



**BERLESDUNA**  
ACADEMY TRUST

# COMPLAINTS POLICY

This policy was reviewed by Trustees:	<b>28<sup>th</sup> January 2020</b>
This policy will be reviewed:	<b>2 years</b>
This policy is due for renewal:	<b>Spring 2022</b>

## PRINCIPLE

This Complaints Policy helps to underpin the mission statement of Berlesduna Academy Schools ('the School'). It is based on the principle that a concern, difficulty or complaint is resolved as efficiently as possible and managed sympathetically, without the need to escalate to the formal stages of the procedure. The School will try to resolve every concern, difficulty or complaint in a positive way with the aim of putting right a matter which may have gone wrong and, where necessary, reviewing the School's systems and procedures in the light of the matters raised. In this way, we aim to promote positive relationships and the confidence in the School's ability to safeguard and promote the welfare of all children who attend the School.

The School needs to know as soon as possible if there is any cause for dissatisfaction. The School recognises that a concern or difficulty, which is not resolved quickly and fairly, can soon become a cause of resentment, which can be damaging to the relationship between the School and the parent and pupil and can also have a detrimental effect upon the School's ethos and culture.

## APPLICATION

This document meets the requirements set out in part 7 of the schedule to [the Education \(Independent School Standards\) Regulations 2014](#), which states that we must have and make available a written procedure to deal with complaints from parents of pupils at the school. It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on [creating a complaints procedure that complies with the above regulations](#), and refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE). This policy complies with our funding agreement and articles of association.

The school intends to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does **not** cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

Please see our separate policies for procedures relating to these types of complaint.

Arrangements for handling complaints from parents of children with special educational needs (SEN) about the school's support are within the scope of this policy. Such complaints should first be made to the special educational needs co-ordinator (SENCO); they will then be referred to this complaints policy. Our [SEN policy and information report] includes information about the rights of parents of pupils with disabilities who believe that our school has discriminated against their child.

Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

## THE RULES OF NATURAL JUSTICE

The School will ensure that all concerns, difficulties or complaint are dealt with in accordance with the following principles:

- all parties will be provided with all information and documentation pertinent to the matters raised
- all parties will be given the opportunity to prepare and present their case and respond to the other parties involved
- all persons investigating and making decisions in relation to the matters raised will be impartial and will do so without bias (or apparent bias) to any party involved
- all decisions made will be made on a balanced and considered assessment of the information presented
- all decisions made will be based upon logical conclusions, and not based on mere speculation or suspicion
- all decisions made will be supported by detailed reasons, which will be disclosed to all parties involved

## EQUALITY ACT 2010

The School will deal with concerns, difficulties and complaints in accordance with its duty under the Equality Act 2010 to have due regard to the need to:

- eliminate discrimination, harassment, victimisation and other conduct prohibited by the Equality Act 2010
- advance equality of opportunity between those who share a relevant protected characteristic and those who do not, by having regard to the need to:
  - remove or minimise disadvantages connected to a relevant protected characteristic
  - take steps to meet the different needs of those sharing a relevant protected characteristic
  - encourage those who share a relevant protected characteristic to participate in school life and activities in which participation is disproportionately low
- foster good relations between those who share a relevant protected characteristic and those who do not, by having regard to the need to:
  - tackle prejudice; and
  - promote understanding

‘Relevant protected characteristics’ includes sex, race, disability, religion or belief, sexual orientation, gender reassignment, pregnancy and maternity and (in the case of persons who are not pupils) age.

In addition, the School will comply with its duty to make the following reasonable adjustments for persons with a disability:

- where a provision, criterion or practice places a disabled person at a substantial disadvantage compared to person who is not disabled, reasonable steps must be taken to avoid that disadvantage
- where a disabled person would, but for the provision of an auxiliary aid, be placed at a substantial disadvantage compared with a person who is not disabled, reasonable steps must be taken to provide the auxiliary aid (an auxiliary aid can be a piece of equipment or a service)

If a Complainant or other person involved in the complaints procedure requires an interpreter, a signer or any other assistance at meetings or at a Complaint Panel Hearing, they should let the School know immediately.

