



## SPA EDUCATION TRUST COMPLAINTS POLICY

This document meets the requirements set out in part 7 of the schedule to the [Education \(Independent School Standards\) Regulations 2014](#), which states that we must have and make available a written procedure to deal with complaints from parents of pupils at the school.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on [creating a complaints procedure that complies with the above regulations](#), and refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).

This policy complies with our funding agreement and articles of association.

In addition, it addresses duties set out in the [Early Years Foundation Stage statutory framework](#) with regards to dealing with complaints about the school's fulfilment of Early Years Foundation Stage requirements.

It also refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).

### 1. Concerns and complaints.

This policy applies to all concerns and complaints other than the following which have their own arrangements and policy:

- Admissions
- Statutory assessments of Special Education Needs (SEN)
- School re-organisation proposals
- Safeguarding, Child Protection issues
- Exclusions
- Whistleblowing
- Staff grievances and disciplinary procedures
- Complaints about services provided by other providers used by the Trust, please complain directly to the 3rd party provider.

Any personal information recorded in regard to a complaint will be kept in accordance with the principles of the General Data Protection Regulation 2019 (Ref: the Information Commission Office)

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*'.

Spa Education Trust welcomes feedback about the education it provides to its children. This feedback may include concerns. We take your concerns very seriously and we will seek to resolve any concerns brought to our attention. It is in everyone's interests that concerns are resolved at the earliest possible stage and it is our hope that most issues can be resolved informally.

Parents/carers are therefore encouraged to raise any concerns they have directly with their child's teacher or an appropriate member of staff. If they remain unhappy, they should make an appointment to speak to the Headteacher. Most concerns can be addressed and resolved in this way. Occasionally a resolution is not reached or the matter is too serious to resolve in this way and this document outlines the formal procedure, which should be followed.

If someone does not wish to discuss a concern with a particular member of staff, the Head of School will refer them to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, parents/carers will be referred to the Head of School. The ability to consider the concern objectively and impartially is more important.

## **2. General principles of this complaints procedure**

- 2.1 Anyone, including members of the public, may make a complaint to Spa Education Trust about any service provided directly by the Trust. Unless the matter is dealt with under a separate statutory procedure, we will use this complaints procedure.
- 2.2 **Complainants should not approach individual governors or Trustees to raise complaints.** They have no power to act on an individual basis and it may prevent them from considering the complaint at stage 2 of the process.
- 2.3 The aim of the procedure, at each stage, is to bring about a resolution and/or reconciliation, as informally and quickly as may be reasonably possible. It is intended to be investigatory, not adversarial, and to allow for an impartial and fair investigation to be undertaken.
- 2.3 You must raise the complaint within three months of the incident or, where a series of associated incidents occurred, within three months of the last incident. Complaints made outside of this timeframe will only be considered in exceptional circumstances.
- 2.4 Complaints about a former member of staff will not normally be considered if it is more than three months since they stopped working at the trust, unless there are exceptional circumstances.
- 2.5 Complaints made during school holidays will be considered as having been received on the first school day after the holiday.
- 2.7 Those responsible for investigating and responding to a complaint will aim to address the concerns raised, provide an effective response and consider any redress that might be necessary.
- 2.8 If the complaint alleges or suggests conduct that might indicate that an individual would pose a risk of harm if they continue to work in regular or close contact with children, advice will be sought from the Local Authority Designated Officer (LADO) before any management or complaints investigation is initiated.
- 2.9 If other bodies are investigating aspects, of the complaint, it may impact on the timescales within this procedure or result in the procedure being suspended until the other investigation is complete.
- 2.10 If a complainant commences legal action against the trust in relation to their complaint, the complaints procedure may be suspended until the legal proceedings have concluded.
- 2.11 We will not normally investigate anonymous complaints. However, the Head of School , Executive Headteacher or Chair of Trustees, if appropriate, will decide whether the complaint merits an investigation.
- 2.12 If, after closing a complaint at the end of the complaints procedure, a duplicate complaint is received (e.g. from a spouse; a partner; a grandparent; or a child.) and the complaint is about the same subject, the Trust will inform the new complainant that the Trust has already considered that complaint and the local process is complete. The new complainant will be advised to contact the DfE if they are dissatisfied with the trust's handling of the original complaint.

- 2.13 If a high volume of complaints is received all based on the same subject and /or from complainants unconnected with the school the school will
- send a template response to all complainants and/or
  - publishing a single response on the trust's website

Complainants have the right to refer the matter to the DfE if they are dissatisfied with the trust's response.

- 2.14 In order for complaints to be resolved as quickly and fairly as possible, Spa Education Trust requests that complainants do not discuss complaints publicly via social media. Complaints will be dealt with confidentially for those involved, and we expect complainants to observe confidentiality also

### **3. Procedures to be followed for concerns or complaints falling under this policy.**

#### **3. Stage 1 Informal Complaint**

- 1.1 Most concerns, where a parent/carer or other persons seeks intervention, reconsideration or some other action to be taken, can be resolved informally. Examples might include dissatisfaction about some aspect of teaching, disciplinary matters or issues outside the classroom. Parents/carers should raise the concern initially with the Assistant or Deputy Headteacher, Head of School or Executive Headteacher. as appropriate. The school will normally meet with the complainant and ensure that informal complaints are resolved within 10 working days of being raised.
- 1.2 Unresolved concerns: A concern which has not been resolved by informal means within ten working days from the receipt of the complaint can be notified as a formal complaint in accordance with Stage 2 below.
- 1.3 Record of concerns: In the case of concerns raised under Stage 1 of this procedure, the only record of the concern and its resolution will be file notes by the person dealing with the complaint and/or file correspondence between the person raising the concern and the respondent. The file will normally contain any evidence that has been considered and the outcomes
- 3.4 If the complaint is not resolved informally, it will be escalated to a formal complaint

#### **4. Stage 2 Formal Complaint**

##### 3.1 What to do

If you are not satisfied with the outcome of informal discussion, you should put your complaint in writing and to assist you with this a template form is provided (Part 1 of the form in Appendix 1.) If you are unable to complete this and make your complaint orally to the main office, a written record will be made which includes details set out in the form. You may ask the trust or an outside agency (e.g. Citizens Advice) to assist you with completing the form.

##### 3.2 Who deals with the complaint?

When you send your complaint, please mark it as "private and confidential".

If the complaint relates to a member of staff in the trust it will be investigated by the Head of School or Executive Headteacher. It should be sent to the Head of School or Executive Headteacher.

If the complaint relates to the Head of School , the Executive Headteacher or the Chair of Trustees or a suitably skilled nominated trustee will investigate it. It should be sent to the Clerk to the Trustees either care of the

**Bermondsey office: [office@spa-education.org](mailto:office@spa-education.org)**  
or the

**Camberwell office:** [officecamberwell@spa-education.org](mailto:officecamberwell@spa-education.org)

If the complaint relates to a member of the Governing Body (including the Chair) it will be investigated by a suitably skilled trustee. It should be sent to the Clerk to Governors either care of the

**Bermondsey office:** [office@spa-education.org](mailto:office@spa-education.org)

or the

**Camberwell office:** [officecamberwell@spa-education.org](mailto:officecamberwell@spa-education.org)

If the complaint is jointly about the Chair and Vice chair, the entire Governing Body or the majority of the Governing Body it will be considered by an independent investigator appointed by the Trustees advice may be sought from the clerk to the board, DfE or ESFA.

It should be sent to the Clerk to the Trustees either care of

**Bermondsey office:** [office@spa-education.org](mailto:office@spa-education.org)

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**Camberwell office:** [officecamberwell@spa-education.org](mailto:officecamberwell@spa-education.org)

### 3.3 What happens

The process will be as follows

- Receipt of the complaint will be recorded and it will be acknowledged within five school days and a commitment made that it will be investigated.
- The Head of School or Executive Headteacher (or designated member of the senior leadership team) will call a meeting to clarify concerns, and seek a resolution. The complainant may be accompanied to this meeting, and should inform the school of the identity of their companion in advance.
- During the investigation, the Investigator will:
  - Seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see
  - Consider whether a face to face meeting is the most appropriate way of doing this
  - 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 Investigator will provide a formal written response within five school days of the date of receipt of the complaint. If they are unable to meet this deadline, they will provide the complainant with an update and revised response date.
- The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Spa Education Trust 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.

## 5. Stage 3 Trustees' Panel

### 4.1 What to do

If you are not satisfied with the outcome and wish to take your complaint further, you can escalate to Stage 3. The request to escalate to Stage 3 must be put in writing and a template is provided to assist you (Part 2 of the form in Appendix 1.) If you are unable to do this and your request is made orally a written record will be made which includes details set out in the form). The complaint should be sent to the Clerk to the Trustees within ten school days of the decision under Stage 2.

Complaints outside of this time frame will only be considered in exceptional circumstances.

## 4.2 What happens

- The Clerk will send a written acknowledgement within five school days.
- The Clerk will arrange for three Trustees to consider the complaint.
- This committee will be formed of the first three impartial Trustees available (i.e. trustees with no prior knowledge, involvement in the complaint or conflict of interest). Trustees employed to work within the trust will not be used.
- If there are, fewer than three trustees available from the Trust the Clerk will source additional independent trustees or governors. Alternatively, an entirely independent committee may be convened to hear the complaint.
- Academies must ensure that one panel member is independent of the management and running of the academy.
- The committee will decide whether to deal with the complaint by inviting the parties to a meeting or through written representations. In making, their decision they will be sensitive to the complainant's needs.
- If a meeting is agreed, the clerk will seek to find a date, which is convenient for all parties, including the Investigator.
- They will write to the complainant to confirm how the complaint will be considered.
- They will invite them to submit any written evidence they wish.
- If a meeting is held, they will be asked to advise if there are witnesses they wish to call. They will be told that a friend or supporter may accompany them.
- The Investigator will also be invited to submit their evidence and consider any witnesses they wish to call.
- When the date is agreed, the Clerk will confirm with all parties. They will aim to hold the meeting within twenty school days of receipt of the complaint.
- If the complainant rejects the offer of three proposed dates without good reason, the Clerk will determine the date and the meeting will proceed on the basis of written submissions from both parties.

## 4.3 Conduct of the Hearing

- It is important that the review panel hearing is independent and impartial, and that it is seen to be so.
- The complainant may bring someone along to support them. It is not generally encouraged to bring legal representation.
- Representatives from the media are not permitted to attend.
- Electronic recording of the meeting is not permitted unless the complainant's disability or special needs requires it and prior consent has been given by all parties attending.
- The committee will not accept as evidence recordings of conversations (or written transcripts of such conversations) which were covertly obtained without the informed consent of all parties recorded.
- While this is a formal process, the meeting should be as informal as possible and not be inhibiting or intimidating to the complainant, as many complainants will feel nervous and inhibited in a formal setting. Parents/carers also often feel emotional when discussing an issue that affects their child. The committee chair will ensure that the proceedings are as welcoming as possible.
- Everyone must be treated with respect and courtesy and both the complainant and the Investigating Officer should be given the opportunity to state their case without undue interruption.
- Exceptionally, in situations of undue aggression, or where relationships have deteriorated to the point that a hearing is unlikely to be able to make reasonable progress, the committee may hear the parties' statements separately, i.e. with only one party present, in turn, before calling them together for questions to be put. In this situation, it is important that no additional information is introduced that is not made available to the other party.
- The committee will consider the complaint, all the evidence submitted and the resolution that is requested.

- They will not review any new complaints or consider evidence unrelated to the original complaint.
- The procedure for the panel to follow is set out in appendix 3.

There is no further appeal to the trust.

## 5. Resolving a concern or complaint

Options for resolving the concern or complaint include:

- An acknowledgement that the complaint is valid in whole or in part.
- An explanation.
- An admission that something could have been handled differently or better.
- An explanation of the steps taken as a result, to ensure that the situation does not recur.
- Confirmation that the policy will be reviewed in the light of the concern or complaint.
- An apology.

Options for the Complaints Committee at stage 3 include the above, and/or to:

- Dismiss the complaint in whole or in part.
- Uphold the complaint in whole or in part.
- Decide on appropriate action to resolve the complaint.
- Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

## 6. Where else to go

### 6.1 Complaints Unit

If the Complaints Policy has been exhausted and the complainant remains dissatisfied following the outcome of Stage 3, they have the right to refer the matter to the Secretary of State. Whilst the Secretary of State has a duty to investigate, they will only intervene where the Trust has acted unlawfully or unreasonably. The School Complaints Unit will not overturn a school's decision about a complaint except in exceptional circumstances where it is clear the school has acted unlawfully or unreasonably. If the SCU finds that the trust has not handled a complaint in accordance with its procedure, they may request that the complaint is looked at again.

### 6.2 Education Funding Agency

For Academies, if the Complaints Policy has been exhausted and the complainant remains dissatisfied following the outcome of Stage 3, they have the right to refer the matter to the Education Funding Agency. Whilst the Education Funding Agency will not overturn an academy's decision about a complaint, they will check whether the complaint has been dealt with properly in any of the following three areas:

- Where there is undue delay or the academy did not comply with its own complaints procedure when considering a complaint.
- Where the academy is in breach of its funding agreement with the Secretary of State
- Where an academy has failed to comply with any other legal obligation

If they find that it has not been, they will request that the complaint is looked at again and procedures meet the requirements set out in the Regulations.

## 7. Serial and Persistent Complainants

This trust is committed to working with parents and to addressing genuine complaints, which are raised. However if the process has been followed and a complainant continues to pursue the same issue or behaves in an aggressive or insulting manner their conduct may be considered unreasonable and the school will follow its Unreasonable Complainants procedures.

### Unreasonably persistent complaints

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

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

### Steps we will take

We will take every reasonable step to address the complainant's concerns, and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

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

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third party to act on their behalf, such as [Citizens Advice](#)

Put any other strategy in place as necessary

### Stopping responding

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

- We believe we have taken all reasonable steps to help address their concerns
- We have provided a clear statement of our position and their options
- The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience

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

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

### Record keeping

The Trust 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.

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.

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 the material must be made available during a school inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law and our privacy notices.

The details of the complaint, including the names of individuals involved, will not be shared with the whole board of trustees in case a review panel needs to be organised at a later point.

Where the 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. 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.

### **Learning lessons**

Trustees will review any underlying issues raised by complaints with the Executive Headteacher where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

### **Monitoring arrangements**

Trustees will monitor the effectiveness of the complaints procedure in making sure that complaints are handled properly. Trustees will track the number and nature of complaints, and review underlying issues as stated in section 11. The complaints records are logged and managed by Nusrat Raja, HR Manager.

This policy will be reviewed by the Executive Headteacher every 2 years. At each review, the policy will be approved by the Board of Trustees.





**COMPLAINT FORM - Part 2**

Please complete part 2 of the form if you are dissatisfied with the outcome under stage one of this procedure and want to escalate your complaint to Stage 2 (Trustees Complaints committee)  
Please continue on a separate sheet if necessary. Send parts 1 and 2 of this form to the Clerk to Governors at the address below. Any supporting documents should be submitted with this form, including any witness statements.

Please summarise the reason(s) for your dissatisfaction:

**Please state what outcome(s) would resolve the complaint:**

**Please provide the names of any witnesses you wish to call:**

# SPA EDUCATION TRUST COMPLAINTS POLICY

## MATTERS THAT ARE NOT COVERED BY THIS POLICY

**The following concerns and complaints cannot be considered under this policy.**

**There are separate policies and procedures that deal with them.**

- 1 Admissions to the trust – there is a separate appeal process to the Admissions Authority
- 2 Child Protection – Complaints about child protection matters are handled under our child protection and safeguarding policies and in accordance with statutory guidance. If you have serious concerns you may wish to contact the local authority designated officer (LADO) or Multi-Agency Safeguarding Hub (MASH)
- 3 Spurious, serial or persistent complaints – see separate policy
- 4 Statutory assessment of special educational need – refer to Local Authority SEND
- 5 National Curriculum Content – please contact the DfE at [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus)
- 6 Pupil exclusion from the trust – please refer to [www.gov.uk/school-discipline-exclusions/exclusions](http://www.gov.uk/school-discipline-exclusions/exclusions)
- 7 School reorganisation proposals – refer to the Executive Headteacher
- 8 Those being considered by the Secretary of State under statutory power
- 9 Staff grievances – complaints from staff will be dealt with under the grievance procedure
- 10 Staff Conduct – complaints about staff conduct will be dealt with under the trust's disciplinary procedures, if appropriate.
- 11 Complaints about services provided by other providers who use the trust premises should have their own complaints procedure and should be contacted directly.
- 12 Whistleblowing – there is a whistleblowing policy for all employees, including temporary staff and contractors.

The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers 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 the trust should complain through the school's complaints procedure. You may also be able to complain direct to the Department for Education (see link above), depending on the substance of your complaint.

### Appendix 3 Meeting (hearing) procedure

1. The aim of the meeting is to resolve the complaint and achieve a reconciliation between the trust and the complainant.
2. While this is a formal process, the meeting will be as informal as possible and not be inhibiting or intimidating to the complainant.
3. Everyone must be treated with respect and courtesy and both the complainant and the trust given the opportunity to state their case without undue interruption.
4. Representatives from the media are not permitted to attend.
5. Electronic recording of the meeting is not permitted unless the complainant's disability or special needs requires it and prior consent has been given by all parties attending.
6. Exceptionally, in situations of undue aggression or where relationships have deteriorated to the point that a hearing is unlikely to be able to make reasonable progress, the committee may hear the parties' statements separately, i.e. with only one party present, in turn, before calling them together for questions to be put. In this situation, it is important that no additional information is introduced that is not made available to the other party.

In conducting the meeting, the chair will:

- a) Welcome everyone and invite those present to introduce themselves.
- b) Check that the complainant received the papers and a copy of the meeting procedure in advance.
- c) Explain the remit of the panel, summarise the procedure to be followed and provide any clarification requested.
- d) Take control of the meeting and ensure it is conducted fairly under the agreed policy and procedures.
- d) State that papers distributed in advance will be taken as read and ask all parties to refer to them by page number and not quote from them at length.
- e) Invite the complainant to confirm that the complaint is as set out on their form/letter and the resolution they are seeking.
- f) Invite the complainant to give their information and draw key points to the governors' attention. This should only include information that has been submitted already.
- g) Should the complainant wish to call witnesses, the chair will consider each request as it is made, consulting committee members/advisers as appropriate and rule on the matter. Each witness, having contributed their information, may be questioned by the other party and the committee members, and the witness will then leave the meeting.
- h) Invite the Investigator to question the complainant on what has been presented.
- i) Invite trustees to put questions on the information presented.
- j) Invite the Investigator to respond to the complaint, similarly considering each request to call witnesses, including members of staff, as above.
- k) Invite the complainant to ask questions on what the Investigator has presented.
- l) Invite trustees to put questions on the information presented.
- m) Invite the Investigator to sum up and make a final statement. New information is not to be introduced.
- n) Invite the complainant to sum up and make a final statement. New information is not to be introduced.
- o) Inform the complainant and Investigator that the committee will consider its decision and write with that decision within fifteen working days. Ask the parties to leave.

The trustees then consider the complaint and evidence presented reach a decision and agree the reasons for that decision. The clerk and (committee's adviser) remain to advise and help governors with drafting their decision letter.

The committee's agreed written decision will be sent by the clerk to both the complainant and investigator within ten days of the meeting.

## **Appendix 4**

### **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, if necessary, 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 minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond

The Investigator will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details. Their response will detail the 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 Spa Education Trust will take to resolve the complaint.

**Complaints Co-ordinator** (this could be the Executive Headteacher / designated complaints trustee 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, Chair of Trustees and the 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
- keep 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 trust 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 trust 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 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 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.

**Signed..... Date:**  
**Chair of Trustees**