;
  5. interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
  6. conduct the interview with an open mind and be prepared to persist in the questioning;
  7. maintain an appropriate record of the investigation and report findings as required.

### **Resolving Complaints**

- At each stage in the procedure there are a number of ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

1. an apology;
  2. an explanation;
  3. an admission that the situation could have been handled differently or better;
  4. an explanation of the steps that have been taken to ensure that it will not happen again;
  5. an undertaking to review school policies in light of the complaint.
- In making the initial complaint, all complainants should be encouraged to state what actions they feel might, (fairly and practically), resolve the problem. This will continue to be encouraged at any and all stages. An admission that the school could have handled the situation better is not the same as an admission of negligence.
  - The Trust operates a two-stage approach to all formal complaints as set out in Annex A.

### **Vexatious, Duplicate and Unreasonable Complaints**

- The complaints procedure is intended to limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, as a result of the findings of the Complaints Co-ordinator, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of the Governing Body is able to inform them in writing that the school's procedure has been exhausted and that from the school's perspective the matter is now closed.
- In some instances, the Complaints Co-ordinator may, acting reasonably, deem at any stage that the complaint is unfair, unreasonable, unfounded, part of a Complaint campaign and/or vexatious. In such instances, the Complaints Co-ordinator can close the complaint.
- If the complainant tries to reopen the same issue, the Chair of the Governing Body is able to either inform them in writing that the school's procedure has been exhausted and that from the school's perspective the matter is now closed or to refer the complaint to the Governing Body's Complaints Appeal Panel.
- Further details on the Trust's policy for dealing with unreasonable complaints is set out at Annex C.

### **Time-Limits**

- You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will only consider complaints made outside of this time frame if exceptional circumstances apply.
- Complaints need to be considered, and resolved, as quickly and efficiently as possible. Realistic time limits will be agreed and set for each action within each stage. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

## Complaints concerning Special Educational Needs (SEND)

- If the complaint is about a school's SEN support, it should be done while the child is still registered at the school.
- This includes complaints that the school has not provided the support required by the child's SEN statement or education, health and care (EHC) plan.

These steps should be followed in order. Move on to the next step if the complaint is not resolved.

- Talk to the school's special educational needs co-ordinator (SENCO).
- Follow the school's complaints procedure.
- Complain to your Local Authority.

## Complaints received outside of term time

- We will consider complaints made outside of term time to have been received on the first school day after the holiday period, save in the case of exceptional circumstances.

## Recording Complaints

- A note of any complaint is to be made to record the progress and the final outcome. At the end of a meeting or telephone call, it would be helpful if the member of staff in the case of informal complaints ensured that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls will be kept and a copy of any written response added to the record.
- The Complaints Co-ordinator is responsible for the records and holds them centrally for each individual school and the Trust. All complaints where Stage 1 or equivalent procedures are invoked will be recorded by the school.
- Any meetings will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

## Scope of this Complaints Procedure

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

Exceptions	Who to contact
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<ul style="list-style-type: none"> <li>• Admissions to schools</li> <li>• School re-organisation proposals</li> </ul>	<p>Complaints about admissions or school re-organisation proposals should be raised with Cheshire West and Chester Admissions team.</p>
<ul style="list-style-type: none"> <li>• Statutory assessments of Special Educational Needs</li> </ul>	<p>Complaints about statutory assessments of Special Educational Needs should be raised with Cheshire West and Chester SENDCo team.</p>
<ul style="list-style-type: none"> <li>• Matters likely to require a Safeguarding / Child Protection Investigation</li> </ul>	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO), who has local responsibility for safeguarding, or the iArt or SCIE teams at CWaC.</p>
<ul style="list-style-type: none"> <li>• Exclusion of children from school</li> </ul>	<p>Further information about raising complaints about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>.</p>
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff, volunteers and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>. You may also be able to complain direct to the Local Authority or the Department for Education (see link above), depending on the substance of your complaint.</p>
<ul style="list-style-type: none"> <li>• Staff grievances</li> </ul>	<p>Complaints from staff will be dealt with under the Trust's internal grievance procedures.</p>
<ul style="list-style-type: none"> <li>• Staff conduct</li> </ul>	<p>Complaints about staff will be dealt with under the Trust's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>

<ul style="list-style-type: none"> <li>Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
<ul style="list-style-type: none"> <li>National Curriculum – content</li> </ul>	Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>
<ul style="list-style-type: none"> <li>Centre Assessed Grades</li> </ul>	Complaints from parents or students on Teacher or Centre Assessed Grades will be dealt with under either the relevant Exam Boards’ policies and procedures or DfE guidance.

