



# Complaints Policy

**Ref: A01**

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<b>Document Control</b>	
Title	A01 Complaints Policy
Date	September 2022
Supersedes	Previous version from Sept 2021
Amendments	Updated in line with new DfE Complaints Guidance – November 2021, with additions around Governing Body / Trust Compliants, Unreasonable Complaints and Record Keeping
Related Policies/Guidance	<ul style="list-style-type: none"> <li>• A003 Trust Whistleblowing Policy</li> <li>• A006 Admissions Policy</li> <li>• C016 Special Educational Needs Policy</li> <li>• P004 Trust Allegations of Abuse Against Adults Policy</li> <li>• S010 Exclusions Policy</li> <li>• S017 Child Protection and Safeguarding Policy</li> <li>• Education &amp; Skills Act, 2008</li> </ul>
Review	Annual (statutory policy)
Author	Katherine Moulder / Andy Park
Date consultation completed	N/A
Approved Level:	Trust Board
Date adopted:	1 <sup>st</sup> September 2022
Expires on	31 <sup>st</sup> August 2023

### **Prospere Learning Trust**

is a Multi Academy Trust

Registered in England and Wales number 10872612

Registered Office: Firbank Road, Manchester, M23 2YS

The Prospere Learning Trust has several Trust-wide policies which are adopted by all schools/academies in the Trust to ensure an equitable and consistent delivery of provision.

The Trust Board has responsibility for the operational of all schools/academies and the outcomes of all students however responsibility is delegated to the Local Governing Body of each school via the Scheme of Delegation.

Within our policies reference to:

- Governing Body / Governors relates to the members of the Local Governing Body representing the Trust Board.
- School includes a reference to school, academy or free school unless otherwise stated.
- Headteacher includes a reference to Headteacher, Principal or Head of School of a school, academy, or free school.

## 1 INTRODUCTION:

- 1.1** The Prospere Learning Trust is committed to having a clear, fair, and efficient procedure for dealing with any complaints to or against any school or academy within the Trust, so that any issues that arise can be dealt with as swiftly and effectively as possible. All schools and academies within the Trust are expected to follow this standard complaints procedure.
- 1.2** All school staff will be made aware of our complaints procedures and are expected to be familiar with our process of dealing with complaints so that they can be of the most assistance when an issue is brought to their attention. The school expects ALL complaints to be taken seriously and to be dealt with comprehensively and as far as possible in confidence.
- 1.3** This policy explains that procedure and the steps that it outlines should be referred to and followed by all stakeholders whenever an issue arises that causes them concern.
- 1.4** As far as possible all concerns should be dealt with as informally as possible. Initially there will be a consideration of whether the matter can be resolved without invoking any formal process. For example, many matters come to head teachers apparently as a complaint but can be resolved amicably through discussion. It would be wrong to categorise such cases as 'complaints'. Care must be taken, however, not to obstruct the right of someone to pursue the formal complaints procedure if that is their wish.
- 1.5** This policy does not cover complaints procedures relating to:
- Student admissions
  - Student exclusions
  - Statutory assessments of Special Educational Needs
  - Safeguarding matters
  - Whistleblowing
  - Staff grievances
  - Staff Discipline

Each of these follows its own process of complaints and appeals which are outlined in their relevant policies which can be found on the school website.

- 1.6** When considering any complaint, all involved from the school will consider whether the matter should be dealt with under other more appropriate procedures. Matters being treated as complaints are reviewed at each stage of the process, including at the very beginning, to ensure that they are dealt with at the level appropriate.

There is a hierarchy of procedures:

1. Child Protection
2. Disciplinary
3. Complaints

- 1.7** If at any point there is any evidence that a higher-level process should be followed, then the complaints procedure will be paused to allow consideration of the matter

at the higher level. The complainant will be told that there may be a delay but will not be given information about the use of child protection or disciplinary procedures. The Child Protection procedures have been established by the Area Child Safeguarding Board and are the same for all schools. Disciplinary procedures can vary between schools and are determined by the Trust. Professional advice will be sought as appropriate.

- 1.8** If there is an allegation or concern about physical or sexual misconduct towards a child, or there is a belief that a child may be at risk of serious harm, the 'designated person' responsible for child protection and the Headteacher should be informed immediately. The school may immediately refer the case to appropriate child protection and welfare services. If it is decided that there is cause for an official investigation, the decisions by these authorities will supersede those made by the school and outlined in this policy.
- 1.9** For more information on our school's provision for protecting our students, read our Safeguarding Policy, and the Allegations of Abuse Against Adults Policy, which can be found on the school website.
- 1.10** Anonymous complaints will not be examined under this policy.
- 1.11** Complainants must be made aware that there is a complaints procedure and copies of this policy will be made available on request.

## **2 WHEN AN ISSUE OR CONCERN FIRST ARISES:**

- 2.1** If you have a concern that you would like to take up with the school you should initially inform a member of staff either in person, over the telephone or in writing. You may then be invited to an informal meeting with the member of staff most appropriate for dealing with your concern.
- 2.2** We encourage parents to approach staff with any concerns they may have and aim to resolve all issues with open dialogue and mutual understanding.
- 2.3** Parents may wish to approach their child's form tutor or key worker first as they will be best placed to help them either directly or directing them as appropriate to another member of staff.
- 2.4** It is helpful if a written explanation of your concern is given to the staff member that you speak to, so that it is easy to see, when complaints are taken further or referred to in the future, what the initial problem was.
- 2.5** We encourage all complaints to be discussed directly with the relevant member of staff on an informal basis initially, whenever possible. This includes any complaints about the Headteacher.

### **3 INITIAL INFORMAL PROCEDURE:**

- 3.1** Once a concern has been raised you may be invited to attend an informal meeting with the appropriate member of staff to discuss your concerns.
- 3.2** School staff members will listen carefully and patiently to your complaint, recognising that it is a matter of concern to you as an individual.
- 3.3** You are welcome to bring a friend, partner or, in the case of a pupil who has raised a concern, a parent to this meeting. It may be appropriate for a pupil to attend the meeting if their parent has raised a concern, depending on the nature of the issue.
- 3.4** If a serious complaint is made by a student, this should be brought to the attention of the student's Head of Year (Mainstream Schools) or a member of the Senior Leadership Team (Special Schools). It will be the responsibility of the Head of Year/SLT member to determine whether he/she can deal with the issue, or in consultation with Senior Leaders, what the next course of action should be, including referring the matter to the formal complaints procedure.
- 3.5** If the matter is within the ability of the member of staff to resolve quickly this should be done, otherwise advice will be sought from a member of Senior Staff.
- 3.6** School staff members have a responsibility to ensure that you understand any future points of action that are agreed upon in this meeting and should make a record of what has been discussed, as well as any outcomes and a plan of action, if one has been agreed.
- 3.7** There is no suggested timescale for resolution at this stage given the importance of dialogue through informal discussion although it would be expected that most issues would be resolved within 5 school days.
- 3.8** All staff will do their best to ensure that your concerns are dealt with appropriately and efficiently but if you cannot come to an agreement, or are dissatisfied with the outcome of your meeting, you can make a formal complaint, in writing, to the Headteacher.

### **4 FORMAL COMPLAINTS:**

- 4.1** If you do not feel that your concern has been dealt with as you would like, are unhappy with the outcome of your informal meeting or feel that the issue is serious enough that it warrants it, you can make a formal complaint in writing to the Headteacher.
- 4.2** If your complaint is about a member of staff, you should first raise this formally with the Headteacher either in person or in writing.
- 4.3** If your complaint is about the Headteacher or a governor, you should raise your concern formally in writing with the Clerk to the Governing Body.
- 4.4** The Chair of Governors may refer complaints that are taken straight to them back to the appropriate member of staff if they do not warrant the Governing Body's involvement at that point.

- 4.5 Where complaints are raised regarding the Central Trust or staff who work across more than one school the process outlined within this policy will be followed and will be led by leaders from across the Trust, as appropriate.
- 4.6 To ensure that complaints are processed efficiently and effectively the school deals with formal complaints in three stages outlined in the following sections.