## TERMS USED

For the purpose of this Complaints Policy, a 'parent' includes the natural or adoptive parent of a pupil, irrespective of whether they are or ever have been married, whether they are separated or divorced, whether the pupil lives with them, whether the father has parental responsibility for the pupil or whether they have contact with the pupil.

A 'parent' will also include a non-parent who has parental responsibility for a pupil, an adult non-parent with whom the pupil lives.

Any reference to a 'pupil' will also include a prospective or former pupil of the School.

A person making a complaint will be referred to as a 'Complainant' throughout this Complaints Policy.

The DfE guidance explains the difference between a concern and a complaint:

- A **concern** is defined as "an expression of worry or doubt over an issue considered to be important for which reassurances are sought". The school will resolve concerns through day-to-day communication as far as possible
- A **complaint** is defined as "an expression of dissatisfaction however made, about actions taken or a lack of action"

## ROLES AND RESPONSIBILITIES

### The complainant

The complainant will get a more effective and timely response to their complaint if they:

- Follow these procedures
- Co-operate with the school throughout the process, and respond to deadlines and communication promptly
- Treat all those involved with respect
- Not publish details about the complaint on social media

### The investigator

An individual will be appointed to look into the complaint, and establish the facts. They will:

- Interview all relevant parties, keeping notes
- Consider records and any written evidence and keep these securely
- Prepare a comprehensive report to the headteacher or complaints committee which includes the facts and potential solutions

### Clerk to the Local Governing Board/Trust Board

The clerk will:

- Be the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints committee meetings
- Arrange the complaints hearing
- Record and circulate the minutes and outcome of the hearing

## **Committee chair**

The committee chair will:

- Chair the meeting, ensuring that everyone is treated with respect throughout
- Make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case

## **TIME SCALES**

The School aims to resolve concerns, difficulties and complaints in a timely manner. Time limits for each stage of the procedure are set out under each individual stage. For the purposes of this Complaints Policy, a 'school day' is defined as a weekday during term time, when the School is open to children. The definition of 'school day' excludes weekends, school holidays and bank holidays. For the avoidance of doubt, term dates are published on the School's website, and information about term dates is made available to parents and pupils periodically.

Although every effort will be made by the School to comply with the time limits specified under each stage of the procedure, it may not always be possible to do so, for example due to the complexity or number of matters raised or due to the unavailability of the Complainant to attend a meeting, if offered. In all cases, where a time limit cannot be complied with, the School will write to the Complainant within the specified time limit, setting out the reasons why the time limit cannot be complied with, and confirming the new time limit which will apply.

## **COMPLAINTS AGAINST THE HEADTEACHER**

If a complaint is about the conduct of the Headteacher, the CEO will investigate the complaint under Stage 3 of this Complaints Policy.

## **COMPLAINT AGAINST CEO**

If a complaint is about the conduct of CEO the Chair of Berlesduna Academy Trust Board will investigate the complaint.

## **COMPLAINT AGAINST THE CHAIR OF GOVERNORS**

If a complaint is about the conduct of the Chair of Local Governors, the CEO will consider the complaint under Stage 3 of this Complaints Policy as normal.

## **LATE COMPLAINT**

Where a complaint is submitted more than six months after the incident or event (or where the complaint relates to a series of incidents or events, more than six months from the date of the latest incident or event), the School reserves the right to refuse to investigate the complaint under this Complaints Policy if it appears reasonable and fair to do so, having regard to the circumstances surrounding the complaint.

Where the School decides that a complaint which was submitted late will not be investigated, the School will write to the Complainant notifying them of the decision within fifteen school days of the complaint being received.

If the Complainant is unhappy with the decision not to investigate a complaint which was submitted late, the Complainant may write to the Chair of Local Governors at the School asking for the decision to be reviewed. The Chair of Local Governors will be provided with all documentation relating to the complaint, together with the letter from the School to the Complainant, and will review the decision not to investigate the complaint. The Chair of Local Governors will not investigate the complaint itself during this review.