- If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.
- If a complainant commences legal action against the 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 concluded.

### **Upholding or not Upholding a Complaint**

- At each stage of the Complaints procedure, the conclusion will be either:
  - That the complaint is upheld (in full or in part) and where appropriate some form of action is taken OR
  - That the complaint is not upheld and the reason(s) for this, where appropriate, are clearly given
- At each stage of the complaint process, it may be appropriate to resolve the issue but offering to the complainant one or more of the following:
  - An explanation of the events
  - An agreement to undertake some/all of the actions outlined in the Complaint Form
  - A recognition that the situation could have been handled differently or better
  - An explanation of the steps that have been taken to best ensure that it will not happen again. At no point will details of any action taken against staff be communicated.
  - An undertaking to review appropriate School policies or procedures in light of the findings of the complaint.

In seeking resolution to complaints, whilst it is important to understand from complainants their views on what would settle the dispute, it is not for individuals outside the Trusts/school's executive team to dictate specific disciplinary actions against pupils or teachers.



These decisions are the prerogative of the Trusts/school's executive body, considering a range of factors to ensure fairness and appropriateness. We state unequivocally that while it is important for parents and other stakeholders to ensure that due process is followed, they do not have the right to demand specific outcomes.

#### **Fair Treatment of staff involved in complaints**

- While complaints under the Complaints Policy are regarded as complaints against the School and/or Trust, many involve individual members of staff who may be explicitly named in the complaint or implicitly criticised for their actions or inaction.
- While all complaints will be fully and fairly addressed in accordance with this Policy, the Trust recognises that the process can be stressful and time-consuming for its staff - particularly when their competence, judgement or integrity is questioned.
- The Trust recognises that it has a duty of care to its staff in such circumstances and will take all reasonable measure to minimise the stress and workload and ensure that staff have an opportunity to express their point of view.
- These measures include: -
  - ensuring that staff are informed of the nature of any complaint involving themselves, the evidence presented (subject to any confidentiality requirements), the outcome sought and the progress of the complaint
  - staff will be expected to cooperate with any investigation and make themselves available for interview but are entitled to the support of their Trade Union representative or a friend
  - where an allegation relates to a specific member of staff they will have the opportunity to put their viewpoint to the Investigating Officer or Complaints Panel in person or in writing. Staff are advised to seek the guidance and support of their Line Manager or another senior member of staff
  - the School/Trust will take all reasonable measures to complete the complaints process in a timely manner including closing any complaints that are deemed vexatious or out of scope.

#### **Withdrawal of a Complaint**

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing. However, if appropriate the Trust or the individual school, as the case may be, may continue to investigate

#### **Local Governing Body Review**

- The Local Governing Body will monitor the level and nature of complaints and review the outcomes annually to ensure the effectiveness of the procedure and make changes where necessary. This will also be reported to the Trustee Board of The Learning Trust. Preferably, complaints information shared with the whole Governing Body/ Trustees will not name individuals.

- As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to school improvement. When individual complaints are heard, the school may identify underlying issues that need to be addressed. The monitoring and review of complaints by the school and the Local Governing Body is acknowledged to be a useful tool in evaluating and continually improving the school's and Trust's performance.
- Schools must maintain a complaints register, which records the nature of the complaint, dates of hearings and the outcome of the complaint. This register must be submitted to the CEO for annual review and discussion at the autumn Trust board meeting.

### **Publishing the Policy**

- The Complaints Policy and Procedures will be published on the school websites.

**Stage One: Complaint Heard by Complaints Co-ordinator**

1. It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. It is normally expected that all Formal Complaints will have started as a concern before escalation.
2. Formal complaints must be made to the Complaints Co-ordinator (unless they are about the Complaints Co-ordinator), via the school office. This may be done in person, in writing on the Complaint Form.
3. The Complaints Co-ordinator will instigate an investigation within **five school days** (unless it is impractical to do so – for example staff absence) of receipt of the Formal Complaint Form being received. They reserve the right to interview all parties and witnesses to the nature of complaint, including students.
4. They may delegate the investigation to another staff member but not the decision to be taken. The Trust will respect the views of a complainant and/or the Complaints Co-ordinator, who indicates that he/she would have difficulty discussing a complaint with a particular member(s) of staff. In these cases, the Complaints Co-ordinator can refer the complainant to another staff member.
5. Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the Complaints Co-ordinator may consider referring the complainant to another staff member. The ability to consider the complaint objectively and impartially is crucial.
6. During the investigation, the Complaints Co-ordinator (or investigator) will:
  - 6.1. if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
  - 6.2. keep a written record of any meetings/interviews in relation to their investigation.
7. At the conclusion of their investigation, the Complaints Co-ordinator will aim to provide a formal written response (by email and hard copy) within **five school days** (unless it is impractical to do so – for example staff absence) of the date of the conclusion of the investigation. It is expected that this will be within 15 school days (unless it is impractical to do so – for example staff absence) of the initial receipt of the complaint.
8. If the Complaints Co-ordinator is unable to meet this deadline, they will provide the complainant with an update and revised response time.

