COMPLAINTS POLICY AND PROCEDURES

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1. Introduction

Our **vision** for our Trust is we exist to:

Help every child achieve their God-given potential

Our **aims** are clear. We aim to be a Trust in which:

Developing the whole child means pupils achieve and maximise their potential

Continued development of staff is valued and improves education for young people

All schools are improving and perform above national expectations

The distinct Christian identity of each academy develops and is celebrated

Our work as a Trust is underpinned by shared **values**. They are taken from the Church of England's vision for Education and guide the work of Trust Centre team. They are:

Aspiration
I can do all things through Christ who strengthens me
(Philippians 4 vs 13).

Wisdom
Listen to advice and accept discipline, and at the end you will be counted among the wise
(Proverbs 19 vs 20)

Respect
So in everything do to others what you would have them do to you
(Matthew 7 vs 12)

Our vision of helping every child achieve their God-given potential is aligned with the Church of England's vision for education and is underpinned by the Bible verse from John: *I have come that they may have life, and have it to the full.*

2. Policy Aims

It is in everyone's interest that complaints about an academy or the Trust are resolved at the earliest possible stage. The experience of the first contact between the complainant and the academy or Trust can be crucial in determining whether the complaint will escalate. To that end, the academy or Trust must be clear about the procedures they will apply when they receive a complaint.

The underlying principle is that concerns ought to be handled promptly to reach a mutually satisfactory resolution or outcome at the earliest stages of a complaint. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. We also have a responsibility to safeguard the children in our academies, as well as our staff. In some cases it may be that other policies and procedures are appropriate to resolve issues and this will be considered when a complaint is received.

In most cases within an academy, the class teacher will receive the first approach and it is helpful when staff are able to resolve issues on the spot. This may include offering a clear explanation; in some cases, accepting that a situation could have been handled better whilst in other cases an apology may be appropriate.

This complaints policy is written for both the Trust and its academies. It is expected that complaints relating to an individual academy will be made to that academy. Complaints regarding the Trust, including in relation to actions taken by its centrally employed staff, should be directed to the Trust. For complaints against the Trust, all references to "Headteacher" will mean the Chief Executive Officer and all references to "Local Governing Body" and "Local Governors" will mean the "Board of Trustees".

Staff who wish to raise a complaint under the policy need to consider whether their complaint falls under the Trust's grievance procedure which can be found in the Employee Handbook.

3. General Principals

Principles informing our complaints procedure

This procedure is designed to:

- be well publicised and easily accessible;
- be simple to understand and use;
- be impartial;
- be non-adversarial;
- allow swift handling with established time limits for action and keeping people informed of the progress;
- allow a mediation process if agreed by the complainant;
- allow for a hearing of a panel of local governors, where appropriate; respect people's desire for confidentiality, wherever possible;
- address all points of issue, provide an effective response and appropriate redress where necessary;
- allow opportunity for learning and improvement where applicable.

Definitions

- Where the term "relevant body" has been used within this procedure, this means the Board of Trustees of DCAT;
- Unless indicated otherwise, all references to "teacher" include the Headteacher;
- Unless indicated otherwise, all references to 'staff' include both teaching, support staff and DCAT centre administrative staff.
- The difference between a concern and a complaint
    - A 'concern' may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'.
    - A complaint may be generally defined as 'an expression of dissatisfaction, however made, about actions taken or a lack of action'.

Who can complain?

Anyone can make a complaint about any facilities or services that the Trust or an academy provides, unless separate statutory procedures apply (see complaints out of scope), this includes:

- parents or carers of children currently at the school
- parents or carers of children no longer at the school
- members of the public

- a third party acting on behalf of the complainant. In these cases, the complaint will need to be qualified by obtaining written consent from the complainant before the complaint is investigated or any information is disclosed.

Anonymous complaints will not normally be investigated. It will be for the Headteacher to determine as appropriate whether the complaint warrants an investigation.

Timescales

The Trust expects that complaints will be made as soon as possible after an incident arises and no later than three months afterwards. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident. We will consider complaints raised outside this time frame if exceptional circumstances apply and the complaint can still be investigated in a fair manner for all involved.

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

If at any point we cannot meet the timescales we have set out in this policy, we will:

- set new time limits with the complainant
- send the complainant details of the new deadline and explain the delay.

Duplicate Complaints

After closing a complaint at the end of the complaints procedure if a duplicate complaint is received about the same matter from a connected party, the duplicate complainant will be informed the school has already considered the complaint and the local process is now complete. The new complainant will be advised to contact the ESFA if there is dissatisfaction with the original handling of the complaint.

Consistency of Treatment and Fairness

The relevant body is committed to ensuring consistency of treatment and fairness and will abide by all relevant employment and equality legislation.

Delegation

The relevant body has chosen to delegate some of its functions to local governing bodies as set out in this procedure.

Monitoring and Evaluation

Any feedback or concerns regarding the procedure should be reported back in the first instance to DCAT.

4. The Responsibility of the Academy

All academies must have a complaints procedure. This must meet the standards set out in the Education (Independent School Standards (England) Regulations 2014.

The Local Governing Body (LGB) has delegated responsibility on behalf of the Trustees of DCAT for the academy and for ensuring that all pupils receive an appropriate and high standard of education.

The Headteacher is responsible for making decisions on a daily basis about the academy's internal management and organisation. The Trust should make it clear that parents and others should direct complaints to the academy in most circumstances.

This policy and procedure (see Appendix 2) will apply to all DCAT academies and the Trust centre. It is not intended to cover those matters for which there is a specific statutory process to object, complain or appeal – please see complaints out of scope.

Academies will publish the Complaints Policy and Procedure on the academy's website.

