



# Complaint Policy and Procedures

Policy Family			
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## Introduction

The complaint procedure set out below has been agreed by the Trustees of The Learning for Life Trust. The Department for Education recommends, under Section 29 of the Education Act 2002, that every school should have a complaint procedure, which should be made available, upon request, to parents/carers.

Parental concerns and complaints are a reality of the day-to-day life and work of schools. However, it is our experience that the majority of concerns received can be successfully dealt with, to the satisfaction of all concerned, at the informal Stage 1.

This Policy and Procedure provides all of the information required to ensure that concerns and complaints can be raised, and addressed quickly and effectively.

It is important to note that this procedure and the stages detailed should be followed in order whenever a concern or complaint is raised.

It is equally important to note that if you wish to make a complaint it should be made in a calm and respectful manner.

The Trust and Schools are committed to fostering an open, respectful, and supportive environment for all members of our community. We want to assure parents, carers, and pupils that raising a concern or making a formal complaint will not result in any adverse consequences for them or their child, either now or in the future.

### 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 any school within the Trust, or about the Trust itself about any provision of facilities or services that we provide.

### Exceptions – complaints that are outside of the remit of this policy

This Policy and Procedure covers complaints about any provision of facilities or services provided by The Learning for Life Trust or its schools, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exception	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 the local authority team for your school.
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 Safeguarding Hub
Exclusion of children from school	Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a> .
Whistleblowing	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: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a> . 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 DfE

	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	Certain complaints about staff may need to be dealt with under the Trust's 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.
Freedom of information or Subject Access Requests	Requests should be made via the Chief Financial Officer.

## Definitions in the application of this policy

- 'complaint' means an expression of dissatisfaction however made, about actions taken or a lack of action.
- 'concern' means an expression of worry or doubt over an issue considered to be important for which reassurances are sought.
- 'meeting' means an in person or virtual meeting (i.e. telephone or video conference where all parties can participate verbally
- 'parent' means a parent, carer or anyone with legal responsibility for a child;
- 'school days' excludes weekends, bank holidays and school holidays and periods of partial or total school closure;
- 'Trust' means the academy trust: The Learning for Life Trust.

## The difference between a concern and a complaint

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 complaint procedure. All schools within the Trust take concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the school will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the school 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 objectively and impartially is more important.

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

## Anonymous complaints

We will not normally investigate anonymous complaints. However, the recipient of a complaint, as appropriate, will determine whether the complaint warrants an investigation under the terms of this policy. If it does, we will advise the sender as such, and invite them to contribute further information.

## Timescales

Concerns or complaints should be brought to our attention as soon as possible. Any matter raised more than three months after the incident occurring or, where a series of associated incidents have occurred, within three months of the last of these incidents will not usually be considered. We will only consider complaints made outside of this time frame if exceptional circumstances apply that would explain the delay.

**Exceptional circumstances will be determined by the Trust and may include:**

- a serious medical condition or a significant time in hospital.
- a serious medical condition of a close relative when you were the main carer, if this prevented you from making your complaint.
- certain personal circumstances that made complaining difficult – for example, serving in the armed forces in a war zone.

**Exceptional circumstances would not normally include:**

- not knowing about the time limits for a complaint or an appeal.
- a medical condition that only affected you for a short period of the time in question.
- a prolonged medical condition that would not have prevented you from making a complaint.
- being too busy to submit the complaint.

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

Ongoing complaints shall be suspended with the 'clock paused' during school holidays due to the limited availability of staff and governance representatives required by the complaints process.

The timeframes referred to in this policy for the Trust's response framework are our usual timeframes and the Trust will seek to adhere to these timeframes where possible. Should it become necessary to alter the time limits and deadlines set out within this policy, complainants will be advised accordingly and be provided with revised timescales and an explanation as to the reasons for variation.

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 time-scales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against the Trust or one 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.

## Resolving complaints

At each stage in the procedure, the 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 school policies in light of the complaint;
- an apology.

Where there are multiple complaints, from unconnected parties, but which are all based on the same subject or issue, we may decide to combine these in to one complaint and send one response to all complainants, or by publishing a response on the school's website, when this is the appropriate means of communication.

The Trust expects all complainants to make reasonable attempts to seek an informal resolution.

The Trust encourages parents to approach the school or trust with any concerns and refrain from airing concerns about its schools and staff on social media sites. The posting of negative comments on social media can cause damage and upset and is often counter-productive to students' education and effective resolution.

## Withdrawal of a Complaint

If a complainant wants to withdraw their complaint, they will be asked to confirm this in writing.

Should a complainant not wish to engage with the latter stages of this process, e.g. participate in a stage 3 complaints panel after requesting escalation, the complaint will be considered withdrawn. The Trust will continue to make every effort to seek an informal resolution where appropriate.

## Records of Complaints

A record will be kept of all written complaints, including nature of complaint, what stage they were resolved, whether they were upheld or not and any action to be taken as a result of the complaint. In accordance with GDPR regulations, correspondence, statements and records relating to individual complaints will be kept for no longer than is necessary, with material reduced to a basic record after a period of 6 months. Complaint records shall be kept confidential except where:

- access is requested by the Secretary of State;
- disclosure is required in the course of a school inspection;
- an individual has a legal right to access their own personal data contained within such
- documentation; or
- under other legal authority, or section 109 or 2008 requests access to them.

## Serial & Unreasonable Complaints

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

The Trust defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcome
- comes sought by raising the complaint, despite offers of assistance
- refuses to co-operate with the complaints investigation process
- 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 with good practice
- introduces trivial or irrelevant information which they expect to be considered and commented on
- raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- changes the basis of the complaint as the investigation proceeds
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education
- seeks an unrealistic outcome
- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the school that relates to their complaint, while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.

Whenever possible, a senior leader from the Trust will discuss any concerns with the complainant informally before applying an '*unreasonable*' marking.

In these circumstances, we may:

- inform the complainant that their behaviour is unacceptable or unreasonably persistent and ask them to change it;
- restrict the complainant's access to the school e.g. requesting contact in a particular form (for example, letters only), requiring contact to take place with a named person only, restricting telephone calls to specified days and times or banning the complainant from the academy's premises. Any such arrangements will be reviewed after six months;
- conduct a Complaints Panel by written communication only i.e. not hold a hearing;
- refuse to consider the complaint and, where Part 1 of this procedure applies, refer the complainant directly to the DfE.

We may take the decision not to respond to any further correspondence where:

- we have taken every reasonable step to address the complainant's concerns
- the complainant has been given a clear statement of our position and their options and
- the complainant contacts us repeatedly, making substantially the same points each time

The case for ceasing further correspondence is stronger where:

- letters, emails, or telephone calls are often or always abusive or aggressive or make insulting personal comments about or threats towards staff;
- we have reason to believe the complainant is contacting us with the intention of causing disruption or inconvenience;
- Where the behaviour is so extreme that it threatens the immediate safety and welfare of staff, governors or trustees, we will immediately inform the police and communicate our actions in writing. These may include barring an individual from an individual school, or all schools within the Trust.

All determinations of serial or unreasonable complaints made under this policy are shared with the Executive Leadership team.

## How to raise a concern or make a complaint -Stage 1: Informal Concern/Complaint

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

Most enquiries and concerns can be dealt with satisfactorily by the class teacher or other members of staff without the need to resort to the formal procedure. We value informal meetings and discussions and encourage parents to approach staff with any concerns they may have and aim to resolve all issues with open dialogue and mutual understanding.

It is always helpful if you can fully explain the nature of the concern and identify the outcome you are looking for. When appropriate, you may be invited to an informal meeting with the member of staff most appropriate for dealing with that concern. The member of staff dealing with the concern will make sure that you are clear about what action (if any) has been agreed. This may be put in writing if appropriate.

There is no set timescale for resolution at this stage given the importance of dialogue through informal discussion. However, it is expected that most issues will be resolved within 15 school days. If no satisfactory solution has been found, you will be advised that if you wish your concerns to be considered further you should put your complaint in writing using the template complaint form and send to the headteacher via the school office (unless your complaint is about the headteacher), or the relevant complaints contacts as outlined in Appendix 1 of this policy within 10 school days and follow Stage 2 of this policy.

**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, if required, at Stage 3 of the procedure.**

## Stage 2: Formal Complaint

It is very important that you include a clear statement of the actions that you would like us to take to resolve your complaint. We strongly encourage you to use the Complaint Form provided at Appendix 3 of this procedure. If you require help in completing the form, please contact the school office. You can also ask third party organizations like the Citizens Advice to help you. In all cases your written complaint must include:

- the nature of the complaint;
- details of how the matter has been dealt with so far;
- the names of potential witnesses, dates and times of events and copies of all relevant documents; and
- a clear statement of the actions that you would like us to take to resolve your complaint.

Reasonable adjustments will be made to this procedure when required to ensure that all complainants can access and complete this complaints procedure. This may include providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

Formal complaints must be made to the headteacher of the relevant Trust school (unless they are about the headteacher), via the school office. For complaints about all other staff, refer to Appendix 1 for the appropriate contacts.

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, should further information be required, the headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see, and also advise a target date for providing a response to the complaint. This will normally be within 20 school days of receiving the complaint.

If appropriate the headteacher (or someone appointed by them) may invite you to a meeting to clarify your complaints and to explore possible resolutions. If you accept that invitation, you may be accompanied by one other person, such as a friend, relative, governor or interpreter, to assist you. Where possible, this meeting will take place within 20 school days of receipt of the written complaint.

The headteacher, or an individual to whom the investigation has been delegated, may if necessary, interview and take statements from those involved. They should seek to meet with the complainant to understand the precise nature of the complaint and the best way to resolve it. They may also meet the member of staff, or the headteacher, that the complaint is about. They may look at written documents, including records relating to a particular incident or incidents. If the complaint is about on a student, the student should also be interviewed.

During the investigation of a complaint at Stage 2, students should normally be interviewed with their parent present. The exceptions to this are when to do so would seriously delay the investigation of a serious or urgent complaint, or if the student has specifically said that they would prefer that their parents were not involved. In these cases, and provided that to do so would not in any way compromise the student's welfare, another member of staff with whom the student feels comfortable should be present. If the matter includes a complaint relating to a member of staff, the member of staff must have the opportunity to respond to the complaint. If the member of staff is to be interviewed as part of the investigation, they may be accompanied. They must let the complaint Investigator know this in advance of the meeting.

If the matter includes a complaint relating to a member of staff, the member of staff must have the opportunity to respond to the complaint. If the member of staff is to be interviewed as part of the investigation, they may be accompanied. They must let the complaint investigator know this in advance of the meeting.

The investigator will keep a written record of all meetings and interviews that are carried out as part of their investigation. These shall not usually be shared with the complainant or any subsequent panel but shall be drawn upon to provide a written response to complainants. Detailed records relating to any individual's meeting/interview related to the investigation should not be shared without the individual's knowledge and consent.

Once the relevant facts have been established as far as possible, you will be provided with a written response to your complaint, including an explanation of the decision and the reasons for it, normally within 20 school days of the date of receipt of the complaint. If the investigator is unable to meet this deadline, they will provide the complainant with an update and revised response date. In some circumstances a written response may not be necessary or appropriate.



For example, some complaints are dealt with in a meeting and a written response is not required. When this is the case, the Investigator will ensure that you agree that a written response is not required.

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. When appropriate, it will include details of actions the Trust or the school will take to resolve the complaint.

The investigator 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 headteacher, a school governor, a member of the executive team, or a trustee, a suitable member of staff (taking into account the organisations structure) / governor /trustee will be appointed to complete all the actions at Stage 2.

The trust may alternatively engage an independent, external person to carry out the investigation into the Stage 2 complaint or to review the investigation and response at Stage 2. This may be appropriate when the complaint is particularly complex and involves legal issues.

## Stage 3: Referral to a Complaints Committee

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, the complainant may request that a complaints committee be convened to consider your complaint. This is the final stage of the Trust's complaints procedure.

The complaints committee will consist of at least three governors/trustees with no prior involvement or knowledge of the complaint. These can be drawn from across the entire governance network of the Learning for Life Trust, including the Trust Board. Of these three people, at least one member will be independent of the management and running of the specific school. The independent member may be an governor working with a different school within the trust, who has no conflict of interest or prior knowledge of the complaint. Prior to the meeting, the clerk will confirm who will chair the complaints committee. If there are fewer than three Trust governors/trustees available, the clerk will source any additional, independent governors through another local school or through the local authority's governor services team, in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 3.

A request to escalate to Stage 3 must be made to the Clerk to the Trust Board, within 10 school days of receipt of the Stage 2 response. You are requested to advise any significant availability constraints for the arranging of the panel.

Clerk to the Trust Board 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. Requests received outside of this time frame will only be considered if exceptional circumstances apply, (see guidance about exceptional circumstances above).

Every effort will be made to convene a panel to take place within 35 school days of the receipt of your request.

Within 10 school days of your request, the Clerk to the Trust Board will make every effort to share with you two alternative dates/times for a hearing within 35 school days, indicating the preferred date and time by the panel. You shall have 5 days to respond to the panel options. Should you not respond within 5 days, the Clerk to the Trust Board may determine that the hearing proceeds on the basis of written submissions from both parties at the preferred date and time.

Should the two panel options not be suitable, you must advise the Clerk to the Trust Board who will identify and communicate the offer of a final panel date and time within a further five days. The further date will be within 45 days of receipt of the Stage 3 request. If the third date/time is also unsuitable then the panel shall proceed on the basis of written submissions from both parties in order to enable the hearing to take place within a reasonable timeframe.

As soon as reasonably practicable and in any event at least 15 school days before the hearing, you will be sent written confirmation of the date, time and place of the hearing, together with brief details of the committee members who will be present. Fair consideration will be given to any bona fide objection to a particular member of the committee. You will also be informed if a school representative will be in attendance. You will also be requested at this time to provide copies to the Clerk of any further written material to be submitted to the committee at least 10 school days<sup>1</sup> before the meeting and asked to confirm if you will be bringing anyone with you.

A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate. Representatives from the media are not permitted to attend.

The Complaints Committee reserves the right not to consider any documentation presented by either party to the Clerk less than 10 school days prior to the hearing. The Complaints Committee is under no obligation to hear oral evidence from witnesses but may do so and/or may take written statements into account.

Any written material will be circulated to all parties at least 5 school days before the date of the meeting by the Clerk. This will include a copy of the Complaints Policy which includes the Stage 3 procedure. 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. Written notes of the meeting will be made. 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 meeting notes taken.

Unless otherwise stated, the procedure for the Stage 3 hearing is as follows:

- the Chair of the Committee will introduce the committee members and outline the process;
- the complainant will explain the complaint, and give an overview of the interactions to-date including stage 1 ;
- the committee members will question the complainant with the aim to identify potential resolutions;
- the complainant will be asked to confirm their understanding and expectations of next steps following the discussion with the panel;
- the Chair of the Committee will explain that both parties will hear from the committee, within 5 school days where possible; if further information will be required then they will indicate potential timeframes;
- the complainant will leave the panel ;
- the Clerk will stay to assist the committee with its decision making;
- The panel will take a decision on the complaint, or agree to adjourn if required.

The Clerk and or Complaints Committee reserves the right to modify the above procedure at their sole discretion.

A Complaints Committee may be adjourned if the Complaints Committee require further evidence or in exceptional circumstances (for example, if clarification sought by the Complaints Committee is essential to the proceedings). The adjourned date must be as soon as possible. The Complaints Committee reserves the right to adjourn or terminate a hearing should the complainant not engage with the panel or participate in a reasonable manner. Swearing, abusive or threatening language or intimidatory behaviour will not be tolerated.

Paperwork is required to be received by the Clerk at least 10 days before the panel to allow for collation/organisation prior to distribution to all parties 5 days before the panel hearing.

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, or Trust's systems or procedures to prevent similar issues in the future.

The Chair of the Committee will aim to provide the complainant and the School / Trust with a full explanation of their decision and the reason(s) for it, in writing, within 5 school days alongside a copy of the minutes of the meeting. Should the timeline require modification the Clerk to the Committee will advise the complainant and provide revised timeline expectations. Correspondence following a complaints panel will usually be sent by email. The formal response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the Trust will take to resolve the complaint.

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

## 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 3.

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

## Appendix 1: Complaints Contacts

Complaints against school staff (except the headteacher) should be made in the first instance, to the headteacher via the school office. Please mark them as Private and Confidential.

Our Schools:

- Broughton Primary School: Headteacher Mrs A Bewsher
- Cockermouth School: Headteacher Mr R King
- Fairfield Primary school: Headteacher Mr C Steele

Complaints that involve or are about any headteacher or member of the Executive Team should be addressed to the Chair of the Trust Board. Mr H Morgan [hmorgan@learningforlifetrust.co.uk](mailto:hmorgan@learningforlifetrust.co.uk)

Complaints about Governors, Trustees, or the whole governance network should be addressed to the Chair of the Trust Board. Dr H. Morgan [hmorgan@learningforlifetrust.co.uk](mailto:hmorgan@learningforlifetrust.co.uk)

Complaints about the Chair of the Trust Board should be directed to the Clerk to the Board: Mrs T. Barrientos [clerk@learningforlifetrust.co.uk](mailto:clerk@learningforlifetrust.co.uk)

Should you prefer to send your complaint by post, it shall be recorded as the day received/opened. Complainants are encouraged to use email delivery where possible to account for offsite movement/absences and postal delays that may delay receipt & review of mailed complaints.

Postal addresses for each school and the Learning for Life Trust can be found on the relevant website.

## Appendix 2: 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
- consideration of records and other relevant information
- 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 notes of the meeting
- 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 headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The 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 headteacher 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, headteacher, Executive Team, governors, trustees, Clerk and other authorities (where appropriate) to ensure the smooth running of the complaint's procedure and 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, keep records, including ensuring all parties are notified, by the Clerk, of the committee's decision, i.e. when the panel make findings and recommendations, a copy will be provided to the complainant and, where relevant to the person complained about.
- ensure that the findings and recommendations of the panel are available for inspection on the school premises by the Headteacher and Executive Team.

### Clerk to the Complaints Committee

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
- take a written record of the proceedings
- circulate the notes of the meeting to all parties
- notify all parties of the committee's decision, i.e. when the panel make findings and recommendations, a copy will be provided to the complainant and, where relevant to the person complained about.
- ensure that the findings and recommendations of the panel are available for inspection on the school premises by the Headteacher, and Executive Team.

## Committee Chair

The committee's chair, who is confirmed 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.
- 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
- notes of the meeting are taken
- 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 or trustee 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 Trust/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, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.
- the welfare of the child/young person is paramount

## Appendix 3

## Stage 2 – Complaint Form (for the attention of the School Headteacher)

<b>Your name:</b>	
<b>Student's Name (<i>if applicable</i>):</b>	
<b>Your relationship to the student:</b>	
<b>Address:</b>	
<b>Contact Telephone Number:</b>	
<b>Email:</b>	
<b>Please give details of your complaint:</b>	
<b>What action, if any, have you already taken to try to resolve your complaint? (Who did you speak/write to and what was the response?)</b>	
<b>Please attach/include information about how your initial concern has tried to be resolved at Stage 1:</b>	
<b>What actions do you feel might resolve the problem at this stage?</b>	
<b>Are you attaching any paperwork? If so, please give details:</b>	
<b>Signature:</b>	
<b>Date:</b>	

Please return this form to the Headteacher of the relevant Learning for Life Trust School.