9. The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the school will take to resolve the complaint.
10. The Complaints Co-ordinator will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.
11. If the complaint is about the Complaints Co-ordinator, the Headteacher, or a member of the governing body (including the Chair or Vice-Chair) or the whole governing body, please see 'How to make a complaint', set out above.

## **Stage Two: Complaint Heard by Governing Body's Complaints Appeal Panel**

1. If the complainant is dissatisfied with the outcome in Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2 – a meeting with members of the governing body's complaints committee, which will be formed of the three impartial governors.

*Please note that, in order to ensure optimum levels of impartiality, the Trust reserves the right to form the complaints committee of governors of the school where the complaint has been raised, governors of other Trust schools and/or Trustees.*

*For the avoidance of doubt, all references within this policy to Governors are deemed to cover governors of other Trust schools and Trustees.*

2. This is the final stage of the Complaints procedure. It consists of governors with no prior knowledge or involvement in the case or significant knowledge of the case prior to receipt of the formal complaint. Its role is to take a fresh, impartial look at the matter.
3. Upon appointment, the Chair of the panel will assume overall responsibility for the effective management of the Stage 2 process.
4. The complainant needs to write to the Clerk of the Governing Body ("the Clerk") giving details of the complaint and the outcome they are seeking. A request to escalate to Stage 2 must be made within **five** school days of receipt of the Stage 1 response.
5. The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within **three** school days.
6. Requests received outside of this time frame will only be considered if exceptional circumstances apply.
7. The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations but in making their decision they will be sensitive to the complainant's needs and the sensitive nature of the complaint.

8. The Governors Disciplinary Panel, may decide to appoint an independent third party to investigate the complaint on its behalf. The investigator will endeavour to meet and interview the complainant and all relevant witnesses and submit a report to the GDP. Upon receiving the report, the GDP will decide whether or not to call the complainant and witnesses in person to a hearing, or whether the report contains sufficient information and evidence for them to proceed without calling the complainant and/or witnesses to attend in person.
9. If applicable, the Clerk will write to the complainant to inform them of the date of the meeting within **three** school days of confirming receipt of complaint and request copies of any further written materials that the complainant may wish to submit to the committee for consideration.
10. The clerk will aim, wherever practical, to convene a meeting within **fifteen** school days of receipt of the Stage 2 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.
11. If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.
12. The complaints committee will consist of at least three governors with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee. If there are fewer than three governors available, the Clerk will source any additional, independent governors through another local school or Trust, in order to make up the committee.
13. If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate but the clerk must be informed of this at least **five** working days before the meeting so that other parties can secure similar support if they so wish.
14. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.
15. To ensure the most conducive environment to allow all information to be presented, the panel may decide that a more informal environment may be the most appropriate format in which to hear the complaint and therefore will adjust the meeting accordingly.
16. Representatives from the media are not permitted to attend.
17. At least **three** school days before the meeting, the Clerk will confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible.

18. Any written material will be circulated to all parties at least **five** school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.
19. The committee will also not review any new complaints at this stage nor will it allow or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.
20. The meeting will be held in private. Minutes will be taken at the meeting. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it.

Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

21. The committee will consider the complaint and all the evidence presented. The committee can:

- 21.1.1. dismiss the complaint in whole or in part;
- 21.1.2. uphold the complaint in whole or in part.

22. If the complaint is upheld in whole or in part, the committee will:

- 22.1. decide on the appropriate action to be taken to resolve the complaint;
- 22.2. recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

23. The Chair of the Committee will provide the complainant, the Trust and the relevant local governing body with a full explanation of their decision and the reason(s) for it, in writing, within **five** school days.

24. The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled by the Trust.

25. If the complaint is:

- 25.1. jointly about the Chair and Vice Chair; or
- 25.2. the entire governing body; or
- 25.3. the majority of the governing body

Stage 2 will be heard by a committee of independent governors / Trustees.

26. The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the Trust will take to resolve the complaint.

27. The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.
28. There are several points which any governor sitting on a complaints panel needs to remember:
  - 28.1. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.
  - 28.2. The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
  - 28.3. An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.
  - 28.4. Extra care needs to be taken when the complaint is by or on behalf of a child. Careful consideration needs to be given as to whether it is necessary and appropriate for the child to attend any or all of the proceedings bearing in mind the possible impact on the child and also on any staff who may be required to give evidence. Care also needs to be taken to ensure the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it may be helpful to give the parent the opportunity to say which parts of the hearing, if any, they wish the child to attend. Similar considerations apply in the case of child witnesses who will not generally be called but may provide a written statement which may if appropriate be anonymised.
  - 28.5. The governors sitting on the panel need to understand the complaints procedure.

### **The Role of the Clerk**

The Clerk is the contact point for the complainant and is required to:

- 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 Human Rights Act 1998, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR);

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate all appropriate written material and send it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- circulate the minutes of the meeting;
- notify all parties of the panel's decision.

### **The Role of the Chair of the Committee**

The Chair of the Committee, who is nominated in advance of the complaint meeting, has a key role, ensuring that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting;
- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease. This is particularly important if the complainant is a child/young person;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is open minded and acting independently;
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- each side is given the opportunity to state their case and ask questions;
- the meeting is minuted;
- written material is seen by all parties 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 all parties the opportunity to consider and comment on it; this may require a short adjournment to the meeting;
- they liaise with the Clerk and Complaints Co-ordinator.

### **Committee Member**

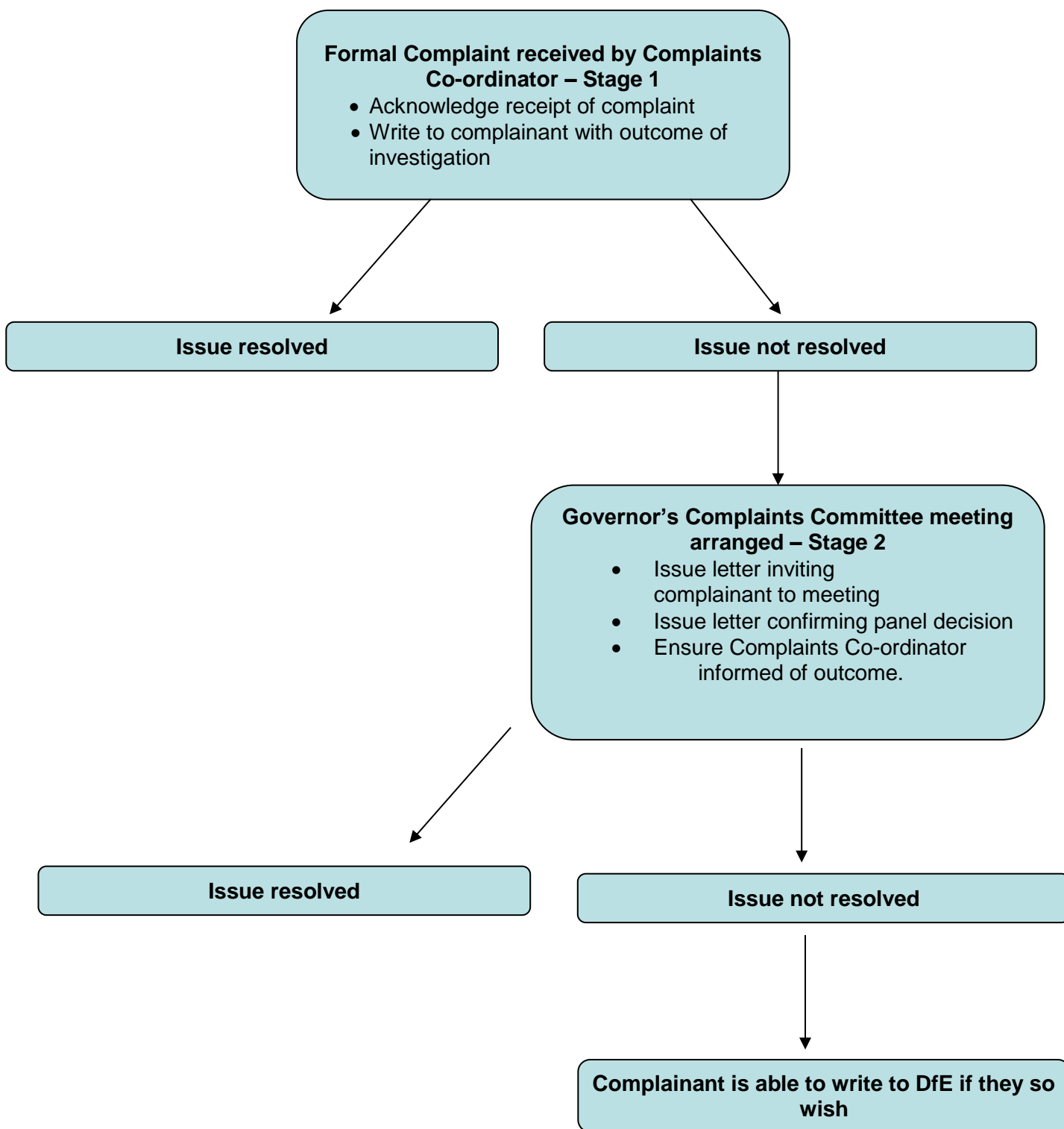
Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so.
- No governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant, however, we recognise that the complainant might not be

