



**Harbour  
Learning  
Trust**

**Success and happiness for every child**

# **HARBOUR LEARNING TRUST**

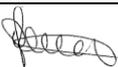
## **Complaints Policy**

**Version 1.3**

**Date Approved: 14 May 2021**

**Date of Next Review: May 2023**

## Control Sheet

<b>Version number</b>	1.3
<b>Original date approved</b>	14 May 2021
<b>Current date approved</b>	22 August 2021
<b>Approved by</b>	Trust Chair
<b>Date of next review</b>	May 2023 (or sooner should guidance/legislation change)
<b>Status</b>	<b>Approved</b>
<b>Policy owner</b>	Director of HR
<b>Policy location</b>	M Drive, Trust websites
<b>Target group</b>	Public
<b>Chair of Trust Board signature</b>	

<b>Document History:</b>			
<b>Version</b>	<b>Date of review</b>	<b>Author</b>	<b>Note of revisions</b>
1.3	22 August 21	Donna Wakefield	Change Company Name and corporate colours
1.2	29 June 21	Louise Laming	Amendment – paragraph added regarding Summer Exams 2021, Page 8 – Point 10. Complaints not covered by this procedure.

## CONTENTS

1. Statement of Intent .....	4
2. Legal Framework .....	4
3. Definitions.....	4
4. Statutory Obligations.....	5
5. Policy Implementation.....	6
6. Dealing with Complaints .....	6
7. Resolving Complaints .....	6
8. Records .....	7
9. Making a Complaint .....	7
10. Complaints not covered by this procedure .....	8
11. Anonymous complaints .....	9
12. Dealing with Complaints – Initial Concerns (Informal Stage) .....	10
13. Exceptional Circumstances.....	10
14. Investigation.....	10
15. Time frames.....	11
16. Formal Complaints – Stage One – Complaint heard by Staff Member .....	11
17. Formal Complaints – Stage Two – Complaint heard by Principal.....	12
18. Formal Complaints – Stage Three – Complaint heard by Local Academy Council .....	13
Appeal Panel	
19. The Remit of the Complaints Appeal Panel.....	13
20. Hearing the Complaint at the Meeting.....	14
21. Complaints escalated to / about the Trust, CEO or Trustee .....	15
22. Roles and Responsibilities .....	17
Appendix A - Complaint Form.....	21
Appendix B – Complaints Procedure Flowchart .....	23

## Complaints Policy

### 1. Statement of Intent

- 1.1 Harbour Learning Trust (the Trust) is committed to ensuring that all children and young people are provided with a first class educational experience and that each academy works in a productive and positive partnership with all parents, carers and other members of the public.
- 1.2 The Trust aims to resolve all complaints at the earliest possible stage and is dedicated to continuing to provide the highest quality of education possible throughout the procedure.
- 1.3 This policy has been created to deal with any complaint against a member of staff or the academy as a whole, relating to any aspects of the academy or the provision of facilities or services. Any person, including a member of the public, is able to make a complaint about the provision of facilities or services that the academy provides. This policy outlines the procedure that the complainant and academy must follow.
- 1.4 Once a complaint has been made, it can be resolved or withdrawn at any stage. If a complainant wants to withdraw their complaint, this should be confirmed in writing. The Principal will be the first point of contact when following the complaints procedure.
- 1.5 This policy will be reviewed at least every two years.

### 2. Legal Framework

- 2.1 This policy has due regard to statutory legislation, including, but not limited to, the following:
  - Education Act 2002
  - Freedom of Information Act 2000
  - Immigration Act 2016
  - Equality Act 2010
  - General Data Protection Regulation (GDPR)
  - The Data Protection Act 2018
  - The Education (Independent School Standards) Regulations 2014
- 2.2 This policy also has due regard to guidance including, but not limited to, the following:
  - DfE (2019) 'Best practice guidance for school complaints procedures 2019'
  - ESFA (2015) 'Creating an academy complaints procedure'
  - HM Government (2016) 'Code of Practice on the English language requirement for public sector workers'

### 3. Definitions

- 3.1 For the purpose of this policy, a “**complaint**” can be defined as ‘an expression of dissatisfaction’ towards the actions taken or a perceived lack of action taken.