The Chair of Local Governors will write to the Complainant with the outcome of the review within fifteen school days of the date that the letter from the Complainant seeking the review was received, and provide the School with a copy of the letter.

If the Chair of Local Governors quashes the decision not to investigate the complaint, it will be referred to the School to be dealt with under this Complaints Policy in the usual way. If the Chair of Local Governors upholds the decision not to investigate the complaint, the Complainant may refer the concern or complaint to the Education Funding Agency using the procedure stated towards the end of this Complaints Policy. In exceptional circumstances, the Chair of Local Governors can delegate the responsibility for the review to the Vice-Chair of Local Governors.

## **VEXATIOUS OR REPEATED COMPLAINTS**

There may be occasions when, despite a complaint being considered under all stages in this Complaints Policy, the Complainant persists in making the same complaint to the School. There may also be occasions when a Complainant raises unreasonable persistent complaints or raises complaints about matters which do not affect them. There may also be occasions when a complaint is made about a matter which is clearly so trivial that it would be a waste of the School's resources to deal with it under the formal stages of the procedure.

In all of these cases, the School reserves the right to regard the complaint as vexatious and/or repeated and to refuse to investigate it under the procedure in this Complaints Policy, if it appears reasonable and fair to do so, having regard to the circumstances surrounding the complaint.

Where the School decides that a complaint is vexatious and/or repeated and will not be investigated, the School will write to the Complainant within ten school days of the complaint being raised to notify them of the decision.

If the Complainant is unhappy with the decision not to investigate a vexatious and/or repeated complaint, they may write to the Chair of Local Governors to ask for the decision to be reviewed. The Chair of Local Governors will be provided with all documentation relating to the current complaint and any previous complaints which were relevant to the decision, together with the letter from the School to the Complainant, and will review the decision not to investigate the complaint. The Chair of Local Governors will not investigate the complaint itself during this review. The Chair of Local Governors will write to the Complainant with the outcome of the review within fifteen school days of the date that the letter from the Complainant seeking the review was received. If the Chair of Local Governors quashes the decision not to investigate the concern or complaint, it will be referred to the School to be dealt with under the procedure in this Complaints Policy in the usual way.

If the Chair of Local Governors upholds the decision not to investigate the concern or complaint, the Complainant may refer the concern or complaint to the Education Funding Agency using the procedure stated towards the end of this Complaints Policy. In exceptional circumstances, the Chair of Local Governors can delegate the responsibility for the review to the Vice-Chair of Local Governors.

## **ANONYMOUS COMPLAINTS**

The School will not investigate anonymous complaints under the procedure in this Complaints Policy. Anonymous complaints will be referred to the CEO who will decide what, if any, action should be taken.

## **COMPLAINTS MADE BY PEOPLE WHO ARE NOT PARENTS**

The school will follow the same procedures as if the complainant was a parent of a child in school.

## DATA PROTECTION ACT 1998 AND FREEDOM OF INFORMATION ACT 2000

Complaints sometimes include requests for information or documentation. Such requests will either be a 'subject access request' under the Data Protection Act 1998 (where the information requested relates to an identifiable individual) or a request under the Freedom of Information Act 2000 (where the information is general and not related to an identifiable individual).

Subject access requests under the Data Protection Act 1998 must be responded to within 30 calendar days, and requests under the Freedom of Information Act 2000 must be responded to within twenty working days, however the School will aim to provide this information as soon as practicable (where the request is valid and the Complainant is lawfully entitled to the information or documentation) in accordance with the rules of natural justice. Further details can be found in the School's Data Protection Policy and Freedom of Information Policy.

## RESOLUTION PRINCIPLES

It is in everyone's interest that concerns, difficulties and complaints are resolved to the satisfaction of all parties at the earliest possible stage. The way in which the concern, difficulty or complaint is dealt with after the matter is first raised by the Complainant can be crucial in determining whether the complaint will escalate. To that end, members of staff will be periodically made aware of the procedure in this Complaints Policy, so that they will know what to do when a concern or difficulty is raised with them.