## **5 STAGE 1 - FORMAL PROCEDURE (Senior Leadership Team)**

- 5.1 Any formal written complaint should be addressed to the Headteacher (see exceptions above in section 4). The complaint should detail:
- The complaint
  - Any attempts they made to raise/resolve the complaint (who they spoke to and when)
  - Actions they feel might resolve the problem
  - Any staff they would prefer not to discuss the issue with
- 5.2 The complaint at this stage will be managed by the school's nominated 'Complaints Coordinator', on behalf of the Headteacher, who will allocate it to the appropriate member of the Senior Leadership Team to investigate and respond appropriately.
- 5.3 The Complaints Coordinator will work with the person assigned to manage the complaint to ensure timescales are adhered to and to offer any additional support needed to help resolve the complaint.
- 5.4 The school should acknowledge your complaint in writing within 2 full school days.
- 5.5 If the matter can be resolved quickly this should be done and therefore potentially a full response will be included in this letter. Otherwise, you will be reassured that the complaint will be taken seriously and investigated further.
- 5.6 You may be invited in for a meeting to discuss the issue outcome, possible solutions, or to explain what has or will happen because of your complaint.
- 5.7 The school will keep a record of all interactions with you and other staff, meetings and decisions made about your complaint. This record will be kept confidentially by the school but may be inspected where appropriate by the Secretary of State or any inspection body.
- 5.8 If the complaint is against a member of staff, the school will talk to that employee and they will be given the opportunity to write a response, which will be sent to the appropriate Senior Leader within 2 school days of the complaint being lodged with them.
- 5.9 The school will aim to respond to you in writing within 5 school days outlining their response to your concern, and any action that has or will be taken. Where this is not possible, all parties will be informed of the action being taken, and when a further update will be provided.

- 5.10 If the school has decided not to take any further action on the issue, they will explain what they have decided, how they have reached this decision, and will outline your right to take the matter further and the steps to be taken.
- 5.11 In smaller schools, or in specific cases, stage 1 may be handled directly by the Headteacher, in which case stage 2 is handled by the Executive Headteacher for the school.

## **6 STAGE 2 - FORMAL PROCEDURE (Headteacher)**

- 6.1 If, having spoken to the appropriate member of the Senior Leadership Team, you are dissatisfied with the outcome of your complaint; you may lodge your complaint to be formally heard by the Headteacher. You should write to the Headteacher explaining your concern and the steps that have led up to you taking this course of action.
- 6.2 If the complaint is against a member of staff, that employee will be given the opportunity to write a response, which will be sent to the Headteacher within 2 school days of the complaint being lodged with them.
- 6.3 The Headteacher will then review the complaint and the action taken to date to resolve the complaint. They may request the support of a member of the Senior Leadership Team to complete any further investigation, but this should be someone who has not previously been directly involved.
- 6.4 The Headteacher will respond to you in writing within 5 school days outlining their response to your concern, and any action that has or will be taken. Where this is not possible, all parties will be informed of the action being taken, and when a further update will be provided.
- 6.5 If they have decided not to take any further action on the issue, they will explain what they have decided, how they have reached this decision, and will outline your right of appeal and how you can start your appeal.

## **7 STAGE 3 - FORMAL PROCEDURE (Appeal)**

- 7.1 If you would like to lodge an appeal following the outcome of a formal complaint at Stage 2, this will be taken to the appeals panel. You should write to the Chair of the Governing Body to exercise this right within 10 school days of the outcome at Stage 2, documenting why you are not satisfied with the outcome at Stage 2 of the process. If no request for an appeals panel hearing is received within 10 school days, it will be deemed that the decision is accepted, and the complaint will be closed.
- 7.2 If an appeals panel is requested, the Chair of Governors will acknowledge your appeal and make the necessary arrangements and will usually convene the appeals panel within 15 school days from the acknowledgement being sent. Where it is not possible to find a mutually convenient date within that timescale, the school will take reasonable steps to agree a time and date mutually convenient to all parties. If the complainant rejects the offer of 3 proposed dates without good reason, the

clerk will set a date. The hearing will go ahead using written submissions from both parties.

- 7.3** A clerk will be appointed to support the panel. This may be a member of staff who has not been directly involved in the matters detailed in the complaint.
- 7.4** The clerk will ensure that all parties to the appeal have access to the same documentation, including the existing records of the complaints progress, and set out a timetable to support the collation and circulation of documents. You should be given at least 5 school days notice of the appeals panel hearing date and every effort should be made to support you to attend the hearing. Any supporting documentation relevant to the complaint must be submitted to the appeals panel by both parties at least 5 days before the appeals panel hearing.
- 7.5** You will be entitled to be accompanied to the appeals panel hearing and should notify the clerk in advance if you attend to bring anyone. We don't encourage either party to bring legal representation but will consider it on a case-by-case basis. *(For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by their union.)*

#### **The appeals panel:**

- 7.6** The appeals panel will be made up of a minimum of three members. Two of the members will be Governors or members of the Trust Board, one person will be appointed to the panel that is independent of the management and running of the school.
- 7.7** No person can sit on the appeals panel if they have had any former knowledge or involvement in the case that is being dealt with at that time. The chair of the panel will be nominated from within the group of panel members. All panel members will be familiar with and have access to the complaints policy.
- 7.8** The panel will consider how the complainant can be made to feel most comfortable presenting to the panel, especially in the case of a young child having to present or explain information.
- 7.9** The panel will meet in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. If required, prior knowledge and consent of all parties attending will be sought before meetings or conversations take place and consent will be recorded in any minutes taken.
- 7.10** hear the appeal(s),

#### **Appeals procedure:**

- 7.11** The procedure for an appeal is usually as follows:
- The complainant and Headteacher will enter the hearing together.
  - The chair will introduce the panel members and outline the process.
  - The complainant will explain the complaint.

- The Headteacher and panel will question the complainant.
- The Headteacher will explain the school's actions.
- The complainant and panel will question the Headteacher.
- The complainant will sum up their complaint.
- The Headteacher will sum up the school's actions.
- The chair will explain that both parties will hear from the panel within 5 working days.
- Both parties will leave together while the panel considers all the views expressed and decides the outcome in private.
- The clerk will stay to assist the panel with its decision making.

**7.12** The chair of the panel/clerk to the panel will notify you (and, where relevant, any persons complained about) of the panel's findings and recommendations in writing within 5 school days of the appeal hearing. The letter will set out the findings and recommendations of the panel together with the reasons underpinning their decisions. The letter may set out recommendations which will be made to the governing body and will set out any further rights of appeal.

**7.13** The appeals panel may:

- dismiss all or part of the complaint
- uphold all or part of the complaint
- decide on the appropriate action to be taken to resolve the complaint
- evaluate all the evidence available and recommend changes to the school's systems or procedures as a preventative step against similar problems arising in the future.

**7.14** The panel's decision is final.

## **8 COMPLAINTS AGAINST THE HEADTEACHER / CHIEF EXECUTIVE OFFICER (CEO), GOVERNOR/TRUSTEE OR THE GOVERNING BODY/TRUST BOARD**

### **8.1 Stage 1: Informal**

Complaints made against the headteacher / CEO or any member of the Governing Body / Trust Board should be directed to the clerk to the Governing Body / Trust Board in the first instance.

If the complaint is about the headteacher or one member of the Governing Body (including the chair or vice-chair), a suitably skilled and impartial governor will carry out the steps at stage 1 (set out in section 5 above).

If the complaint is about the Chief Executive Officer or any member of the Trust Board (including the chair or vice-chair), a suitably skilled and impartial trustee will carry out the steps at stage 1 (set out in section 5 above).

## 8.2 Stage 2: Formal

If the complaint is:

- Jointly about the chair and vice chair or
- The entire Governing Body / Trust Board or
- The majority of the Governing Body / Trust Board

An independent investigator will carry out the steps in Stage 2 (Set out in section 6 above). They will be appointed by the Trust Board, with the support of an appropriate clerk, and will write a formal response at the end of their investigation.

## 8.3 Stage 3: Review Panel

If the complaint is:

- Jointly about the chair and vice chair or
- The entire Governing Body / Trust Board or
- The majority of the Governing Body / Trust Board

A committee of independent Governors / Trustees will hear the complaint. They will be sourced from local schools, supported by an appropriate clerk, and will carry out the steps at Stage 3 (Set out in section 7 above)

# 9 FAILURE TO FOLLOW THE COMPLAINTS POLICY

**9.1** 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

**9.2** If the school's complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.

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

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

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

# 10 UNREASONABLE COMPLAINTS:

## **Unreasonably Persistent Complaints:**

**10.1** The Prospere Learning 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 the school. 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.

**10.2** The Prosperere Learning Trust defines unreasonable complainants as ‘those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people’s complaints’.

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

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance.
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- refuses to accept that certain issues are not within the scope of a complaints procedure.
- Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure, beyond all reason.
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- introduces trivial or irrelevant information which the complainant expects to be considered 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.
- 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 or a solution that lacks any serious purpose or value.
- makes excessive demands on school 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.

**10.4** A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone, in writing or electronically: -

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

- 10.5** 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.
- 10.6** Complainants should limit the numbers of communications with a school while a 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.
- 10.7** Whenever possible, the Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.
- 10.8** If the behaviour continues the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. Where similar further correspondence is received on the same matter, the school will be under no obligation to respond to that correspondence.
- 10.9** For complainants who excessively contact the school 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.
- 10.10** 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 barring an individual from school premises.

#### **Duplicate Complaints:**

- 10.11** If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.
- 10.12** If we are satisfied that there are no new aspects, we will:
- Tell the new complainant that we have already investigated and responded to this issue, and that the local process is complete
  - Direct them to the ESFA if they are dissatisfied with our original handling of the complaint
- 10.13** If there are new aspects, we will follow this procedure again.

#### **Complaint Campaigns:**

- 10.14** Where the school receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school may respond to these complaints by:
- Publishing a single response on the school website
  - Sending a template response to all of the complainants

- 10.15** If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply.

## **11 RECORD KEEPING**

- 11.1** All staff will receive periodic training regarding the handling and management of complaints.
- 11.2** The school will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.
- 11.3** This material will be treated as confidential and held centrally and will be viewed only by those involved in investigating the complaint or on the review panel.
- 11.4** This is except where the Secretary of State (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act, or where a body conducting an inspection under section 108 or 109 of the 2008 Act requests access to them.
- 11.5** Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and our record retention schedule.
- 11.6** The details of the complaint, including the names of individuals involved, will not be shared with the whole governing board in case a review panel needs to be organised at a later point.
- 11.7** Where the governing board is aware of the substance of the complaint before the review panel stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint.
- 11.8** Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the governing board, who will not unreasonably withhold consent.
- 11.9** The Headteacher and Complaints Coordinator will review the handling of complaints on a termly basis and will discuss issues with staff as necessary.
- 11.10** The Headteacher will report to the Local Governing Body on a termly basis of the number and type of complaints received and their outcomes.

## **12 STAFF COMPLAINTS:**

- 12.1** Staff who have a concern about a colleague or a volunteer member of staff should refer to the school's whistleblowing policy.
- 12.2** The procedure for dealing with any other staff complaints or employment grievances is set out in the school's staff disciplinary & dismissal policy, and the school's grievance policy.

## **APPENDIX 1: RESPONSIBILITIES:**

**Trust Board:** for approving the policy, procedures, and guidelines across the Trust, and for hearing and deciding on appeals as required.

**Governing Body:** for hearing and deciding on appeals, receiving reports, and advising the Head of each individual academy. The Governing Body will monitor the level and nature of complaints and review the outcomes on a termly basis.

**Chair of the Governing Body:** to receive complaints at Stage 3, to nominate a panel to hear the appeal, and to check that the correct procedure is followed.

**Nominated Chair of the Panel at Stage 3:** To ensure that:

- the parties understand the procedure.
- the issues are addressed.
- key findings of fact are established.
- complainants are put at ease.
- the hearing is conducted as informally as possible.
- the panel is open-minded and acts independently.
- no member of the panel has a vested interest in the outcome or has been involved in the issues previously.
- all parties have the chance to be heard.
- any written material is seen by all parties.

**Clerk to the Complaints Panel:** The Clerk must act as the reference point for the complainant at Stage 3. The Clerk must:

- set convenient dates and times and venues for hearings.
- collate any written material and forward it to the parties.
- meet and welcome the parties.
- record the proceedings; and
- notify the parties of the decision.

**Headteacher:** for the overall internal management of the procedures, for hearing complaints at Stage 2, ensuring that the procedures are monitored and reviewed, ensuring termly reports are made to the Governing Body.

**Complaints Coordinator (normally a nominated Deputy Headteacher):** for the efficient operation and management of the policy and procedures, for training staff on how to deal appropriately with complaints, for keeping parents, students and others informed of the procedures and for compiling reports for the Headteacher as required.

**Senior Leadership Team:** supporting Middle Leaders in resolving complaints, hearing complaints at Stage 1, and ensuring this policy is always adhered to.

**Middle Leaders:** for dealing with and where possible resolving complaints about academic matters/programmes of study/teaching methods, overall student progress, discipline issues, pastoral care.

**Administration Leaders / Business Managers:** for dealing with complaints linked to operational and administrative matters.

**Designated Senior Member of Staff:** for child protection issues.

**All staff:** for hearing any concerns brought to them by parents and students and reassuring them that they will be dealt with as soon as possible by the appropriate member of staff, and for informing the relevant staff of the concerns.