- 3.2 Complaints can be resolved formally, through this procedure, or informally dependent on the complainant's choice.
- 3.3 A "**concern**" can be defined as 'an expression of worry or doubt' where reassurance is required.
- 3.4 Any complaint or concern will be taken seriously, whether formally or informally, and the appropriate procedures will be implemented.
- 3.5 A "**grievance**" is an issue raised by a member of staff where they feel the academy has not implemented a policy or process fairly or properly. Grievances will be dealt with in line with the Trust's Grievance Policy.
- 3.6 For the purpose of this policy, "**unreasonable complaints**" include:
- Vexatious complaints:
    - Are obsessive, persistent, harassing, prolific, repetitive
    - Insist upon pursuing complaints that have no merit and/or unrealistic outcomes beyond all reason
    - Insist upon pursuing complaints that have merit in an unreasonable manner
    - Are designed to cause disruption or annoyance
    - Demand for redress which lacks any serious purpose or value.
  - Serial or persistent complaints:
    - Are duplicated, sent by the same complainant once the initial complaint has been closed.
- 3.7 Serial or persistent complaints will only be marked as 'serial' once the complainant has completed the complaints procedure. It is the complaint that will be marked as 'serial' meaning the complainant can complain about a separate issue if necessary.
- 3.8 For the purpose of this policy, "**duplicate complaints**" are identical complaints received from a complainant's spouse, partner, grandparent or child. These complaints will not be addressed again, the individual making the second complaint will be informed that the complaint has been dealt with on a local level and if they are dissatisfied with the result, they can appeal to the DfE.
- 3.9 Any new details provided by a complainant's spouse, partner, grandparent or child, will be investigated and dealt with in line with the complaints procedure.
- 3.10 This policy aims to limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of the Trust Board, Chair of the Local Academy Council or Chief Executive Officer is able under this policy to inform them in writing that the procedure has been exhausted and that the matter is now closed.

#### 4. Statutory Obligations

- 4.1 The complaints procedure must consist of at least three stages; informal (usually a meeting with the complainant); formal (the complaint is put in writing) and a panel hearing.

- 4.2 Complainants must be aware that there is a complaints procedure. Copies of this policy are on the Trust and academy websites and will also be available on request.
- 4.3 If the complaint progresses to a hearing with the Local Academy Council or Trust Board, the complainant must be allowed to attend and be accompanied if they wish. In addition, at least one member of the panel must be independent of the management and running of the academy.

## **5. Policy Implementation**

- 5.1 The Director of HR is responsible for ensuring this policy is implemented across the Trust.
- 5.2 Complainants should be aware that Principals may refer complaints received to the Director of HR at the Trust because they consider the matter is one of such a nature that it should be investigated independently of the academy.
- 5.3 Likewise, complaints may be retrieved and dealt with by the Trust for the same reason. Where a complaint is made direct to the Trust, it will be logged by the Director of HR and forwarded to the academy unless it is retrieved as stated above.

## **6. Dealing with Complaints**

- 6.1 At each stage, the Investigating Officer will ensure that they:
- a) Clarify the nature of the complaint and any unresolved issues
  - b) Clarify what the complainant feels would put things right
  - c) Interview, meet or contact those involved in the matter and/or those complained of, allowing them to be accompanied at meetings if they wish
  - d) Keep appropriate notes of any telephone discussions, meetings or interviews held.

## **7. Resolving Complaints**

The Investigating Officer will seek ways to resolve the complaint satisfactorily. It may be appropriate to offer one or more of the following:

- a) An acknowledgement that the complaint is valid in whole or in part and/or acknowledgment that the situation could have been handled differently or better (this is not the same as an admission of negligence)
- b) An apology
- c) An explanation
- d) An admission that the situation could have been handled differently or better
- e) An assurance and an explanation of the steps that have been taken to ensure that it will not happen again
- f) An undertaking to recommend a review of academy or Trust procedures in light of the complaint.

It would be useful if complainants were encouraged to state what actions they feel might resolve the problem at any stage.