At each stage of the complaints procedure, the investigator will consider how the complaint may be resolved. In considering how a complaint may be resolved, the investigator will give due regard to the seriousness of the complaint. It may be appropriate in order to bring the complaint to a resolution for the investigator to offer:

- an explanation
- an apology
- reassurance that steps have been taken to prevent a recurrence of events which led to the complaint
- reassurance that the School will undertake a review of its policies and procedures in light of the complaint

None of the above will constitute an admission of negligence or an acceptance of liability on behalf of the School.

## OUTCOME PRINCIPLES

Examples of outcomes include:

- there was insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- the investigation did not substantiate the matters raised, so the complaint cannot be upheld
- the complaint was substantiated in part or full. A description should be given of the remedial action being taken by the School as a consequence of the complaint. Details of any disciplinary action or sanctions to be taken against a member of staff are strictly confidential and cannot be disclosed
- the matter has been fully investigated and, as a consequence, further confidential procedures are being pursued. Details of any disciplinary action or sanctions to be taken against a member of staff are strictly confidential and cannot be disclosed

## RETENTION OF RECORDS

A full written record will be maintained centrally at the School of all complaints resolved under Stage 2 to 4. Records of complaints will be destroyed when the pupil to whom they relate reaches the age of twenty-four years or, in the case of a pupil with a statement of special educational needs, until the pupil reaches the age of thirty years.

## CONFIDENTIALITY

All correspondence, statements and records relating to individual complaints will be kept confidential except where access is requested by the Secretary of State, an Ofsted registered school inspector, or under another legal authority.

## PUBLICATION

This Complaints Policy has been ratified by the Board of Trustees, and will be reviewed bi-annually. It will be published on the School's website and provided to parents and pupils on request by the School's office. A copy of this Complaints Policy will be provided to a Complainant when a concern, difficulty or complaint is first raised.

## THE FOUR STAGES

### STAGE 1 – CONCERNS AND DIFFICULTIES

#### **Concerns:**

The School expects that most concerns and difficulties, where a parent or pupil seeks intervention, reconsideration or some other action to be taken, can be resolved informally. Examples might include dissatisfaction about some aspect of teaching or pastoral care, allocation of privileges or responsibilities, disagreement between pupils, a timetable clash, an issue with the School's systems or equipment, or a billing error.

#### **Notification:**

The concern or difficulty should be raised as follows:

- education issues – if the matter relates to the classroom, the curriculum or special educational needs, the Complainant should speak to the class teacher, as appropriate
- pastoral care – for concerns relating to matters outside the classroom, the Complainant should speak to the Deputy Headteacher, Assistant Headteacher or SENCo as appropriate
- disciplinary matters – a problem over any disciplinary action taken or a sanction imposed should be raised with the member of staff who imposed it in the first instance. If not resolved, the Complainant should speak to the Assistant Headteacher or Deputy Headteacher
- financial and administrative matters – a query relating to fees, extras or other administrative matters should be raised by the Complainant with the Finance Officer or the School Office Manager
- an issue with a specific member of staff. We consider the best way to resolve an issue with a specific member of staff is to raise it with that member of staff directly, so that they are given the opportunity to address and resolve the concern or difficulty before it becomes a formal complaint. If the Complainant feels uncomfortable doing this, however, the issue should be raised with the Deputy Headteacher

Should a member of staff with whom the concern or difficulty has been raised, feel that they are not the best person to be dealing with it, they will refer it to the Deputy Headteacher or other designated member of staff as appropriate.

#### **Unresolved Concerns and Difficulties:**

The School will aim to resolve a concern or difficulty within fifteen school days of the date that it was raised. Where a concern or difficulty has not been resolved by informal means within this time limit from the date that it was raised, the complainant can submit the matters raised as a formal complaint under Stage 2 of this Complaints Policy.



**Record of Concerns and Difficulties:**

The member of staff dealing with a concern or difficulty will make a written record of the issues raised, the action taken and, if applicable, the resolution reached, which will be retained in a central record. Further information in relation to the retention of records can be found earlier on in this Complaints Policy.

