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| **School Complaints Policy**  Adopted by the Board of Trustees  Date: October 2022  Date of approval: 6th October 2022  Review date: September 2025 |

**School Complaints Policy**

1. **Introduction**

We believe that children thrive best where strong, mutually respectful relationships are nurtured in schools and communities.

Our schools strive to provide a good education for all our children, and our staff are encouraged to work very hard to build relationships with all parents. However, we recognise that on occasion parents/carers or members of the community may feel dissatisfied with one of our schools.

The Trustees of Nurture Academies Trust have a duty to establish a procedure for dealing with general complaints and ensure that it is publicised to parents/carers and other stakeholders. This document outlines the procedures to be followed in an attempt to resolve complaints.

This policy is available via the Nurture Academies Trust website at <https://nurturetrust.org.uk/> and also on each individual school/academy website.

This policy will be implemented at all Nurture Academies Trust schools and the central Trust team.

1. **Aims & Objectives**

Our schools aim to be fair, open and honest when dealing with any complaint balancing the rights and responsibilities of children, parents/carers and academies staff.

We give careful consideration to all complaints and deal with them as swiftly as possible. We aim to resolve any complaint through dialogue and mutual understanding and, in all cases, we will aim to work for the best interests of children above all other issues.

We provide sufficient opportunity for any complaint to be fully discussed, considered and then resolved.

# General Principles

# 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 defined as ‘*an expression of dissatisfaction however made, about actions taken or a lack of action*’.

The majority of issues raised by parents/carers the community or children are concerns rather than complaints. We are committed to resolving all concerns and complaints at the earliest point in the process, informally where possible, and where this is not possible, at the earliest point within the formal process.

# Time scales

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

# Complaints received outside of term time

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

**Who can make a complaint?**

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

# Anonymous complaints

We will not normally investigate anonymous complaints. However, leaders within Nurture Academies Trust,

if appropriate, will determine whether the complaint warrants an investigation.

# Resolving complaints

At each stage in the procedure, Nurture Academies Trust wants 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 policies or procedures in light of the complaint
* an apology.

**Withdrawal of a Complaint**

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

Any member of staff who is complained about will have the opportunity to respond to the complaint during the investigation and will be able to see any response sent as a result of the investigation. If, however, during the course of considering a complaint, the Lead Investigator concludes that disciplinary procedures should be initiated, they will consider this as a separate action, as there is an entirely separate procedure to follow in terms of dealing with staff disciplinary matters. Complainants will be informed that the issue is being dealt with separately and outside the complaints policy, but any further information will remain confidential.

Confidentiality must be maintained at all times. All conversations and correspondence must be treated with discretion. Parents/carers must feel confident a complaint will not disadvantage their child. All parties to a complaint will need to accept that some sharing of information will be inevitable if the complaint is to be investigated fully.

Correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act request access to them.

All designated staff, Governors and Trustees are trained to raise awareness of the School’s procedures and to develop their skills in dealing with people who wish to complain.

Complainants should limit the number of communications with the School and the Trust while a complaint is being progressed. Complainants should not approach individual governors or trustees to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at later stages of the procedure.

All complaints will be logged and monitored to allow the School and the Trust to improve processes and practices in a positive manner.

The Trust reserves the right to determine that the Lead Investigator at each formal stage is independent and appropriate for that stage of investigation e.g. Executive Headteacher/Headteacher/Head of School, Chair of Governors, Trust CEO or member of the Trust Central Team.

All Complaints Panels will aim to be convened within the agreed timescales subject to the availability of the complainant and the panel members. If a panel cannot be convened in a timely manner from the Governors of the School in question, Governors from other Nurture Academies Trust Schools and/or Trustees maybe asked to attend the panel meeting. All Complaints Panels will also include an independent panel member who is independent of the management and running of the School.

1. **Scope of this Complaints Procedure**

This procedure covers all complaints about any provision of community facilities or services by our schools and central Trust team, other than complaints that are dealt with under other statutory procedures, including those listed below.

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|  | **Exceptions** | **Who to contact** |
|      | Admissions to schools  Statutory assessments of  Special Educational Needs School re-organisation proposals | Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with City of Bradford  Metropolitan District Council |
|  | 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.  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). |
|  | Exclusion of children from school\* | Further information about raising concerns about exclusion can be found at: [www.gov.uk/school-disciplineexclusions/exclusions.](http://www.gov.uk/school-discipline-exclusions/exclusions)  *\*complaints about the application of the behaviour policy can be made through the school’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 education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: [www.education.gov.uk/contactus.](http://www.education.gov.uk/contactus)  Volunteer staff who have concerns about our school should complain through the school’s complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint. |
|  | Staff grievances | Complaints from staff will be dealt with under the Trust’s internal grievance procedures. |
|  | Staff conduct | Complaints about staff will be dealt with under the Trust’s internal disciplinary procedures, if appropriate.  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. |
|  | Complaints about services provided by other providers  who may use school premises  or facilities | Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct. |
|  | National Curriculum - content | Please contact the Department for Education at:  [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus) |

1. **Unreasonable Complaints**

**5.1** The majority of individuals with complaints or concerns behave reasonably in pursuing their complaint. This means that they:

* Treat all staff with courtesy and respect;
* Respect the needs of pupils and staff;
* Avoid the use of violence (including threats of violence) towards people and property;
* do not use intimidating/aggressive behaviour or inappropriate language towards staff;
* Recognise the time constraints under which members of staff work and allow schools or the Trust a reasonable time to respond to a complaint;
* Recognise that resolving a specific problem can sometimes take some time;
* Follow the Trust’s complaints procedures.

However, a small number of complainants may be deemed “unreasonably persistent complainants”. This means that, in complaining about issues, either formally or informally, they behave unreasonably, for example by:

* actions which are obsessive, persistent, harassing, prolific, repetitious; and/or prolific correspondence or excessive e-mail or telephone contact about a concern or complaint; and/or
* using social media to make comments in relation to the complaint, the school or Trust or individuals that work with schools or the Trust;
* an insistence upon pursuing unmeritorious complaints and/or unrealistic or unreasonable outcomes; and/or
* an insistence upon pursuing meritorious complaints in an unreasonable manner.

**5.2** A complaint may be regarded as unreasonable or disregarded if the complainant;

* is anonymous;
* refuses to articulate their complaint or to specify the grounds of the complaint;
* refuses to co-operate with the complaints investigation process which still wishing for their complaint to be resolved;
* refuses to accept that certain issues are not within the scope of the complaints procedure;
* insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or good practice;
* introduces trivial or irrelevant information or raises large numbers of detailed but unimportant questions to be dealt with to their own timescales;
* makes unjustified complaints about staff who are trying to deal with the issues and seeks to have them replaced;
* changes the basis of the complaint as the investigation proceeds;
* repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
* refuses to accept the findings of the investigation into that the complaint where the Trust complaints procedure has been fully and properly implemented and completes, including referral to the Education Skills and Funding Agency;
* seeks an unrealistic outcome;
* makes excessive demands on time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint, in person, in writing, by email and by telephone while the complaint is being dealt with.

**5.3** A complaint may be considered unreasonable if the complainant does so in any of the following manners or circumstances:

* maliciously;
* aggressively;
* using threats, intimidation or violence;
* using abusive, offensive or discriminatory language;
* knowing it to be false;
* using falsified information;
* publishing unacceptable information in a variety of media such as social media websites and newspapers.

**5.4** Whenever possible, the Headteacher (or representative) will discuss any concerns with the complainant informally before applying an ‘unreasonable’ marking.

**5.5** If the behaviour continues, the school or Trust, will write a formal letter explaining that their behaviour is unreasonable and asking the complainant to change it. The school or Trust may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

**5.6** Should a complaint meet the criteria as ‘unreasonable’ with the reference to section 5 of the Complaints Policy, this will be stated in a formal letter to the complainant and there would be no grounds for the complaint to be escalated further.

**5.7** In response to any serious incident of aggression or violence, the concerns and actions will be put in writing immediately and the police informed. This may result in banning an individual from the Academy.

1. **Summary for Dealing with General Complaints**

The Nurture Complaints Policy has four main stages as detailed in the table below.

Each stage should be completed before progressing to the next stage.

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| **Stage** | **Detail** | **Outcome for Complainant** |
| Stage One: Informal | Expression of concern is raised to an appropriate member of staff and escalated where appropriate at an informal stage to designated members of leadership staff.  Wherever possible informal concerns and/or complaints will be considered and responded to within 10 school days of the matter being brought to the school or Trust’s attention. | If a satisfactory outcome is reached, no further action is required.  If outcome is not satisfactory, proceed to formal stages. |
| Stage Two: Formal Investigation | Complainant submits a formal complaint using Stage Complaint Form, within 3 months of the incident.  Acknowledgment sent within 5 school days.  Investigation conducted by Lead Investigator, with the outcome of the complaint to be reviewed by the CEO/Executive Headteacher/Headteacher or appropriate Trust leader.  Outcome reported to the complainant and the Chair of Governors in writing within 15 school days. | If a satisfactory outcome is reached, no further action required.  If outcome is not satisfactory, proceed to Stage Three. |
| Stage Three: Formal Chair of Governors Investigation | Complainant submits complaint using Stage Three Complaint Form, to Chair of Governors within 10 school days of receiving the response to the Stage Two Investigation.  Acknowledgement sent within 5 school days.  Investigation conducted by Chair of Governors.  Outcome reported to the complainant and the Nurture MAT in writing within 15 school days. | If a satisfactory outcome is reached, no further action required.  If outcome is not satisfactory, proceed to Stage Four. |
| Stage Four: Formal Governors Complaints Panel | Complainant submits complaint using the Stage Four Complaint Form, to the Chief Executive Officer or to the Clerk if complaint relates to the CEO or Trustees, within 10 school days of receiving the response of the Stage Three investigation.  Acknowledgment sent within 5 school days.  Complaint Panel is convened with 20 school days of complaint being received.  One panel member to be independent of the management and running of the Academy and the Nurture MAT.  The complainant and the School/Trust will be notified of the Complaints Panel decision with 15 school days of panel taking place. | There is no further right of appeal.  If the complainant considers that the complaints procedure has not been followed correctly, they may contact the ESFA. |

1. **Further Action**

7.1 We hope that we will be able to resolve any complaint concerning the Trust or its Schools using this policy.

7.2 If you feel this is not the case, complainants may refer to the Education Skills and Funding Agency (ESFA) which handles complaints about Academies and Free Schools.

* 1. The following link provides guidance on this:

<https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy>

1. **Policy Review**

8.1 Trustees will review the policy, its implementation and effectiveness at least every two years or where ESFA guidance or recommended codes of practice dictate a review.

**Appendix 1: Named Contacts at the Trust and Schools**

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| **School or Trust office** | **Named Individual** | **Position** |
| Byron Primary School | Mr. Richard O’Sullivan | Headteacher |
| Mr. Imran Manzoor | Chair of Governors |
| Denholme Primary School | Mr. Malcolm Campbell | Headteacher |
| Mrs. Catherine Cole | Chair of Governors |
| Fearnville Primary School | Mr. Richard Ballantine | Executive Headteacher |
| Mrs. Tracy Isherwood | Chair of Governors |
| Lapage Primary School | Mr. Richard Ballantine | Executive Headteacher |
| Mr. Rizwan Rehman | Chair of Governors |
| Parkwood Primary School | Mrs. Rachel Taylor | Headteacher |
|  | Chair of Governors |
| Victoria Primary School | Mrs. Jane Dark | Headteacher |
| Mrs. Barbara Potter | Chair of Governors |
| Trust Central | Mr. Wahid Zaman | CEO |
| Mrs. Pamela Smith | Chair of Trustees |

The Clerk to Governors/Trustees and Members is Mrs. Emma Dixon

**Appendix 2: Further Detail of the Complaints Process**

**Stage 1 Informal**

It is in everyone’s interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints’ procedure. Leaders within Nurture Academies Trust take concerns and complaints seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern or complaint with a particular member of staff, we will respect your views. In these cases, a member of our Senior Leadership Team (SLT) will refer you to another staff member where possible. Similarly, if the member of staff directly involved feels unable to deal with a concern, the SLT will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern or complaint objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns or complaints formally. In this case, Nurture Academies Trust schools will attempt to resolve the issue internally, through the further stages outlined within this complaints’ procedure.

# How to raise a concern or make a complaint

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so.

If any parent/carer is unhappy with the education that their child is receiving, or has any concern relating to the school, we encourage that person to talk to the child’s class teacher immediately.

Formal complaints against school staff (except the Executive Headteacher/Headteacher,) should be made in the first instance, to the Executive Headteacher/Headteachervia the school office***.*** Please mark them as Private and Confidential.

Complaints that involve or are about the Executive Headteacher/Headteacher should be addressed to ‘The Chair of Governors’, via the school office. Please mark them as Private and Confidential.

Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to ‘The Clerk to the Governing Body’ via the school office. Please mark them as Private and Confidential.

Formal complaints against central Trust staff (except the CEO) should be made in the first instance, to the CEOvia the Trust office***.*** Please mark them as Private and Confidential.

Complaints that involve or are about the CEO should be addressed to ‘The Chair of Trustees’, via the school office. Please mark them as Private and Confidential.

Complaints about the Chair of Trustees, any individual Trustee or the whole body of Trustees should be addressed to ‘The Clerk to the Governing Body’ via the Trust office. Please mark them as Private and Confidential.

For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the school office. You can also ask third party organisations like the Citizens Advice to help you.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

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 Nurture Academies Trust (including any of its schools) 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.

# Stage 2 Formal Investigation

Formal complaints must be made to the Executive Headteacher/Headteacher (unless they are about the Executive Headteacher/Headteacher), via the school office. This may be done in person, in writing (preferably on the Complaint Form), or by telephone.

The Executive Headteacher /Headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 3 school days.

Within this response, the Executive Headteacher /Headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Executive Headteacher /Headteacher can consider whether a face to face meeting is the most appropriate way of doing this.

Note: The Executive Headteacher /Headteacher may delegate the investigation to another member of the school’s senior leadership team but not the decision to be taken.

During the investigation, the Executive Headteacher /Headteacher (or investigator) will:

* if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
* keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the Executive Headteacher /Headteacher will provide a formal written response. 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 school will take to resolve the complaint.

The Executive Headteacher /Headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

If the complaint is about the Executive Headteacher/Headteacher, or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 2.

Complaints about the Executive Headteacher/Headteacher must be made to the Chair of Governors, via the school office. Complaints about a member of the governing body must be made to the Clerk, via the school office.

If the complaint is:

* jointly about the Chair and Vice Chair or
* the entire governing body or
* the majority of the governing body

Stage 2 will be considered by an independent investigator appointed by the CEO. At the conclusion of their investigation, the independent investigator will provide a formal written response.

If the complaint is about the CEO, or a member of the Trust Board (including the Chair or Vice-Chair), a suitably skilled Trustee or Member will be appointed to complete all the actions at Stage 2.

Complaints about the CEO must be made to the Chair of Trustees, via the Trust office. Complaints about a member of the Trust Board must be made to the Clerk, via the school office.

If the complaint is:

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

Stage 2 will be considered by an independent investigator appointed by the CEO. At the conclusion of their investigation, the independent investigator will provide a formal written response.

# Stage 3 Formal Chair of Governors Investigation

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3 – a meeting with members of the governing body’s complaints committee, which will be formed of the first three, impartial, governors available.

A request to escalate to Stage 3 must be made within ten working days of the conclusion of Stage 1 to the clerk to the Governors, via the school or Trust office. The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 3 school days.

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

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 10 school days of receipt of the Stage 3 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant’s absence on the basis of written submissions from both parties.

The complaints committee will consist of at least three governors with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee. The Clerk will source at least one additional, independent governors through another Trust school, in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 3.

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.

At least 7 school days before the meeting, the Clerk will:

* confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
* request copies of any further written material to be submitted to the committee at least 5 school days before the meeting.

Any written material will be circulated to all parties at least 5 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.

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

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.

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

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

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

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

The Chair of the Committee will provide the complainant and school/Trust with a full explanation of their decision and the reason(s) for it, in writing, within 5 school days.

The letter to the complainant will include details of how to contact the CEO or Trustees if they are dissatisfied with the way their complaint has been handled.

If the complaint is:

* jointly about the Chair and Vice Chair or
* the entire governing body or
* the majority of the governing body

Stage 3 will be heard by a committee of independent governors.

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 to be taken to resolve the complaint.

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

**Stage Four Formal Governors Complaints Panel**

Should the complainant be unhappy with outcome of the Stage Three Investigation, a request can be made to hold a Stage Four Complains Panel. The completed form should be sent to the Trust Chief Operating Officer within 10 school days of the Stage Three response.

The completed form must include reasons why the complainant believes the complaint is unresolved by the Stage Three procedure, along with solutions suggested to resolve the complaint.

The request for appeal will be acknowledged in writing within 5 school days stating the date of the Stage Four Complaints Panel.

The Stage Four Complaints Panel must only review the initial complaint. Any further complaints that have arisen during this process have to be dealt with by separate complaints to the school or Trust at Stage One of the complaints process.

Where there are reasonable grounds for a complaint to be escalated to a panel in line with stage four of the policy, the Chief Operating Officer will instruct the designated member of staff acting at Clerk to convene a Complaints Panel. This will be chaired by a Governor who is independent of the complaint, or a Governor of another Trust school if required. This will usually take place within 20 school days of the request for a Stage Four Complaint Panel.

The Complaints Panel will aim to be convened within the agreed timescales subject to the availability of the complainant and the panel members. If a panel cannot be convened in a timely manner from the Governors of the Academy in question, Governors from another Trust Academies and/or Trustees may be asked to attend the panel hearing.

All Complaints Panels will consist of at least three people who were not directly involved in the matters detailed in the complaint or involved in any previous stages of investigating the complaint. All Complaints Panels will include a panel member who in independent of the management and running of the Trust.

The Complaints Panel hearing will be held in private. The aim of the hearing will always be to resolve the complaint and achieve reconciliation between the school/Trust and the complainant. However, it has to be recognised that the complainant may 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.

The complainant will be given the opportunity to present their case to the Panel. The complainant may wish to be accompanied at the panel hearing.

The Executive Headteacher/Headteacher and Chair of Governors will also be given the opportunity to present their case.

Executive Headteacher/Headteacher and Chair of Governors and the Complainant will not be present when the Panel is making their decision. The panel will be supported by the designated member of staff acting as Clerk to the Panel, and may refer to the Chief Executive Officer for impartial advice if required.

The Panel may choose to reconvene at other times to discuss their findings and any recommendations.

The Complaints Panel will;

* Dismiss the complaint, in whole or in part; or
* Uphold the complaint, in whole or in part.

The Complaints Panel must also:

* Decide on the appropriate action to be taken to resolve the complaint where it is not dismissed in whole;
* Make recommendations to changes to the School/Trust’s systems or procedures to ensure that problems of a similar nature do not recur where the complaint is not dismissed in whole.
* Make findings as a result of the complaint and ensure that a copy of these findings and any recommendations are:
  + Available for inspection on the academy premises by the Board of Trustees and the Executive Headteacher/Headteacher;
  + Provided in a written format.

All parties will be notified of the Panel’s decision in writing within 15 school days after the date of the Panel meeting. This includes the complainant; the Chair of Governors, the Executive Headteacher/Headteacher, and where relevant the person complained about.

6.16 This is the final stage of the Complaints Procedure. The decision of the Panel is final. If the complainant remains unsatisfied they may take their complaint to the Education and Skills Funding Agency (ESFA). See Section 7.