## **8. Records**

- 8.1 All complaints received must be recorded, including informal complaints.
- 8.1.1 For complaints received by the academies, the Principal is responsible for ensuring that staff record all complaints and their outcome.
- 8.1.2 For complaints received by the Trust, the Director of HR is responsible for ensuring that staff record all complaints and their outcome.
- 8.2 Records relating to individual complaints are confidential, except where the Secretary of State or a statutory body conducting an inspection requests access to them.
- 8.3 The Local Academy Councils and Director of HR will monitor the level and the subject matter of complaints and review the outcomes on a regular basis through the mechanism of performance and data reporting. The Director of HR will report regularly to the Trust Board.

## **9. Making a Complaint**

- 9.1 Complaints are not restricted to parents or carers of attending pupils. Any person, including members of the public, may make a complaint about any provision of facilities or services provided. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), this complaints policy will be used. See complaints not covered by this policy at section 10.
- 9.2 The Trust/academy will ensure the complaints procedure is:
- a) Easily accessible and publicised on the Trust/academy's website
  - b) Simple to understand and put into practice
  - c) Impartial and fair to all parties involved
  - d) Respectful of confidentiality duties
  - e) Continuously under improvement, using information gathered during the procedure to inform the Trust's/academy's senior leadership team
  - f) Fairly investigated, by an independent person when necessary
  - g) Used to address all issues to provide appropriate and effective responses where necessary.
- 9.3 Complaints are expected to be made as soon as possible after an incident arises to amend the issue in an appropriate timescale.
- 9.4 The Trust/academy upholds a three-month time limit in which a complaint can be lodged regarding an incident. Complaints made outside of term time will be considered to have been received on the first school day after the holiday period.
- 9.5 Complaints made outside this time limit will not be automatically refused and exceptions will be considered.
- 9.6 In the case of any timescales changing, all parties involved will be informed of the changes in a timely manner.
- 9.7 Complaints should be made using the appropriate channels of communication.

- 9.8 All complaints shall be considered, whether they are made in person, by telephone, in writing, electronically via email, or via a third party (such as the Citizen’s Advice Bureau).
- 9.9 A complaint can progress to the next stage of the procedure even if it is not viewed as “justified”. All complainants are given the opportunity to fully complete the complaints procedure.
- 9.10 Any complaint made against a member of staff will be initially dealt with by the Principal, and then by a committee of the Local Academy Council. Complaints escalated to or about the Trust will be dealt with under section 21 of this policy.
- 9.11 Any complaint made against the Principal shall be initially dealt with by a suitably skilled member of the Local Academy Council and then by a committee of the Local Academy Council.
- 9.12 Any complaint made against the Chair of Governors or any other member of the Local Academy Council should be made in writing to the Clerk to the Local Academy Council.
- 9.13 Any complaint made against the entire governing board, or complaints involving the Chair and the Vice Chair, should be made in writing to the Clerk of the Trust Board. The Clerk of the Trust Board will then determine the most appropriate course of action in conjunction with the Trust Board, depending on the nature of the complaint. This action may involve sourcing an independent investigator to initially deal with the complaint and then getting the complaint to be heard by co-opted governors from another academy or Trustees.
- 9.14 Under some circumstances, it may be necessary to deviate from the complaints procedure. Any deviation will be documented.
- 9.15 Information about a complaint will not be disclosed to a third party without written consent from the complainant.

## 10. Complaints not covered by this procedure

- 10.1 This policy covers all complaints about any provision of community facilities or services by the academy, other than complaints that are dealt with under other statutory procedures, including those listed below:

Exceptions	Who to contact
Admissions to schools	Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority.
Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under the Safeguarding Policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding.
Exclusion of children from school*	Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a> .

Whistleblowing	<p>The Trust has a Whistleblowing Procedure for all employees, including temporary staff 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>Volunteer staff who have concerns about the academy should complain through the complaints policy. 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>
Staff grievances	Complaints from staff will be dealt with under the Trust Grievance procedures.
Staff conduct	<p>Where appropriate, complaints about staff conduct will be dealt with under the Trust Disciplinary procedures.</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>
2021 Summer Exam Series	Complaints about the awarding of Teacher Assessed Grades (TAGs) as part of the 2021 Summer Exam series are outside the scope of this Policy and will be considered under the separate <u>Summer 2021 Exams Appeal Process</u> (SEAP) only. Complaints will only be considered where matters relate to TAGs but lie outside of the SEAP's remit and at the express discretion of the Trust, e.g. 1. Any decision to withdraw an entry due to insufficient evidence on which to determine a Teacher Assessed Grade, or not to make an entry in the first place, 2. Any failure or delay in offering or following the SEAP. Any continuing concerns following completion of the Trust's complaints process may subsequently be raised through the awarding organisation's complaints process.

10.2 If other bodies are investigating aspects of the complaint, for example the police, local authority safeguarding teams or tribunals, this may impact on the Trust's/academy's ability to adhere to the timescales within this policy or result in the procedure being suspended until those public bodies have completed their investigations. If this happens, you will be informed of a proposed new timescale.

10.3 If a complainant commences legal action against the Trust/academy in relation to their complaint, consideration will be given as to whether to suspend the complaints policy until those legal proceedings have concluded.

## 11. Anonymous complaints

11.1 Anonymous complaints will not normally be considered. However, the Principal or senior member of the Trust, will determine whether the complaint warrants an investigation.

## **12. Dealing with Complaints – Initial Concerns (Informal Stage)**

- 12.1 It is important to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the number that develop into formal complaints.
- 12.2 Within 15 school days, the complainant and the relevant member of staff should discuss the issue in a respectful and informal manner to seek a mutual resolution.
- 12.3 This policy deals with complaints but the underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. In most cases the class teacher or the individual delivering the service in the case of extended academy provision, will receive the first approach on an informal basis. Staff should meet with the complainant and attempt to resolve issues on the spot, including apologising where necessary. Should the complainant not be satisfied with the outcome at the informal stage they can escalate their complaint to Stage One of the formal procedure by putting their complaint in writing using Appendix A.

## **13. Exceptional Circumstances**

- 13.1 The DfE expects complainants to have completed the academy's complaints procedure before directing a complaint to them. The exceptions to this include when:
- a) Pupils are at risk of harm.
  - b) Pupils are missing education.
  - c) A complainant is being prevented from having their complaint progress through the academy's complaints procedure.
  - d) The DfE has evidence that the academy is proposing to act or is acting unlawfully or unreasonably.
- 13.2 If a social services authority decides to investigate a situation, the Principal or Local Academy Council may postpone the complaints procedure.
- 13.3 Where a matter can be resolved through a legal appeal, it will not be considered as a formal complaint. The key areas are: admissions decisions, certain decisions relating to formal assessment of SEND, and decisions to permanently exclude a child.

## **14. Investigation**

- 14.1 At each stage of the procedure, the Investigating Officer will ensure that they:
- a) Establish what has happened so far, and who has been involved
  - b) Clarify the nature of the complaint and what remains unresolved
  - c) Meet with the complainant or contacts them (if unsure or further information is required)
  - d) Clarify what the complainant feels would put things right
  - e) Interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
  - f) Conduct the interview(s) with an open mind and is prepared to persist in the questioning
  - g) Keep notes of the interview(s)

- h) Record interviews and ensure they are signed and dated by the individual as soon as they have been typed up

## **15. Time frames**

15.1 It is the expectation of the Trust that all complaints are considered and resolved as quickly and efficiently as possible using the time frames published in this policy in Appendix B. However, where further investigations are necessary, new time frames can be set and will be communicated to the complainant with an explanation for the delay.

## **16. Formal Complaints – Stage One – Complaint heard by Staff Member**

16.1 It is in the interest of all parties that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the academy/Trust can be crucial in determining whether the complaint will escalate. Staff will periodically be made aware of the procedures so that they know what to do when they receive a complaint.

16.2 Parents/carers should never feel or be made to feel that a complaint made in a reasonable and appropriate way will be taken amiss or will reflect adversely on the student or their opportunities at the academy. The academy will investigate and try to resolve every complaint in a positive manner and will treat every complaint as an opportunity to improve the service offered.

16.3 The academy will try to respect the views of a complainant who indicates that they would have difficulty discussing a complaint with a particular member of staff. In these cases, the matter will be referred to a Vice Principal or to the Principal who may, if they feel it appropriate, refer the complainant to another staff member. Alternatively, they may not feel this is necessary. Where the complaint concerns the Principal, the complainant can be referred to the Executive Principal. Where the complaint is about the Executive Principal, the complainant can be referred to another Executive Principal. Under section 5.2 of this policy, the complainant may be referred to the Director of HR for the complaint to be investigated independently from the academy.

16.4 Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the Vice Principal or Principal may consider referring the complainant to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

16.5 Where the first approach is made to a governor, the next step would be to refer the complainant to the appropriate line manager. Governors should not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage.

16.6 The Investigating Officer will ensure that a written acknowledgement is provided to the complainant within 5 working days of receiving a complaint. The acknowledgement will give a brief explanation of the complaints procedure and will give a target date for providing a response to the complaint, which should normally be within 10 working days. If the target cannot be met, a letter should be written within 10 working days explaining the reason for the delay and providing a revised target date.

- 16.7 The Investigating Officer will seek to meet or speak with all of the appropriate people in order to establish the facts relating to the complaint, if the information given on the complaints form necessitates this. This may include the complainant, staff and any other person.
- 16.8 Once all of the facts have been established, the Investigating Officer will then produce a written response to the complainant, or may wish to meet the complainant to discuss/resolve the matter directly.
- 16.9 A written response should contain an outline of the complaint and a summary of the response to the complaint including the decision reached and the reasons for it. Where appropriate, this should also include what response the academy will take to resolve the complaint. This may be by way of a general description i.e. "Action to be taken within the Disciplinary Policy".
- 16.10 When the investigation has been concluded the complainant and the member of staff concerned will be informed in writing of the outcome. This may be to the effect that:
- a) There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
  - b) The concern was not substantiated by the evidence
  - c) The concern was substantiated in part or in full. Some details may then be given of the action the academy may be taking to review procedures etc. but details of the investigation or of any disciplinary procedures will not be released
  - d) The matter has been fully investigated and that appropriate procedures are being followed which may be strictly confidential (e.g. where staff disciplinary procedures are being followed)
- 16.11 This letter or report must be seen by the Principal. It should also inform the complainant that should they wish the complaint to progress to the second stage of this procedure then they should send a written request stating this to the Principal within 10 working days of receiving the response.
- 16.12 If no further communication is received from the complainant within 10 working days, it is deemed that the complaint has been resolved and should end.

## **17. Formal Complaints – Stage Two – Complaint heard by Principal**

- 17.1 If the complainant is dissatisfied with the way the complaint was handled at Stage One they may go to Stage Two and have the Principal hear the complaint. The Principal may delegate the task of collating the information to another staff member but not the decision on the action to be taken. If the complaint is about the Principal or Director of School Improvement/Executive Principal, then at Stage Two the complaint will be heard by an Executive Principal.
- 17.2 The same timings and process as in Stage One will apply. If the complainant is not satisfied with the response at Stage Two, they can escalate their complaint to Stage Three.

## **18. Formal Complaints – Stage Three – Complaint heard by Local Academy Council Appeal Panel**

- 18.1 The complainant needs to write to the Executive Principal or CEO, as directed by the Principal, giving details of the complaint.
- 18.2 The Executive Principal/CEO (or nominated Officer) should write to the complainant acknowledging receipt of the written request for the complaint to be heard. This acknowledgement must be sent within 5 working days and should inform the complainant of the arrangements for hearing the complaint within 20 working days of receiving it. The letter should explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received within 10 working days of the date of the hearing to allow adequate time for the documents to be circulated.
- 18.3 No person involved in Stage Three should have previous involvement in the complaint.
- 18.4 The Local Academy Council appeal hearing is the last academy-based stage of the complaints process and is not convened to merely rubber-stamp previous decisions.
- 18.5 Individual complaints would not be heard by the whole Local Academy Council at any stage, as this could compromise the impartiality of any hearing set up for disciplinary purposes against a member of staff following a serious complaint.
- 18.6 The Local Academy Council may nominate a number of governors with delegated authority to hear complaints at that stage (the Complaints Committee) and set out its terms of reference. These may include making recommendations on policy as a result of complaints.
- 18.7 The Chair of the Local Academy Council will typically chair the Complaints Panel, but in their absence the panel can be drawn from the nominated governors (including from other Local Academy Councils). In this case, the panel may elect their own Chair. The panel must consist of two governors and one member who is independent of the management and running of the academy.

## **19. The Remit of the Complaints Appeal Panel**

- 19.1 The panel can:
- a) Uphold the complaint in whole or in part
  - b) Decide on the appropriate action to be taken to resolve the complaint
  - c) Recommend changes to the academy's systems or procedures to ensure that problems of a similar nature do not recur
- 19.2 There are several points which any governor sitting on a Complaints Appeal Panel needs to remember:
- a) 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
  - b) The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the academy 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 their complaint has been taken seriously

- c) 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

19.3 The academy will write and inform the complainant and any witnesses, the panel etc. of the date and location of the meeting no later than 5 working days in advance. The notification to the complainant should also inform them of the right to be accompanied to the meeting by a friend / interpreter. The letter should explain how the meeting will be conducted. The Principal has the right to bring representation if so desired.

19.4 Intervention of parallel investigations relevant to the complaint by the Police or Social Services may cause variation to these time scales. Any such variation will be notified in writing to the complainant.

## **20. Hearing the Complaint at the Meeting**

20.1 The aim of the meeting will be to resolve the complaint and achieve reconciliation between the academy and the complainant. In the interest of natural justice, the introduction of previously undisclosed evidence or witnesses would be a reason to adjourn the meeting so that the other party has time to consider and respond to the new evidence.

20.2 The recommended conduct of the meeting is as follows:

- a) The Chair of the Panel will welcome the complainant, introduce the panel members and explain the procedure
- b) The Chair of the Panel will invite the complainant to explain the complaint
- c) The Panel Members may question the complainant about the complaint and the reasons why it has been made
- d) The Principal will be invited to the Chair of the Panel to question the complainant about the complaint and why it has been made
- e) The Chair of the Panel will invite the Principal to make a statement in response to the complaint. At the discretion of the Chair of the Panel, the Principal may invite members of staff directly involved in the complaint to supplement their response
- f) The Panel Members may question the Principal and/or members of staff about the response to the complaint
- g) The Chair of the Panel will allow the complainant to question the Principal and/or members of staff about the response to the complaint
- h) Any party has the right to call witnesses, subject to the approval of the Chair of the Panel
- i) The Panel, the Principal and the complainant have the right to question any such witness
- j) The Principal will be invited by the Chair of the Panel to make a final statement
- k) The complainant will be invited by the Chair of the Panel to make a final statement
- l) The Chair of the Panel will explain to the complainant and the Principal that the decision of the panel will now be considered and a written decision will

be sent to both parties within 15 working days. The Chair of the Panel will then ask all parties to leave except for members of the Panel

- m) The Panel will then consider the complaint and all the evidence presented
- n) The Panel will then reach a decision on the complaint and the reasons for it
- o) The Panel will decide upon the appropriate action to be taken to resolve the complaint
- p) The governors sitting on the Panel need to be aware of the complaints procedure prior to the meeting

20.3 If the complainant remains unsatisfied, they may then take their complaint to the Education & Skills Funding Agency (ESFA) by using the online complaints form at [https://form.education.gov.uk/service/Contact the Department for Education](https://form.education.gov.uk/service/Contact%20the%20Department%20for%20Education) or by writing to them directly at ESFA – Academies Complaint and Customer Insight Unit, Cheylesmore House, Quinton Road, Coventry, CV1 2WT.

## **21. Complaints escalated to / about the Trust, CEO or Trustee**

21.1 If a complaint is escalated to the Trust, or if a complainant wishes to complain directly about the Trust, then the complaint should be sent to the CEO to be investigated.

21.2 The CEO, or their nominated officer, will write to the complainant acknowledging the complaint within five school days of the date that the written request was received. The acknowledgement will confirm that the complaint will now be investigated under Stage 1 of this complaints policy and will confirm the date for providing a response to the complainant.

21.3 Following the investigation, the CEO will write to the complainant confirming the outcome within ten school days of the date that the letter was received. If this time limit cannot be met, the CEO will write to the complainant within ten school days of the date that the letter was received, explaining the reason for the delay and providing a revised date.

21.4 If the complaint concerns the CEO or a trustee, the complaint should be investigated by the Chair of the Trust Board. If a formal complaint form is received about the Chair, the complaint will be referred to the Vice Chair for investigation. Dependent on the nature of the complaint, the Trust Secretary or the Chief Executive (as Accounting Officer) may have a statutory duty to report the complaint to external agencies.

*Note: Where the chair of the Trust board has investigated the complaint, they will write the outcome letter to the complainant and provide a copy to the CEO.*

21.5 If the complainant is not satisfied with the outcome of Stage 1, within ten school days the complainant should write to the Clerk to the Board, asking for the complaint to be escalated to Stage 2.

21.6 Requests received outside of this time frame will only be considered if exceptional circumstances apply.

21.7 The Clerk to the Board will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within five school days. The

complainant will also be asked to provide copies of any further written material they wish to submit, within five school days of the date of the acknowledgement letter.

21.8 The Clerk to the Board will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within ten school days of receipt of the Stage 2 request. If this is not possible, the Clerk to the Board will provide an anticipated date and keep the complainant informed.

21.9 If the complainant rejects the offer of three proposed dates, without good reason, the Clerk to the Board 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.

21.10 If the complaint is:

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

Stage 2 will be heard by a completely independent committee panel.

21.11 The complaint panel will consist of three members. None of the three members of the complaint panel will have been involved in the incidents or events which led to the complaint, or have been involved in dealing with the complaint in the previous stages, or have any detailed prior knowledge of the complaint.

21.12 One of the complaint panel members will be independent of the management and running of the Trust. This means that the independent complaint panel member will not be a trustee or an employee of the Trust.

21.13 A complainant may bring someone along to the panel meeting 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.

*Note: Complaints about staff conduct will not generally be handled under this complaints policy. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.*

21.14 Representatives from the media are not permitted to attend.

21.15 At least ten school days before the meeting, the Clerk to the Board 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.

21.16 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.

21.17 The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint. New complaints must be dealt with from Stage 1 of the policy.

21.18 The meeting 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. Recordings will be managed and retained by the Trust.

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

- uphold the complaint in whole or in part
- not uphold the complaint in whole or in part.

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

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the Trust's systems or procedures to prevent similar issues in the future.

21.21 The Chair of the Committee will provide the complainant and the Trust with a full explanation of their decision and the reason(s) for it, in writing, within ten school days.

21.22 The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by the Trust.

21.23 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.

21.24 The panel will ensure that those findings and recommendations are sent by email or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the school premises by the proprietor and the Principal.

21.25 A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing.

## **22. Roles and Responsibilities**

### **22.1 The Role of the Complainant**

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

- a) Co-operates with the academy in seeking a resolution to the complaint
- b) Expresses the complaint in full as early as possible

- c) Responds promptly to requests for information, meetings or in agreeing the details of the complaint
- d) Asks for assistance as required
- e) Treats all those involved in the complaint with respect and courtesy

## 22.2 The Role of the Complaints Co-Ordinator

A complaints co-ordinator will be assigned by the academy (generally the Principal) and will:

- a) Ensure that all parties involved in the complaint are fully updated throughout each stage of the procedure
- b) Guarantee that all parties involved in the procedure are aware of any relevant legislation, including the Equality Act 2010, GDPR, Data Protection Act 2018 and Freedom of Information Act 2000
- c) Keep up-to-date records throughout the procedure – these records will be kept securely on the secure shared drive and retained in line with the Trust's Data Retention Policy
- d) Liaise with all parties involved to ensure the complaints procedure runs smoothly, including the Principal, Clerk and Chair of Governors
- e) Be aware of issues with regard to sharing third party information
- f) Understand the complainant's need for additional support, including interpretation support, and will be aware of any issues concerning this.

## 22.3 The Role of the Investigating Officer

The investigator is involved in stages one and two of the procedure. Their role includes:

- a) Providing a sensitive and thorough interviewing process of the complainant to establish what has happened and who is involved
- b) Considering all records, evidence and relevant information provided
- c) Interviewing all parties that are involved in the complaint, including staff and pupils
- d) Analysing all information in a comprehensive and fair manner
- e) Liaising with the complainant and complaints co-ordinator to clarify an appropriate resolution to the problem
- f) Identifying and recommending solutions and courses of actions to take
- g) Being mindful of timescales and ensuring all parties involved are aware of these timescales
- h) Responding to the complainant in a clear and understandable manner.

## 22.4 The Role of the Director of HR

The person in charge of co-ordinating the complaints procedure at the academy is the Principal. Overall responsibility is retained by the Trust through the Director of HR. The role of governors arises only in respect of appeals where the complainant remains dissatisfied with attempts to resolve the issue of complaint and as set out above.

The Director of HR is the contact point for the complainant at Stage Three of the complaint and is required to:

- a) 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
- b) Collate any written material and send it to the parties in advance of the hearing

- c) Meet and welcome the parties as they arrive at the hearing
- d) Record the proceedings
- e) Notify all parties of the Panel's decision.

The Director of HR may delegate elements of this role to relevant officers, but retains the responsibility of ensuring that all of the above is completed in line with this policy.

## 22.5 The Role of the Chair of the Panel

The Chair of the Panel has a key role, ensuring that:

- a) The remit of the Panel is explained to all parties and that each party has the opportunity of putting their case across without undue interruption
- b) The key issues are addressed
- c) Key findings of fact are made
- d) Parents/carers and others who may not be used to speaking at such a hearing are put at ease
- e) The hearing is conducted in an informal manner with each party treating the other with respect and courtesy
- f) The Panel is open minded and acts independently
- g) No member of the Panel has had any prior involvement in the procedure
- h) All parties are given the opportunity to state their case and ask questions
- i) Written material is seen by all parties

## 22.6 Panel Members

All panel members will be aware that:

- a) The review panel hearing is independent and impartial
- b) No individual with prior involvement in the complaint, or the circumstances surrounding it, is permitted to sit on the panel
- c) The aim of the panel is to achieve a reasonable resolution and, ultimately, attain reconciliation between the parties involved
- d) Reconciliation between the academy and complainant is not always achievable, and that it may only be possible to establish facts and make recommendations to reassure the complainant that their case has been taken seriously.

The panel can:

- a) Dismiss or uphold the complaint, in whole or in part
- b) Decide on appropriate action to be taken
- c) Recommend changes that the academy can make to prevent reoccurrence of the problem
- d) Complainants may feel nervous or inhibited in a formal setting and, therefore, the proceedings should be as welcoming as possible
- e) When a child is present at the hearing, extra care needs to be taken to ensure that the child does not feel intimidated, as well as ensuring the child's view is represented equally.

## 22.7 The Role of the Panel Clerk

The panel clerk will:

- a) Continuously liaise with the Complaints Co-ordinator
- b) Record the proceedings

- c) Set the date, time and venue of all hearings, ensuring that this is appropriate, convenient and accessible to all parties involved
- d) Collate all written material or evidence involved and send it to the parties involved in timely advance of the hearing
- e) Greet all parties as they arrive at the hearing
- f) Ensure that the minutes of the panel hearing are circulated
- g) Notify the relevant parties of the panel's decision and any other actions to be taken.

## 22.8 Checklist for a Panel Hearing

The Panel needs to take the following points into account:

- a) The hearing is as informal as possible
- b) Witnesses are only required to attend for the part of the hearing in which they give their evidence. Pupils may not appear as witnesses but they made provide statements
- c) After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses
- d) The Principal may question both the complainant and any witnesses after each has spoken
- e) The Principal is then invited to explain the academy's actions and be followed by the academy's witnesses
- f) The complainant may question both the Principal and any witnesses after each has spoken
- g) The Panel may ask questions at any point
- h) The complainant is then invited to sum up their complaint
- i) The Principal is then invited to sum up the academy's actions and response to the complaint
- j) The Chair of the Panel explains that both parties will hear from the Panel within a set time scale
- k) Both parties leave together while the Panel decides on the issues



**What action, if any, have you already taken to 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?**

**Are you attaching any paperwork? (If so please give details)**

**Signature:**

**Date:**

**OFFICIAL USE**

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

## Appendix B – Complaints Procedure Flowchart