## **STAGE 2 – FORMAL COMPLAINT TO THE HEADTEACHER**

**Notification**

Formal complaints can be raised:

- By letter or email
- Over the phone
- In person
- By a third party acting on behalf of the complainant

The complainant should provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents, and what they feel would resolve the complaint. If complainants need assistance raising a formal complaint, they can contact the school office.

**Acknowledgement**

The formal complaint will be acknowledged in writing within five school days of receipt. The acknowledgement letter will confirm the date that the formal complaint was received, the action to be taken and the specified time limit.

**Investigation**

The Headteacher will be provided with the records of the Stage 1 informal procedure (if applicable) within five school days of receipt of the formal complaint, and will then proceed to investigate the complaint. This will involve obtaining and considering all documentation held by the School which is relevant to the complaint. If further information is required from the Complainant, this may be requested from them over the telephone or in writing.

The Headteacher will speak to the person(s) who were involved in the matters raised by the Complainant. Pupils will only be spoken to with an independent member of staff present to support them. Where there is an issue about the conduct of a member of staff, that member of staff will be offered the option of having another member of staff present. Other members of staff will be spoken to alone. A written record of the conversation will be made, and the pupil or member of staff spoken to will be asked to read, sign and date the written record to confirm that it is accurate. In the case of pupils, the accompanying independent member of staff will also be asked to sign and date the record of the conversation.

If the Headteacher deems it to be appropriate in relation to the matters raised the Complainant will be offered a meeting to discuss the issues raised. This may take place at the beginning of the investigation to clarify any matters which are unclear, or after the investigation has taken place with the aim of reaching an amicable resolution.

**Outcome**

The Headteacher will write to the Complainant confirming the outcome of the investigation within twenty school days from the date that the complaint was received. The letter will set out the individual matters raised by the Complainant, the findings made by the Headteacher during the course of the investigation and the conclusion reached.

Where the complaint was received during a school holiday or within twenty days from the end of a term or half term, the senior member of staff dealing with the complaint will endeavour to expedite the investigation wherever possible.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the clerk to the governing board within ten school days. Requests received outside of this time frame will be considered in exceptional circumstances. The clerk will acknowledge receipt of the request within five school days.

## **STAGE 3 – REVIEW BY THE LOCAL GOVERNING BODY REVIEW PANEL**

### **Convening the panel**

The review panel consists of the first 3 members of the governing board available, who don't have direct knowledge of the complaint. These individuals will have access to the existing record of the complaint's progress. The governors will select a panel chair from amongst themselves.

If not enough impartial governors are available, we will seek panel members from other schools within the Trust. We will make sure the governors we source are suitably skilled and can demonstrate that they are independent and impartial.

The complainant must have reasonable notice of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather than that of the complainant. The clerk will aim to find a date within ten school days of the request, where possible.

If the complainant rejects the offer of 3 proposed dates without good reason, the clerk will set a date. The hearing will go ahead using written submissions from both parties.

Any written material will be circulated to all parties at least three school days before the date of the meeting.

### **At the meeting**

At the review panel meeting, the complainant and representatives from the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied by a suitable companion if they wish. We don't encourage either party to bring legal representation, but will consider it on a case-by-case basis. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by their union.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called as appropriate to present their evidence.

The panel, the complainant and the school representative will be given the chance to ask and reply to questions. Once the complainant and school representatives have completed presenting their cases, they will be asked to leave and evidence will then be considered.

The panel will then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the subject of the complaint, and make a copy of the findings and recommendations available for inspection by the headteacher.

### **The outcome**

The committee can:

- Uphold the complaint, in whole or in part
- Dismiss the complaint, in whole or in part

If the complaint is upheld, the committee will:

- Decide the appropriate action to resolve the complaint
- Where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future

The school will inform those involved of the decision in writing within five school days.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the clerk to the Trust within ten school days. Requests received outside of this time frame will be considered in exceptional circumstances. The clerk will acknowledge receipt of the request within five school days.