Using the Complaints Procedure

- The resolution of a complaint can be an opportunity for the academy to improve its practice and develop further a strong partnership with parents.
- The complaints procedure should be easily accessible and well publicised, so that parents and other stakeholders know how to raise concerns.
- It is desirable for any complaint to be addressed by a member of staff/local governor at a level closest to the cause of concern. Complaints made to more than one person will be responded to by the appropriate person, determined by which stage the complaint is at, unless there has been a delay outside of the timescales published in Appendix 2.
- Procedures should be as swift as possible and ensure fairness to all involved. Timescales are provided in Appendix 2.
- Confidentiality is important in securing the confidence of all concerned. Conversations and correspondence must be treated with discretion. Parents or other stakeholders need to feel confident that a complaint will not disadvantage their child. However, the parties to a complaint should realise that some information may have to be shared in order to carry out a thorough investigation.
- If the investigation of a complaint shows that it is justified, then the academy should consider how to respond to it in an appropriate way.
- All complaints should be recorded and monitored to identify issues and allow any lessons to be learned by the academy.
- Staff and local governors in academies should have the opportunity to take part in training or briefing to raise their awareness of the procedures and develop their skills in dealing with people who wish to complain.

Resolving Complaints

At each stage in the procedure, the academy seeks to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review Trust / academy policies in light of the complaint
- an apology.

Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

The formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

A complaint is distinct from any formal disciplinary procedure. Staff who may be questioned as part of a complaints procedure must be treated fairly and have an opportunity to put their case. They should be offered support before responding to any investigation into a complaint.

If it becomes apparent that the complaint has the potential to be a disciplinary issue or if the complaint is against any member of staff, it is for the Headteacher or designated senior member of staff or, in the case of the Headteacher, the Chair of local governing body or designated governor (in consultation with the Senior Education Leader for the academy), to determine if it is a disciplinary or capability matter. If this is the case, the matter will be dealt with by following the appropriate (disciplinary or capability) procedure and the complainant will be notified that this is the outcome of their complaint, i.e. "The matter has been referred to the appropriate procedure".

5. Use of social media

The Trust considers that the promotion and continuance of a positive, healthy and safe school community ethos depends upon all members of the school community contributing to and being responsible for maintaining this. The Trust therefore actively encourages any individual with a concern to raise it as soon as possible within the process described. For the same reason, the Trust strongly discourages the use of social media in this respect, and asks parents and carers and others of the school community not to post on social media any issues which should more appropriately be dealt with within the academy's processes for concerns and complaints.

6. Unreasonably persistent complaints

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- Has made the same complaint before, and it's already been through the Trust's complaints procedure
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- Knowingly provides false information
- Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure
- Pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refused to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the time frames it sets out
- Changes the basis of the complaint as the investigation goes on
- Makes a complaint designed to cause disruption, annoyance or excessive demands on school time
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value.

Steps we will take

We will take every reasonable step to address the complainant's concerns, and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter

throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

It the complainant continues to contact the school in a disruptive way, we may put communications strategies in place. We may:

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third party to act on their behalf, such as Citizens Advice
- Put any other strategy in place as necessary.

Stopping responding

We may stop responding to the complainant when all of these factors are met:

- We believe we have taken all reasonable steps to help address their concerns
- We have provided a clear statement of our position and their options
- The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience and / or he or she is making substantially the same points each time

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from our school site.

7. Unreasonable Complaints

DCAT is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

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

- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- publishes unacceptable information on social media or other public forums.

Whenever possible, the headteacher or chair of local governing body will discuss any concerns with the complainant informally before making a judgement that their complaint is unreasonable.

If the behaviour continues the headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the Trust causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from our school site.

8. Barring from the School Premises

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. DCAT will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

If a parent's behaviour is a cause for concern, the headteacher can ask him/her to leave school premises. In serious cases, the headteacher or the Trust can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make.

Anyone wishing to complain about being barred can do so, by letter or email, to the headteacher or chair of the local governing body. However, complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

9. Complaints out of scope

Some complaints will be outside the scope of this procedure as there are separate statutory procedures to deal with such issues. Please see the table below.

Admissions	Please review the Admissions arrangements for the academy, which can be found on the academy's website.
Statutory assessments of Special Educational Needs (SEN)	Concerns about statutory assessments of Special Educational Needs should be raised with the Local Authority.
Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. This can be found on the academy's website. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH). The contact information can be found on the child protection and safeguarding policy.
Exclusion of children from school	Further information about raising concerns about exclusions is available in the School discipline and exclusion guidance. Complaints about the application of the behaviour policy can be made through the academy's complaints procedure.
Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for matters relating to whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus. Volunteer staff who have concerns about our school should complain through the academy's complaints procedure. You may also be able to complain direct to the Trust or the ESFA (see link above), depending on the substance of your complaint.
Staff grievances	These matters will be addressed under the Trust's internal grievance procedures.
Staff Conduct and/or Competency Complaints	Complaints about staff will be dealt with under the Trust's internal personnel procedures, if appropriate. Complainants will not be informed of any outcomes of the complaint or action taken in relation to a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.

Complaints about services provided by other providers who may use school premises or facilities.	The academy should direct complainants to follow the external provider's own complaints procedure.
Complaints about the curriculum	Please contact the Department for Education at www.education.gov.uk/contactus
Complaints about collective worship	Complaints about the content of the daily act of collective worship (DACW) should be addressed to the Trust or: • the local Standing Advisory Council on Religious Education • other relevant body, e.g. the appropriate Diocese: o Diocese of Chichester
Withdrawal from the curriculum	Parents and carers can withdraw their child from any aspect of Religious Education (RE), including the DACW. They do not have to explain why. If parents or carers are not satisfied with the handling of a request to withdraw their child from RE or the DACW, the academy should advise them to follow their complaints procedure. The right of withdrawal does not apply to other areas of the curriculum where religious matters may be spontaneously raised by pupils or arise in other subjects such as history or citizenship. Should parents wish to withdraw their child from sex and relationship education they should refer to the schools Sex and Relationship Education policy.

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

If a complainant commences legal action against an academy or the Trust in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

10. Complaint Campaigns

If the school becomes the focus of a campaign and receives large volumes of complaints:

- all based on the same subject

- from complainants unconnected with the school

These will be addressed by publishing a single response on the school's website which complainants will be directed to. Complainants will be signposted to the Department of Education if they're dissatisfied with the response.