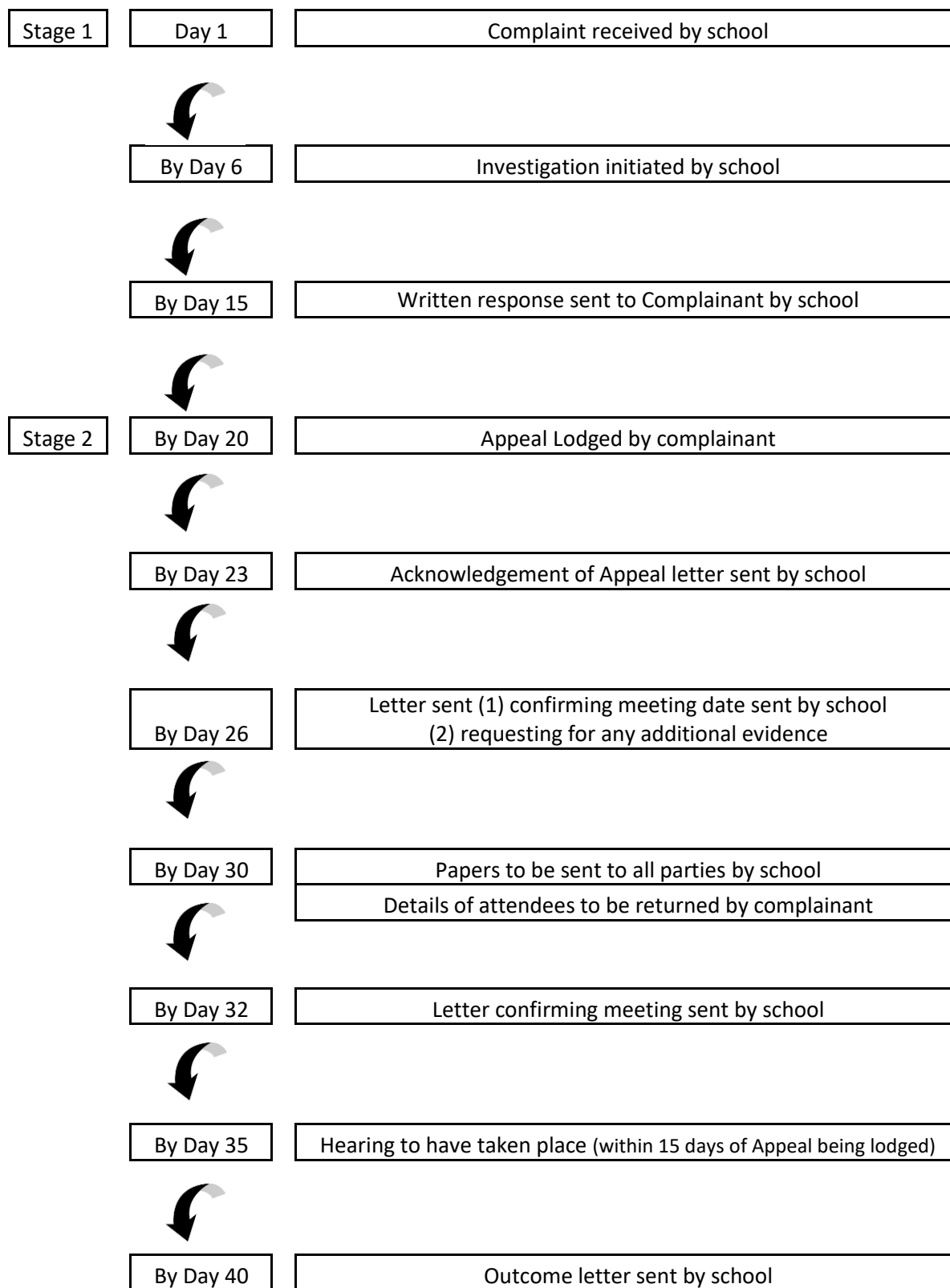


satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.

- many complainants will feel nervous and inhibited in a formal setting and parents/carers often feel emotional when discussing an issue that affects their child.
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting.
- Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.
- The committee should respect the views of the child/young person and give them equal consideration to those of adults.
- If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint.
- Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.
- However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.
- The welfare of the child/young person is paramount.
- Prompt responses are crucial in handling complaints effectively. It's essential that panel members understand the importance of dedicating adequate time, both before and after panel sessions, to thoroughly review documentation and contribute to drafting responses. This commitment ensures a more efficient and equitable process for all involved.



**Formal Complaint Timeline (day = school day)**



**Annex C**  
**Policy for Dealing with Unreasonable Complaints**

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

The Trust defines unreasonable complainants as ‘those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people’s complaints or which requires unreasonable use of our limited resources adversely impacting our ability to perform our primary functions’.

A complaint may also be regarded as unreasonable when the person making the complaint:

- 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 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, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing 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.

Complainants should limit the numbers of communications with a school while a 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.

Whenever possible, the Complaints co-ordinator, Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking 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 usually be reviewed after 6 months. In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from Trust premises.

**Annex D**  
**Formal Complaint Form**

Please complete and return to School's Complaints Co-ordinator who will acknowledge receipt and explain what action will be taken.

Your name:

Student's name:

Your relationship to the student:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

E-Mail address:

Please give details of the nature 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?

What is the desired outcome?

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

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

## Annex E Conduct of Complaints Appeal Meetings

1. Although this procedure may appear formal, the hearing should be conducted in as informal a way as possible, and the Chair of the panel should make every effort to make all parties feel comfortable.
2. The date of the meeting must be agreed with all parties and witnesses and all relevant documentation must be circulated to all parties at least five working days in advance of the meeting.
3. The meeting should be minuted.
4. The meeting will be attended by:
  - the complainant, with a companion if desired;
  - the Headteacher and/or Chair of Governors, as appropriate;
  - the members of the complaints committee;
  - a Clerk, appointed by the governors;
  - Members of staff who have been involved in the issue, or other witnesses, may be called upon by either side to attend part of the meeting to provide information to the governors.
5. The Chair of the panel will introduce all the parties present and explain the procedure to be followed, and that every effort will be made to keep the process as informal as possible.
6. The complainant (or his/her companion) will outline his/her complaint and explain why she/he is dissatisfied with the school's response to date. The complainant may call any witnesses in support of his/her complaint who will attend the meeting only for the time that they are providing information, and may be questioned by all parties.
7. The Headteacher and the complaints committee will have the opportunity to ask questions of the complainant.
8. The Headteacher and/or the Chair of Governors will explain their involvement in the complaint and the reasons for their decisions at the informal and first formal stage. The Headteacher and/or Chair of Governors may call any witnesses in support of his/her statement who will attend the meeting only for the time that they are providing information, and may be questioned by all parties.
9. The complainant and the complaints committee will have the opportunity to ask questions of the Headteacher and/or Chair of Governors.
10. The complaints committee may decide to adjourn the hearing pending further investigation at any stage, if this seems necessary.
11. Both parties will leave the meeting and the complaints committee will consider the information that has been put to them.



12. The complaints committee must reach a unanimous or majority decision as to whether or not to uphold the complaint wholly or in part, and what action (if any) the school needs to take to resolve the complaint. This may include referring the matter to another formal process, whether in relation to a complaint against a governor or a member of the school staff. Normally the governors will reach a decision at this point but they may feel the need to take further advice. Where this is the case they should endeavour to reach a decision as soon as possible.
13. The complaints committee will communicate their response to both parties in writing as soon as possible but, in any case, within five working days of reaching their decision. The complaints committee's response should detail whether the complaint is upheld wholly or in part and briefly summarise the basis on which governors arrived at this conclusion. The response should also include any lessons learnt and specify any action to be taken by the school as a result of the complaint and within what timescales.