## **STAGE 4 – INDEPENDENT COMPLAINT PANEL HEARING**

### **Notification**

If the Complainant is unsatisfied with the outcome of the review under Stage 3 of this Complaints Policy, the Complainant may write to the Clerk to Trustees requesting a Complaint Panel Hearing. The Complainant should write to the Clerk within ten school days of receiving the letter confirming the outcome following Stage 3.

The Complainant should not repeat the matters raised in their original letter or attach documentation already provided, but should clearly set out how and why the Complainant does not accept the findings made under Stages 2 and 3.

### **The Complaint Panel**

The Complaint Panel will consist of three persons appointed by the Clerk to the Trust, on behalf of the Trust. None of the three Complaint Panel members will have been involved in the matters which gave rise to the complaint, have been involved in dealing with the complaint previously or have any detailed prior knowledge of the complaint. Two of the Complaint Panel members may be members of the Trust Board. The third Complaint Panel member will be independent of the management and running of the School.

The Department for Education has issued guidance in relation to the appointment of the independent Complaint Panel member as follows:

Whilst we do not wish to be prescriptive about who schools should appoint as an independent person, our general view is that people who have held a position of responsibility and who are used to analysing evidence and putting forward balanced arguments would be suitable. Examples of persons likely to be suitable are serving or retired business people, civil servants, heads or senior members of staff at other schools, people with a legal background and retired members of the police force. Schools will of course have their own views.

### **Attendance**

The Complainant may attend the Complaint Panel Hearing, and may be accompanied by another person. For the avoidance of doubt, the Complainant's supporter will be present for moral support only and will not play any part in the proceedings, unless invited to do so by the Chair of the Complaint Panel, entirely at his or her discretion and for a good reason. The Complaint Panel Hearing is not a legal hearing and it is not appropriate for either the Complainant or the School to be legally represented.

The School will be represented at the Complaint Panel Hearing by the person who dealt with the complaint under Stage 3. This person will be referred to as the 'School's Representative' for the purposes of Stage 4. The Complaint Panel Hearing will be minuted by the Clerk to the Complaint Panel.

### **Convening the Complaint Panel Hearing**

After selecting the Complaint Panel members, the Trust Clerk will write to the Complainant within ten school days acknowledging receipt of their request and informing them of the names of the Complaint

Panel members. If the Complainant objects to any of the named persons being appointed to the Complaint Panel, they should notify the Trust Clerk within three school days of receipt of the letter. Fair consideration will be given to any bona fide objection to a particular member of the Complaint Panel.

The Trust Clerk will liaise with the Complaint Panel, the Complainant and the School's Representative to agree a mutually convenient date for the Complaint Panel Hearing, which will usually take place within twenty school days of receipt of the Complainant's request, unless there are exceptional circumstances.

The Trust Clerk will write to the Complainant confirming the date of the Complaint Panel Hearing within ten school days of the date that the acknowledgement letter was sent (or the date that the new Complaint Panel member was selected, if an objection was received and upheld). If the Complaint Panel Hearing does not take place within twenty school days of receipt of the Complainant's request, the letter will set out the exceptional circumstances involved.

### **Documentation**

The Clerk to the Trust will forward a copy of all paperwork relating to the complaint (consisting of the record of the Stage 1 informal procedure (if applicable), the original letter of complaint or Complaint Form, any documentation provided by the Complainant with their complaint, all investigation records under Stage 2 with the letter of outcome, all review records under Stage 3 with the letter of outcome, and the Complainant's letter requesting a Complaint Panel Hearing and accompanying documents) to the Complainant, the School's Representative and the three Complaint Panel members. The names of individuals other than the Complainant, the Complainant's family, members of the School's staff and Governors, will be redacted and replaced with a letter relevant to that particular individual unless they have provided their written consent for their name to be disclosed. If the Complainant wishes the Complaint Panel to consider any additional information, they should forward this documentation to the Clerk to the Trust to arrive at least five school days before the Complaint Panel Hearing, to enable the Clerk to the Trust to forward it to the School's Representative and the Complaint Panel members.