11. Withdrawal of a complaint

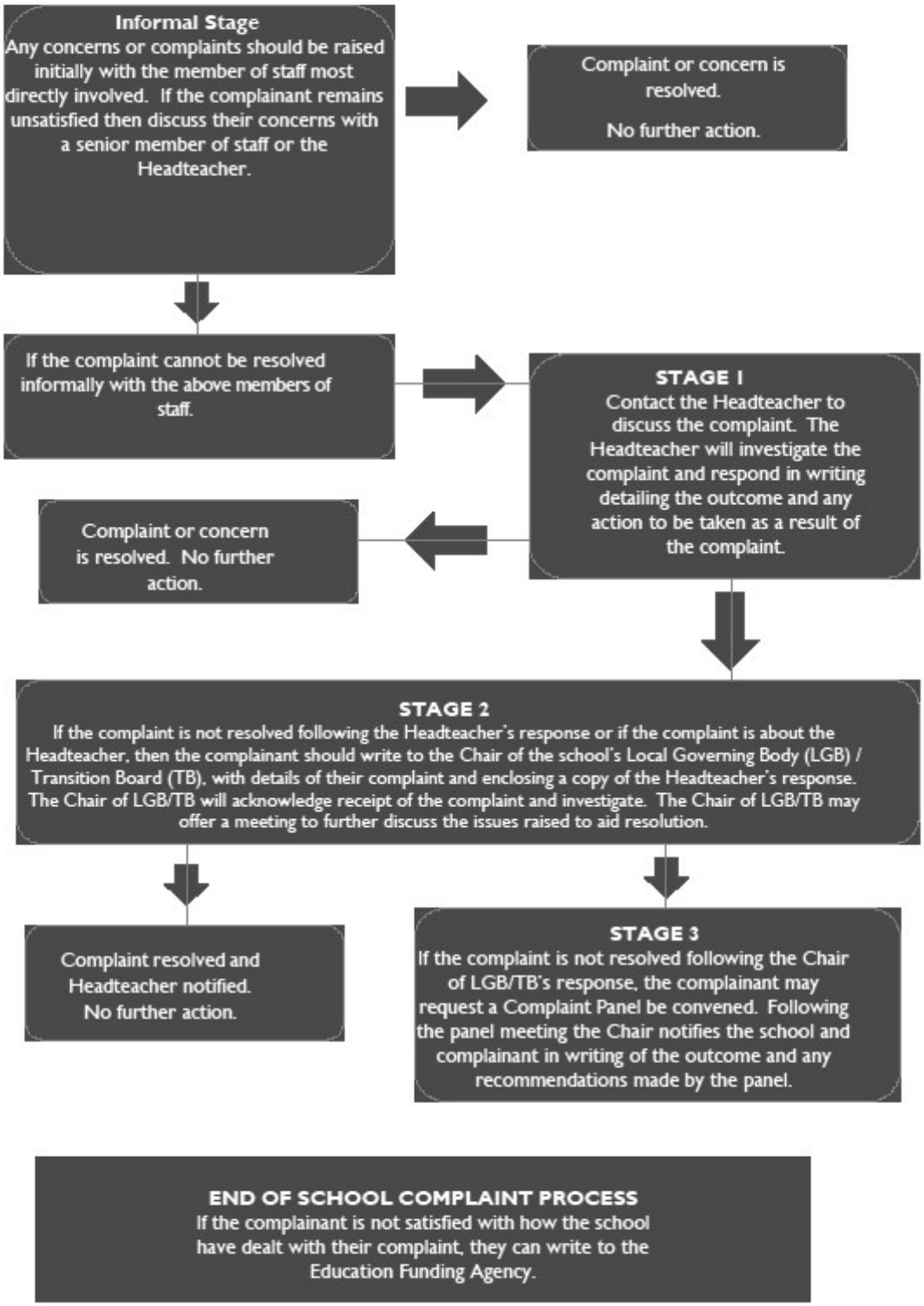
If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

12. Recording of complaints

Schools will retain records relating to complaints in line with the Trust retention of records policy. This will include action taken by the school as a result of those complaints (regardless of whether they are upheld) – including:

- recording the progress of the complaint and the final outcome
- recording whether the case progressed to a panel hearing
- recording the action taken by the school or the trust, regardless of outcome
- determine who is responsible for these records and make sure the data is kept secure

Complaints Flow Chart



Appendix 1: Management of Stages

Complaint against Academy or Academy employees – see Appendix 2

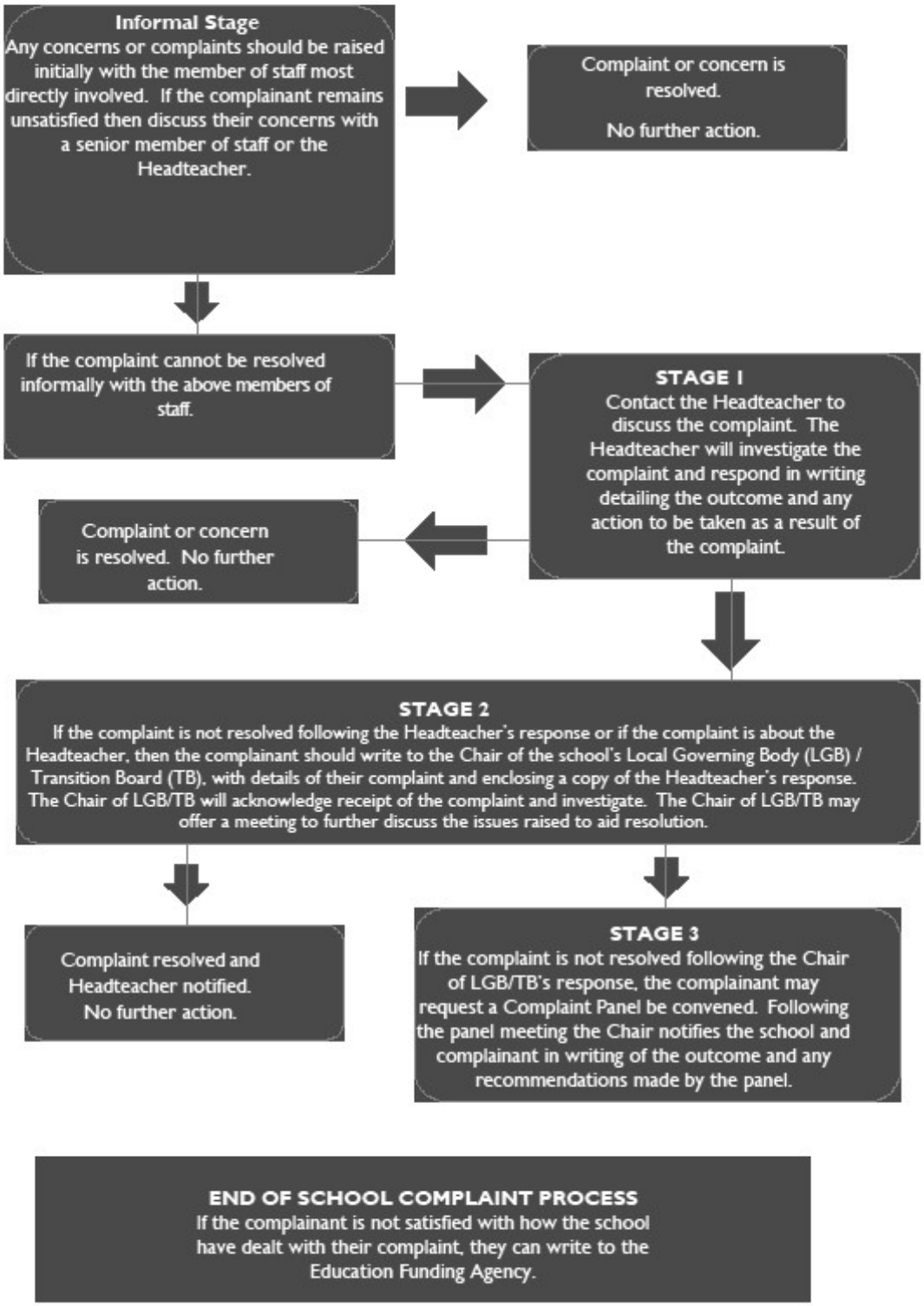
Complaint relates to	Informal	Stage 1 Formal Investigating Officer	Stage 2 Complaint to the Local Governing Body (LGB) or Transition Board (TB)	Stage 3 Complaints Panel
Pupils, parents or staff (other than the Headteacher)	The appropriate member of staff	The Headteacher or another Senior Leader	The Chair of the LGB or TB / appointed local governor or Senior Trust Leader	Up to 3 people who are not directly involved in matters detailed in the complaint, one panel member who is independent of the management and running of the academy.
The Headteacher	The Headteacher		The Chair of the LGB or TB / The CEO or Senior Trust Leader	Up to 3 people who are not directly involved in matters detailed in the complaint, one panel member who is independent of the management and running of the academy.
A Local Governor or Local Governors (other than the Chair of LGB)		Chair of LGB / Head of Operations & Governance		Up to 3 people who are not directly involved in matters detailed in the complaint, one panel member who is independent of the management and running of the academy.
The Chair of Local Governing Body (LGB)		CEO / Trust Senior Leader / Head of Operations and Governance		Up to 3 people who are not directly involved in matters detailed in the complaint, one panel member who is independent of the management and running of the academy.
The whole Board of Governors		CEO / Trust Senior Leader / Head of Governance		Up to 3 people who are not directly involved in matters detailed in the complaint, one panel member who is independent of the management and running of the academy.

Complaint against Trust or Trust Officer

Complaint relates to	Informal	Stage 1 Formal Investigating Officer	Stage 2 Complaint Panel
Academy Trust Officer (other than the CEO)	Trust Manager as appropriate.	Senior Trust Leader	Chief Executive Officer / Senior Trust Leader
Chief Executive Officer	Chief Executive Officer	Chair of Trust Board	Panel appointed of independent members
Trustee (other than the Chair)		Chair of Trust Board	Panel appointed of independent members
The Chair of the Trust		Vice-Chair of the Trust Board	Panel appointed of independent members
The Whole Trust Board		Independent investigation	Panel appointed of independent members

Appendix 2: Academy Complaints Procedure for Academy

Please also see section on Complaints received by the Trust.



At each stage in the procedure, academies will want to keep in mind ways in which a concern or complaint can be resolved. It might be sufficient to acknowledge that the concern or complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review academy policies in light of the complaint; or
- Mediation (see appendix 5)

Complainants should be encouraged to state what actions they feel might resolve the problem at any stage. An admission that the academy could have handled the situation better is not the same as an admission of negligence. Equally, an effective procedure will identify areas of agreement between the parties. It is also of importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

Dealing with concerns at the earliest opportunity – Informal stage

If parents, pupils or members of the public have concerns they should:

- Discuss their concerns with the member of staff most directly involved and, if not satisfied;
- Discuss their concerns with a senior member of staff and, if not satisfied; (this stage will not apply in small academies);
- Discuss their concerns with the Headteacher.

Stage 1 – Formal Complaint to the Headteacher

Where informal attempts have been unsuccessful in resolving a complaint, the complainant should make a formal complaint to the headteacher. **If the complaint is about the Headteacher this should be directed to the Chair of the LGB – please see Complaints about the Headteacher.** This must be done in writing, (preferably on the Complaint Form), or by email.

The Headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days. Within this response, the Headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Headteacher can consider whether a face to face meeting is the most appropriate way of doing this.

The role of the Formal Investigating Officer

The Headteacher will usually investigate the complaint. However, the Headteacher may delegate the investigation of the complaint to another member of the school's senior leadership team but not the decision to be taken. Further information on conducting an investigation can be found in appendix 4.

The investigating officer will 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 which includes the facts and potential solutions

At the conclusion of their investigation, the headteacher will provide a formal written response within 20 school days of the date of receipt of the complaint. If the headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

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 academy will take to resolve the complaint.

The headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

Stage 2 - Making a Complaint to the Local Governing Body or Transition Board

Where attempts have been unsuccessful in resolving a complaint at stage 1, the complainant should complete a complaint form and send to the Chair of LGB/Transition Board, whose contact details can be found on the academy website. The complainant must complete this within 10 school days of the date of the response from the Headteacher. Requests outside of this timeframe will only be considered if the chair of LGB / Transition Board considers exceptional circumstances apply.

The complainant should set out the details of their complaint and include appropriate evidence. Electronic recordings will not be accepted as evidence when we are asked to consider a complaint. However, we may accept independently notarised transcriptions of recordings. In such cases we may also ask for the written consent of all recorded parties. The complainant should also specify what they feel would resolve the complaint, and how they feel the previous stages of the procedure have not addressed their complaint sufficiently.

On receipt of the complaint form, the Chair of the LGB or Transition Board (or other governor in their absence) will:

- clarify the nature of the complaint and what remains unresolved;
- contact complainant (if unsure or further information is necessary);
- clarify what the complainant feels would put things right.

Before investigating the complaint the Chair of the LGB or Transition Board will refer to the Senior Education Leader for the academy for advice and support. A decision may be taken that it is appropriate for a member of the Trust to investigate the matter.

The role of the investigating officer

The investigating officer will 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 which includes the facts and potential solutions

Further information on conducting an investigation can be found in appendix 4.

Once the complaint has been investigated the investigating officer will decide which of the following is required:

a) A written response to the complaint, including the outcome of investigation

The following definitions should be used when determining the outcome of allegation investigations:

i. **Substantiated –** there is sufficient evidence to prove the allegation
ii. **Malicious –** there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive
iii. **False –** there is sufficient evidence to disprove the allegation

iv. **Unsubstantiated –** there is insufficient evidence to either prove or disprove the allegation. The term therefore does not imply guilt or innocence
v. **Unfounded –** to reflect cases where there is no evidence or proper basis which supports the allegation being made

b) Referral to a Complaints Panel

See Stage 3 – Complaints Panel Hearing

Stage 3 - Complaints Panel Hearing

Where the complainant is still not satisfied that their complaint has been dealt with fully and properly, they may choose to take it to a panel of Local Governors. These Local Governors may be drawn from the academy's LGB, along with local governors from other Trust academies. In the case of Transition Boards, Trust Centre staff may also sit on the panel if they are a representative of the Transition Board.

The complainant must write to the Clerk of the LGB within 10 school days of the date of the formal written response from the Investigating officer of stage 1. Requests outside of this timeframe the clerk will seek advice from the Trust as to how this matter should be dealt with.

The complainant should set out the details of their complaint and include appropriate evidence. Electronic recordings will not be accepted as evidence when we are asked to consider a complaint. However, we may accept independently notarised transcriptions of recordings. In such cases we may also ask for the written consent of all recorded parties. The complainant should also specify what they feel would resolve the complaint, and how they feel the previous stages of the procedure have not addressed their complaint sufficiently.

Timeline

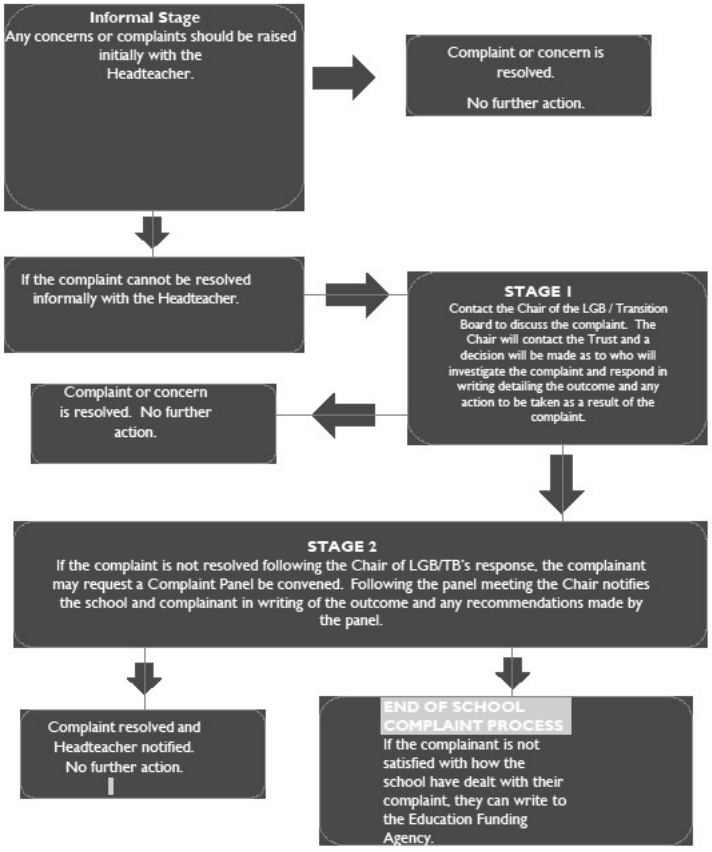
1.	Within 5 school days of receipt of request the clerk will arrange a complaints panel.
2.	The panel sets a date* to meet as soon as reasonably practical but no longer than 15 school days from the date of the acknowledgement of the letter of complaint. However, where further investigations are necessary, new time limits may be set. The complainant will be sent details of the new date and an explanation for the delay.
3.	Any evidence and documentation that the complainant and school wish to submit in relation to their complaint must be sent to the clerk to the governing board at least 5 school days before the meeting. All relevant papers** will be circulated to the complainant and the academy representatives attending the meeting, as well as the complaint panel. Recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded will not be accepted as evidence.
4.	If the complainant or school wishes to call witnesses the names of these witnesses must be advised to the clerk at least 5 school days before the meeting. The use of witnesses is discouraged. In nearly every case, a complaints panel will want to work with written witness statements if appropriate, but there may be particular circumstances where the presence of witnesses is necessary to establish key facts. In those cases, witnesses must be agreed in advance. The complainant and the academy are responsible for ensuring that the witnesses are aware of the time / date / location of the meeting.

	If the complainant wishes to be accompanied by a suitable companion, this should not be legal representation as the Complaints Panel is not a form of legal proceedings, the name of the suitable companion must be advised to the clerk 5 school days before the meeting.
5.	If the Complaints Panel cannot meet because the end of term is less than 15 days from the date of acknowledgement of the letter of complaint, it must meet within 10 days of the start of the new term.
6.	The Complaints Panel will communicate their findings to all parties concerned within 10 school days of their meeting.

* 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 and reach a conclusion in the interests of drawing the complaint to a close. If the complainant rejects the offer of 2 proposed dates, the Clerk will set a date. The hearing will go ahead using written submissions from both parties.

** Some papers maybe withheld or redacted due to the nature of the content.

Complaints about the Headteacher



If a complaint is made against the Headteacher the complainant should contact the Chair of LGB/Transition Board, whose contact details can be found on the academy website. This must be done in writing, (preferably on the Complaint Form), or by email.

On receipt of the complaint form or email, the Chair of the LGB or Transition Board (or other governor in their absence) must contact the Senior Education Leader (SEL) for the academy and inform the Trust's Executive Leadership Team. A decision will be made as to who will handle the complaint. The Chair or SEL will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days. Within this response, the Chair or SEL will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Chair or SEL can consider whether a face to face meeting is the most appropriate way of doing this or whether mediation (see appendix 5) would be appropriate to handle the complaint.

Complaints against the Headteacher will dealt with under Stage 2 (which is set out as Stage 1 below) of the above procedure, with the investigating officer being appointed directly by the Trust, in consultation with the Chair of the LGB/ Transition Board.

Stage 1 - Making a Complaint to the Local Governing Body or Transition Board

This will be considered by an appropriate investigating officer appointed by the CEO.

The role of the investigating officer

The investigating officer will 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 which includes the facts and potential solutions

Further information on conducting an investigation can be found in appendix 3.

Once the complaint has been investigated the investigating officer will decide which of the following is required:

A) A written response to the complaint, including the outcome of investigation

The following definitions should be used when determining the outcome of allegation investigations:

i. **Substantiated –** there is sufficient evidence to prove the allegation
ii. **Malicious –** there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive
iii. **False –** there is sufficient evidence to disprove the allegation
iv. **Unsubstantiated –** there is insufficient evidence to either prove or disprove the allegation. The term therefore does not imply guilt or innocence
v. **Unfounded –** to reflect cases where there is no evidence or proper basis which supports the allegation being made

At the conclusion of their investigation, the investigating officer will provide a formal written response. Information on conducting an investigation can be found in appendix 4.

B) Referral to a Complaints Panel

See Stage 2 – Complaints Panel Hearing

Stage 2 - Complaints Panel

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2 – Complaints Panel. This is the final stage of the complaints procedure.

A request to escalate to Stage 2 must be made to the Trust, via the Clerk to the Board of Trustees within 10 school days of receipt of the Stage 1 response. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk to the Board of Trustees will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

The Clerk to the Board of Trustees will follow the procedure set out in the Timeline above.

An independent committee will be convened to hear the complaint at Stage 2. The committee may comprise of the following:

- A Trustee

- A local governor independent of the running of the academy.
- A member of Trust Centre staff. If it is deemed that this is not appropriate then a 3rd member will be drawn from the Trust Board or a local governor independent of the running of the academy.

If any of the above are not available / suitable to sit on the panel then an alternative external individual may be sourced, e.g. a senior leader from another school.

The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs. If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.
Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.
Representatives from the media are not permitted to attend.

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 academy will take to resolve the complaint.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

Complaints about the Trust Board, LGB, Chair of the Trust Board / LGB / Transition Board or the Trust Board / LGB and its members.

If the complaint is:

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

The CEO will appoint an investigating officer to investigate the complaint and if appropriate appoint an independent panel to hear the complaint at Stage 2, which may include a member of the Trust Centre team.

Complaints received by the Trust

If a complaint is received by the Trust, the Clerk to the Trust Board will decide whether the complaint should be dealt with by the academy or whether it is appropriate to refer this to a relevant member of the Trust Centre team or Trust Board to investigate.

Where the complaint is about a member of the Trust Centre Team, please see complaint against Trust Officer. The complaint will be reviewed by the a Trust Manager at the informal stage. A Trust Senior Leader will investigate / appoint an investigating officer to investigate the complaint at

stage 2. If the complaint is still not resolved after this, a panel of the CEO and a Trust Senior Leader will hear the complaint.

If the complaint is about the CEO this will be investigated by the Chair of the Trust Board. Should it be necessary to convene a panel, this will be comprised of individuals independent to the running of the Trust.

In instances where the complaint is investigated by a member of the Trust Centre team or Trust Board, the individual will decide which stage of the procedures set out for schools to follow the complaint will be investigated under. The complainant will be informed in writing within 5 days of the initial complaint as to how the complaint will be dealt with, by who and at what stage it is being considered.

Complaint Panel Hearing

The panel will comprise of 3 members, none of whom will have had any previous direct involvement in the matter detailed and may include:

- A member nominated by the Trust
- A local governor independent of the running of the academy.
- A member of the LGB (unless all of the LGB have had direct involvement in the matter detailed, another local governor from another academy within the Trust sit on the panel).

- When the Clerk of governors receives a copy of the complaint form he/she will inform the LGB that a complaint has been received and that it has been passed to the panel to deal with. No further information about the complaint should be shared with other governors.

There are several points which any governor sitting on a complaints panel needs to remember:

- 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;
- 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;
- The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is not intimidating and not adversarial;
- Panel members sitting on the panel need to be aware of the complaints procedure and any other procedures relating to the complaint e.g. Anti-bullying policy.

The Chair of the Panel will be nominated by the Trust and is responsible for ensuring that both complainant and Headteacher are given a fair hearing and that the panel arrives at its judgement without fear or favour.

Remit of the panel

The complaints panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the academy's systems or procedures to ensure problems of a similar nature do not recur.

It may:

- Consider and, if appropriate, criticise the way in which an operational decision was communicated – but cannot overturn the decision itself;
- Consider the thoroughness with which the Headteacher/ LGB investigated a complaint about a member of staff – but cannot expect the Headteacher to provide details about confidential discussions with that staff member;
- Consider the manner in which a complaint about any decision was addressed – but cannot expect the Headteacher/ LGB to have changed the decision;
- Consider and, if appropriate, identify limitations in a policy or procedures –but cannot make or improve policy. (It can, however, recommend that the policy be reviewed by the LGB to ensure that problems of a similar nature do not recur, and individual panel members can subsequently play their part in improving the policy);

- Consider whether it should recommend that the Headteacher/ LGB offer appropriate redress.

Format of a Panel Hearing

An example of the format for a panel hearing is as follows:

- Complainant and Headteacher will enter the room where the hearing is taking place together;
- The chair will introduce the panel members and the Clerk and outline the process;
- The complainant is invited to explain the complaint;
- The Headteacher may question the complainant;
- The panel will question the complainant;
- The Headteacher is then invited to explain the academy's actions;
- The complainant may question the Headteacher;
- The panel will question the Headteacher;
- The complainant is then invited to sum up their complaint;
- The Headteacher is then invited to sum up the academy's actions and response to the complaint;
- The chair explains that both parties will hear from the panel within five working days;
- Both parties leave together while the panel decides on the issues;
- The Clerk will remain with the panel to clarify.

Minutes will be taken. and circulated with the decision letter. These minutes may be subject to any necessary redactions. Where there are communication difficulties, consideration may be given to recording the meeting to ensure the complainant is able to access and review the discussions at a later point. All parties should agree in advance to being recorded

General Principles

Certain principles underpin the format of a complaints hearing:

- The hearing should be made as unintimidating as possible to all parties;
- The panel may ask questions at any point. Panel members must find ways to ask probing questions while maintaining an air of impartiality;
- The Headteacher must have no contact with members of the complaints panel except when the complainant is present to preserve the principle of neutrality. This means that Headteacher and complainant enter and leave the room where the hearing is held together;
- The chair of the panel should discourage the introduction of fresh documentary evidence at the hearing – there should be every encouragement to produce the evidence in advance so that both sides have time to study it;
- However, if new and relevant evidence is accepted by the chair, the chair will adjourn the hearing for a few minutes to allow everyone to read the document;
- Both parties must leave the hearing room during the adjournment.

Exceptional circumstances

For the sake of clarity, the description above does not cover exceptional circumstances which might include:

- If a case has become a major talking point around the community and there are insufficient governors able to sit on a panel, the LGB in consultation with DCAT will put in place an alternative fair process;

- The complainant and/or the Headteacher may wish to call witnesses: The use of witnesses is discouraged. In nearly every case, a complaints panel will want to work with written witness statements if appropriate, but there may be particular circumstances where the presence of witnesses is necessary to establish key facts. In those cases, witnesses must be agreed in advance. They will remain outside the hearing room until called in to give their evidence. They can be questioned by the panel members and the other party. They will leave the room when their evidence is completed;
- The complainant may be a pupil at the academy: Good academies encourage pupils to raise concerns and would expect to resolve them before it becomes a formal complaint to the LGB. If it is not resolved, it would be very unusual if parents have not by picked it up and made it a parental complaint. However, if a pupil is the complainant, panel members will wish to ensure that the same process is followed but special consideration is given to ensuring that the child is supported and does not feel intimidated. The panel needs to give the views of the child equal consideration to those of adults.

Writing the decision letter

The Clerk should ensure that s/he has clear wording stating the panel decision about each of the issues that the panel considered before the panel is allowed to finish. The Clerk will use that wording to draft the decision letter. This should be sent to all members of the panel for checking. Once approved by all three panel members, it should be sent to the complainant and the person complained about with a copy to the Headteacher.

- The letter should clearly express how seriously the panel considered the complaint and details any findings or recommendations
- The Clerk should be careful that the letter sticks to the facts and gives no hint of partiality;
- The Clerk should ensure that the letter reaches the complainant and the Headteacher by the deadline stated in your policy and/or in a statement by the chair at the end of the hearing – usually five working days.

The following definitions should be used when determining the outcome of allegation investigations:

i. **Substantiated –** there is sufficient evidence to prove the allegation
ii. **Malicious –** there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive
iii. **False –** there is sufficient evidence to disprove the allegation
iv. **Unsubstantiated –** there is insufficient evidence to either prove or disprove the allegation. The term therefore does not imply guilt or innocence
v. **Unfounded –** to reflect cases where there is no evidence or proper basis which supports the allegation being made

Further Recourse

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the Education and Skills Funding Agency (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, but will intervene if a school or trust has:

- Breached a clause in its funding agreement
- Failed to act in line with its duties under education law
- Acted (or is proposing to act) unreasonably when exercising its functions

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.

Monitoring Complaints

As well as addressing an individual's complaint, the process of listening to and resolving complaints would contribute to academy improvements. When individual complaints are heard, academies may identify issues that need to be addressed. The monitoring and review of complaints by the academy and LGB can be useful to evaluating the academy's performance. Any discussion of complaints by the LGB or others in the academy community should not name or be able to identify individuals.

Appendix 3 - Model Complaint Form

This form can be used by any person making a complaint about the operation of the academy which is not covered by an alternative specific procedure. Complaints will most often come from parents or carers but may also come from pupils/students or members of the public, e.g. academy neighbours.

Anyone receiving this form should be advised verbally that help in completing it is available from the academy. A member of academy staff who is familiar with the process should be nominated to give help.

If it is appropriate for a member of staff to look into this complaint, it should be returned to the Headteacher.

If it is appropriate that it should be dealt with by a Governor, it should be returned to the Clerk to the Governors at the academy.

Model complaint form

Academy Name:	
Please complete and return to: i.e.: Who will acknowledge receipt and explain what action will be taken. *(Name and address of representative of the academy)*	
Name:	
Address:	
Postcode:	
Tel No. (day)	
Tel No (evening)	
Mobile:	
Email:	
Name and year group of children at the academy *(if applicable)*	
Please give details of your complaint *Add additional sheet if necessary.*	
What action, if any, have you already taken to try and resolve your complaint?	