# Next Steps

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 4.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by the School. They will consider whether the school has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at: [www.education.gov.uk/contactus,](http://www.education.gov.uk/contactus) by telephone on: 0370 000 2288 or by writing to:

Department for Education

Piccadilly Gate

Store Street Manchester

M1 2WD.

**Monitoring & Review**

The governors monitor the complaints procedure, in order to ensure that all complaints are handled properly. The SLT logs all complaints received by the school and records how they were resolved. Governors take into account any local or national decisions that affect the complaints process, and make any modifications necessary to this policy. This policy is made available to all parents via the school’s website, so that they can be properly informed about the complaints process.

This policy will be reviewed every other year or before, if regulations change.

**Roles and Responsibilities**

# Complainant

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

* explain the complaint in full as early as possible
* co-operate with the school in seeking a solution to the complaint
* respond promptly to requests for information or meetings or in agreeing the details of the complaint
* ask for assistance as needed
* treat all those involved in the complaint with respect
* refrain from publicising the details of their complaint on social media and respect confidentiality.

# Investigator The investigator’s role is to establish the facts relevant to the complaint by:

* providing a comprehensive, open, transparent and fair consideration of the complaint through:
  + sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
  + interviewing staff and children/young people and other people relevant to the complaint or consideration of records and other relevant information or analysing information
* liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

* conduct interviews with an open mind and be prepared to persist in the questioning
* keep notes of interviews or arrange for an independent note taker to record minutes of the meeting. With the agreement of the interviewee a recording will be taken.
* ensure that any papers produced during the investigation are kept securely pending any appeal
* be mindful of the timescales to respond
* prepare a comprehensive report for the Executive Headteacher/Headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The Executive Headteacher/Headteacher or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

**Complaints Co-ordinator** (this could be the Executive Headteacher/Headteacher/Head of School / designated complaints governor or other staff member providing administrative support)

The complaints co-ordinator should:

* ensure that the complainant is fully updated at each stage of the procedure
* liaise with staff members, Executive Headteacher /Headteacher/Head of School, Chair of Governors and Clerk to ensure the smooth running of the complaints procedure
* be aware of issues regarding:
  + sharing third party information
  + additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
  + keeping records

# Clerk to the Governing Body

The Clerk is the contact point for the complainant and the committee and should:

* ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
* set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
* collate any written material relevant to the complaint (for example; stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
* record the proceedings
* circulate the minutes of the meeting
* notify all parties of the committee’s decision

# Committee Chair

# The committee’s chair, who is nominated in advance of the complaint meeting, should ensure that:

* both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
* the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
* complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
* the remit of the committee is explained to the complainant
* written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual’s rights to privacy under the DPA 2018 or GDPR. If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting
* both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
* the issues are addressed
* key findings of fact are made
* the committee is open-minded and acts independently
* no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
* the meeting is minuted
* they liaise with the Clerk (and complaints co-ordinator, if the school has one).

**Committee Member**

Committee members should be aware that:

* The meeting must be independent and impartial, and should be seen to be so
* No governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.
* The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant
* We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
* Many complainants will feel nervous and inhibited in a formal setting
* Parents/carers often feel emotional when discussing an issue that affects their child.
* Extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting
* Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.
* The committee should respect the views of the child/young person and give them equal consideration to those of adults.
* If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person’s parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend. However, parents should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person’s best interests.
* The welfare of the child/young person is paramount.

# Appendix 3: Complaint Form

Please complete and return to the relevant leader at the appropriate school or central Trust who will acknowledge receipt and explain what action will be taken.

|  |
| --- |
| **Your name:** |
| **Pupil’s name (if relevant):** |
| **Your relationship to the pupil (if relevant):** |
| **Address:**  **Postcode:**  **Day time telephone number:**  **Evening telephone number:** |
| **Please give details of your complaint, including whether you have spoken to anybody at the school about it.** |
| **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 (within 3 school days):** |
| **By who:** |
| **Complaint referred to:** |
| **Date:** |