### **Witnesses**

The Chair of the Complaint Panel will decide, at his or her absolute discretion, which witnesses will be permitted to attend the Complaint Panel Hearing to give a verbal statement rather than relying on a written statement or record of meeting which have been signed by the witness.

If the Complainant wishes to rely on the account of a witness, they should ask the witness to write down, sign and date their account and forward it to the Clerk to the Trust at least five school days before the Complaint Panel Hearing, to enable the Clerk to the Trust to forward it to the School's Representative and the Complaint Panel members.

Witnesses under the age of eighteen other than the Complainant's own family will only be allowed to attend the Complaint Panel Hearing at the discretion of the Chair of the Complaint Panel, and then only if they are accompanied by one of their parents. Any written accounts provided by the Complainant related to the witnesses under the age of eighteen must be signed and dated by the witness and one of the witness' parents.

Members of staff of the School involved in the matters which gave rise to the complaint will usually have provided a signed written account or have signed a note of a meeting during the previous stages, which will be forwarded to all parties with the other complaint documentation in the usual way. Members of staff will not usually be required to attend the Complaint Panel Hearing to give a verbal statement unless their conduct is in issue or their account is contentious and the rules of natural justice dictate that the Complainant should be allowed to ask that member of staff questions.

### **Procedure at the Complaint Panel Hearing**

The Complaint Panel Hearing will be conducted as follows:

- the Clerk to the Complaint Panel will greet the Complainant, the Complainant's supporter and the School's Representative and welcome them into the room where the Complaint Panel has convened (any witnesses will remain outside of the room until they are called in to give their account)
- the Complainant will be invited by the Complaint Panel to give an account of their complaint
- the School's Representative will be invited to ask the Complainant questions, if any
- the Complaint Panel will ask the Complainant questions, if any
- at the discretion of the Chair of the Complaint Panel, the Complainant's first witness will be invited into the room to give an account of what they saw or know
- the School's Representative will be invited to ask the Complainant's witness questions, if any
- the Complaint Panel will ask the Complainant's witness questions, if any
- the Complainant's witness will be asked to leave the room
- if the Complainant has any further relevant witnesses, at the discretion of the Chair of the Complaint Panel, they will be invited into the room individually to provide their accounts and be questioned as outlined above
- the School's Representative will be invited by the Complaint Panel to respond to the complaint and make representations on behalf of the School
- the Complainant will be invited to ask the School's Representative questions, if any
- the Complaint Panel will ask the School's Representative questions, if any
- at the discretion of the Chair of the Complaint Panel, the School's relevant first witness will be invited into the room to give an account or what they saw or know
- the Complainant will be invited to ask the School's witness questions, if any
- the Complaint Panel will ask the School's witness questions, if any
- the School's witness will be asked to leave the room
- if the School has any further relevant witnesses, at the discretion of the Chair of the Complaint Panel, they will be invited into the room individually to provide their accounts and be questioned, as outlined above
- the Complainant will be invited by the Complaint Panel to summarise their complaint
- the School's Representative will be invited by the Complaint Panel to summarise their response to the complaint and the School's stance
- the Complaint Panel Hearing will conclude and the Complainant and the School's Representative will be asked to leave.

### **The Complaint Panel's Decision**

The Complaint Panel will convene in private, either immediately after the Complaint Panel Hearing or on a subsequent date, and will consider all of the documentation and everything that they have heard at the Complainant Panel Hearing and make:

#### ***Findings of Fact***

The Complaint Panel will decide which facts are established to be true, on a balance of probabilities (i.e. more likely than not). If a fact is not deemed relevant, the Complaint Panel will not consider it further. The Complaint Panel will make a written record of the facts that have been established, those which have not been established and those which are not relevant, with their reasons for making these findings.

#### ***Recommendations***

The Complaint Panel will consider the facts which they have established and will make recommendations based upon them. These recommendations may be aimed at achieving reconciliation between the parties, improving procedures or preventing a recurrence in the future. The Complaint Panel will keep a written record of their recommendations, with reasons.