Who did you speak to and what was the response?	
Please state your relationship with the academy, e.g.: parent, carer, neighbour, member of the public.	
What actions do you feel might resolve the problem at this stage?	
Are you attaching and paperwork? If so, please list.	
Signature:	
Date:	

Official Use:	
Date of acknowledgement sent:	
By whom:	
Complaint referred to:	

Appendix 4: Investigating a complaint

This checklist should be used to investigate a formal complaint. It should be filled in by the person investigating the complaint.

Adapt the checklist to your needs and the specific context of the complaint - for each step, guidance is provided to help carry out the investigation. These do not have to be completed in order.

Do not use this checklist for complaints that involve safeguarding concerns. If you're investigating a safeguarding allegation, contact your designated safeguarding lead (DSL) to contact your local authority designated officer (LADO) immediately and draw up a plan together instead.

If there's an ongoing police investigation, wait until it has concluded before you begin your own investigation and co-operate fully

Preparation

STEPS TO TAKE	GUIDANCE	MY NOTES
☐ Log the complaint formally, as set out by your complaints procedure		
☐ Appoint an investigating officer	This can be the headteacher, or an appropriate member of senior staff, unless the complaint is related to: • The headteacher – in this case, your investigating officer should be the chair of governors or another suitably skilled governor • A governor – your investigating officer should be a suitably skilled member of the governing board, as directed by the clerk • Your chair – the clerk should decide whether the investigating officer should be the vice chair or someone external • Your whole governing board – your investigating officer should be appointed externally, as directed by the clerk • For academies in a multi academy trust (MAT): consider escalating complaints about your local governing body to the trust board	
☐ Make sure that your human resources lead has a record of the complaint	Your HR lead may be at your school, your local authority or your trust	

☐ If you have a complaints co-ordinator, make sure they are informed of the complaint and has the resources they need to carry out their job	Check your complaints policy/procedures if you are unsure who your complaints coordinator is and what their role is	
☐ Seek external advice, if appropriate	Use your own judgement to decide if you'll seek external support. It's a good idea to do this for complaints that: • Are complex • Are technical or require special knowledge, e.g. financial impropriety • Are sensitive • Might lead to staff dismissal Depending on the nature of the complaint, you might seek advice from: • Your LA or academy trust • Appropriate HR or legal experts • The police • External conduct authorities (e.g. exam regulators, financial conduct authorities, the Information Commissioner's Office, etc.)	
☐ Take steps to make sure you preserve any evidence that may be scrutinised	For example: • Make copies of electronic or paper records • Make copies of any CCTV footage, especially if it is automatically taped over after a certain period of time	

☐ Acknowledge receipt of the complaint within your stated time frame	Check your complaints procedure to find out how long you have to acknowledge a complaint. Your acknowledgement should: • Be written and dated • Specify how the complaint will be investigated and by whom • Set out the timescale of the investigation and response • Inform the complainant how they can contact the school to get assistance or clarification through the process of the investigation • Ask what the complainant feels would resolve the issue (if not set out in the complaint)	

Investigating the complaint

STEPS TO TAKE	GUIDANCE	MY NOTES
☐ Formally record the complainant's statement	The complainant should get a chance to state their case either in person or in writing, to ensure a fair investigation If they make a verbal statement, record what was said using the complainant's own language Ask the complainant to sign a copy of their statement (whether it was a written communication they sent you or a transcript you recorded) to confirm it as their formal account	

☐ Conduct witness interviews and collect statements (if any)	Keep records of interviews: • If you record the interview, make sure to get permission first If you write notes or a transcript of interviews, use the subject's own words rather than summarising	
☐ If the complaint involves a pupil, contact the parents of the pupil(s) involved	If pupils need to be interviewed, they should be accompanied by: • A parent/carer if possible; if not, • A staff member that the pupil feels comfortable with but who is not involved in the complaint	
☐ Examine any evidence / documentation	For example: • Emails or text messages • CCTV footage • The contents of a computer • Financial records Seek help from a limited number of staff if necessary. For example, you may need support from: • Your school business manager • Your head of IT Remind these staff members of the need to maintain confidentiality throughout the investigation	
☐ Make a note of any evidence you weren't able to obtain, and why not	This might be statements, interviews, or physical evidence. You will be able to prove that you tried to get this information to carry out a full	

	investigation if the outcome is later appealed.	
☐ Inform the complainant of any extensions to the timescale of the investigation (if required)	Offer a brief explanation of why the timescale was extended, to demonstrate that you are taking the issue seriously, for example that someone you need to interview has been unavailable.	

Resolving the investigation

STEPS TAKEN	ADVICE	MY NOTES
☐ Deliver a written response	Your response should contain: • Actions you've taken to investigate the complaint • An explanation of your decision and how you reached it • If applicable, details of actions that the school will take to resolve the complaint You may also wish to offer the complainant a further meeting to explain how the investigation was carried out and how your decision was reached. This meeting is not an opportunity to appeal the outcome of the investigation.	
☐ **If complainant is satisfied**: formally declare the complaint closed	Keep investigation records in line with your school data retention policy and your data protection requirements	

☐ **If the complainant is not satisfied**: inform the complainant how they can escalate their complaint by referring the matter to the governing body	Make sure that the complainant knows about their right to appeal, and any relevant timescales to do so	

Appendix 5: Mediation

Mediation may be an option to resolve an informal complaint or a recommendation made as part of the stages of a complaint. Mediation can only proceed if the complainant and the Headteacher are willing for it to be tried. If mediation is not successful, the complaint will be considered by the governors' complaints panel.

Mediation can be a good way to resolve a complaint because:

- It gives both complainant and Headteacher another opportunity to hear each other's points of view (with a third party facilitating);
- It gives the third party an opportunity to help Headteacher and complainant identify and build on areas of agreement;
- It gives Headteacher and complainant a structure within which they can resolve remaining differences;
- If both complainant and Headteacher emerge from the mediation satisfied, that is the best foundation for a continuing positive relationship between them;
- Even if the complaint continues to a governors' panel, the issues to be considered are likely to be much clearer following the mediation.

Mediation may elicit one or more of the responses listed below from either party:

- an acknowledgment that the complaint is valid in whole or in part; an apology;
- an explanation; an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review academy policies in light of the complaint.