### **Notification of the Complaint Panel's Decision**

The Clerk will write within fifteen school days of the Complaint Panel Hearing to the Complainant, the School's Representative and any person who is the subject of the complaint. The letter will identify each of the issues complained about, summarise how the Complaint Panel Hearing proceeded, and confirm each of the Complaint Panel's findings of fact and recommendations, if any, with reasons. The letter will also confirm that, if the Complainant believes that this Complaints Policy does not comply with the Regulations, or that the School has not followed the procedure outlined in this Complaints Policy, the Complainant may refer their complaint to the Education Funding Agency for further consideration.

The Clerk will also ensure that a copy of the Complaint Panel's findings and recommendations are made available on the School's premises for inspection by the CEO of the Trust, the Local Governing Body and Trustees.

#### **Factors for the Complaint Panel to Consider**

- it is important that the Complaint Panel Hearing is independent and impartial, and that it is seen to be so. No person may sit on the Complaint Panel if they have had a prior involvement in the matters which gave rise to the complaint, in dealing with the complaint in the previous stages, or have a prior detailed knowledge of the complaint
- the aim of the Complaint Panel Hearing, which must 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 that the Complainant may not be satisfied with the outcome if the Complaint Panel does not find wholly 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
- an effective Complaint 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 Chair of the Complaint Panel will ensure that the Complaint Panel Hearing is as welcoming as possible, while ensuring that it is procedurally fair to all parties
- extra care needs to be taken when the Complainant is a child, or there are child witnesses present. Care should be taken to ensure that the child does not feel intimidated. The Complaint Panel should be aware of the views of the child and give them equal consideration to those of the adults present. Where the child's parent is the Complainant, it would be helpful to give the parent the opportunity to suggest which parts of the hearing, if any, the child should attend, with the Chair retaining discretion
- the Complaint Panel should ensure that they are familiar with the complaints procedure in advance of the Complaint Panel Hearing

The Chair of the Complaint Panel will play a key part at the Complaint Panel Hearing, ensuring that:

- the remit of the Complaint Panel is explained to the parties and each party has the opportunity of making representations without undue interruption
- all of the issues raised in the complaint are addressed
- each party treats the other with respect and courtesy
- the Complaint Panel is open minded and acts independently of the School
- no member of the Complaint Panel has a vested interest in the outcome of the proceedings
- each side is given the opportunity to state their case and ask questions
- all written material is seen by all parties. If a new issue arises during the course of the Complaint Panel Hearing, it would be useful to give all parties the opportunity to consider and comment on it.

#### **REFERRING COMPLAINTS ON COMPLETION OF THE SCHOOL'S PROCEDURE**

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the ESFA. The ESFA will check whether the complaint has been dealt with properly by the school. The ESFA will not overturn a school's decision about a complaint. However, it will look into:

- Whether there was undue delay, or the school did not comply with its own complaints procedure

- Whether the school was in breach of its funding agreement with the secretary of state
- Whether the school has failed to comply with any other legal obligation

If the school did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the school's complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

We will include this information in the outcome letter to complainants.

## **LEARNING LESSONS**

The governing board and/or CEO will review any underlying issues raised by complaints with the headteacher, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

## **MONITORING ARRANGEMENTS**

The governing body will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The governing board will track the number and nature of complaints, and review underlying issues.

The complaints records are logged and managed by the Headteacher.

## FORMAL COMPLAINT FORM

Please complete and return to the School who will acknowledge and explain what action will be taken

Your Name:	Pupil's Name:
Your relationship to the pupil:	Pupil's Date of Birth and class:
Address, including postcode	Daytime telephone number:
	Evening Telephone number:
Full details of the complaint (including the names of all persons involved and the dates of incidents referred to):	
What action, if any, have you already taken to try and resolve your complaint (for example, who did you speak to, when and what was the response)?	
What actions do you feel might resolve the problem at this stage?	
Are you attaching any paperwork? If so, please give details	
Signature:	Date
For Office Use:	
Date acknowledgement sent:	
Name of person complaint referred to:	
Signature:	Date: