Trust Complaints Policy

Required under Education (Independent School Standards (England) Regulations 2014 Schedule 1, Part 7

Academy	**St Matthew's C.E. Primary Academy**		
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Purpose & comments	This is the Cidari Multi Academy Trust Policy for dealing with complaints at the above named Academy. This is derived from the ESFA (2021 update) 'Best practice guidance for academies complaints procedures' and adapted from the associated model policy.		
Changes in this version	Minor changes to reflect this new document template.		

Statement of intent

This policy statement sets out the approach of Cidari Multi Academy Trust, and all its academies, to dealing with concerns and complaints.

We value good relationships with parents and carers and our wider communities, and will, therefore, do everything we can to establish and maintain them. This includes seeking to resolve any concerns or complaints promptly, and to the satisfaction of all concerned.

We welcome feedback on what we do well, or not so well, as individual academies and as a Trust. We will carefully consider all feedback, whether positive or negative, and will review our policies and practices accordingly.

All staff, along with members of each academy's Local Governing Committee (LGC), will be familiar with the academy's procedures for dealing with concerns and complaints, to which they will have access as required.

This procedure is available on request, and is accessible via each academy's and the Trust's website. It will be reviewed regularly and updated as necessary.

Staff and governors will receive training in handling concerns and complaints as appropriate. This may be on an individual basis, or as a group activity.

The Department for Education (DfE) and Education and Skills Funding Agency (ESFA) advocate resolution of concerns and complaints at academy level wherever possible.

Please note that some complaints might be dealt with in other policies, for example, complaints involving pupil admissions, child protection or pupil exclusion. A full list of issues excluded from the scope of this procedure can be found in Appendix 2.

This policy aims to:

- Ensure that all complaints are acknowledged, investigated and resolved in a timely manner.
- Provide complainants with a clear outline of the processes, timelines and communications processes relating to the complaint.
- Reassure that concerns raised informally can be dealt with through an acknowledged process and that there is formal scope for escalation.
- Clearly show that an escalation process exists for unresolved complaints including panels with independent representatives and information about how to contact the ESFA.
- Show that concerns and complaints can be made without reprisal and processes are in place to ensure complaints about individuals at any level are directed accordingly to protect the integrity and impartiality of the process.

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1. Forward

2. Legal Framework

2.1. This policy has due regard to all relevant legislation and statutory guidance including, but not limited to, the following:

- This policy has due regard to statutory legislation, including, but not limited to, the
- following:
- The Education Act 2002
- The Freedom of Information Act 2000
- The Immigration Act 2016
- The Equality Act 2010
- The General Data Protection Regulation (GDPR)
- The Data Protection Act 2018
- The Education (Independent School Standards) Regulations 2014
- ESFA (2021 update) 'Best practice guidance for academies complaints procedures'
- HM Government (2016) 'Code of Practice on the English language requirement for public sector workers'

3. Roles and responsibilities

3.1. The Board of Trustees is responsible for

- In conjunction with the Trust Executive ensuring that the Trust has robust and compliant complaint procedures in place.
- Ensuring that the policy is being applied fairly and consistently.
- Ensuring the integrity and impartiality of the process is maintained.
- Ensuring that anyone raising a concern or complaint is dealt with dignity and objectivity.
- Ensuring that all Trustees are aware of the complaints procedures.
- Understanding their role within this policy in the event of escalation.
- Requesting monitoring information from the Trust Executive as agreed by the board.

3.2. The Trust Executive is responsible for:

- In conjunction with the Board of Trustees ensuring that the Trust has robust and compliant complaint procedures in place.
- Reviewing the policy and presenting to the Board.
- Ensuring that the policy is being applied fairly and consistently.
- Ensuring the integrity and impartiality of the process is maintained.
- Ensuring that anyone raising a concern or complaint is dealt with dignity and objectivity.

- Ensuring that any employees supporting an investigation into a complaint are appropriately supported and have access to representation if appropriate.
- Monitoring the use and effectiveness of this policy within Cidari settings and reporting to the Board of Trustees as required.

3.3. The Headteacher is responsible for:

- Ensuring that the policy is available on the Academy website.
- Ensuring all staff are familiar with the policy and how to handle concerns or complaints that are directed to them, both informally or formally.
- Ensuring that the Academy has procedures in place locally to follow this policy and ensure that it is being applied fairly and consistently.
- Ensuring the integrity and impartiality of the process is maintained.
- Ensuring that anyone raising a concern or complaint is dealt with dignity and objectivity.
- Monitoring the use and effectiveness of this policy within their Academy and providing summary reports to the Trust Executive as required.
- Ensuring the integrity and impartiality of the process is maintained.
- Ensuring that anyone raising a concern or complaint is dealt with dignity and objectivity.
- Ensuring that any employees supporting an investigation into a complaint are appropriately supported and have access to representation if appropriate.

3.4. The Local Governing Committee is responsible for:

- Ensuring that the policy is being applied fairly and consistently in their Academy.
- Ensuring the integrity and impartiality of the process is maintained.
- Ensuring that anyone raising a concern or complaint is dealt with dignity and objectivity.
- Ensuring that all Governors are aware of the complaints procedures.
- Understanding their role within this policy in the event of escalation.
- Ensuring that complaints at the Academy are monitored and summary reports are regularly made to Governors.
- Reviewing the effectiveness of this policy at a local Academy level and feeding back recommendations to the Trust Executive.

3.5. Employees

Employees must:

- Read and understand the complaints policy.
- Follow any information, instruction, training and supervision provided to them regarding the policy.

- Direct parents and stakeholders to this policy promptly when concerns or complaints are raised.
- Support and contribute to any investigation into a concern or complaint when required, supported by representation if appropriate.

4. Who can make a complaint?

4.1. This complaints procedure is not limited to parents or carers of children that are registered at the Academies. Any person, including members of the public, may make a complaint to **St Matthew's Church of England Primary Academy** (hereinafter referred to as the Academy) or **Cidari Multi Academy Trust** (hereinafter referred to as the Trust) about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

5. Who are the key roles and contacts within this complaints procedure?

Role (hereinafter referred to as)	**Name**	**Contact Information**
the Headteacher	Mr Mark Mackley	St Matthew's C.E. Primary Academy New Hall Lane Preston PR1 5XB Mark as PRIVATE & CONFIDENTIAL Tel: 01772 794482 Email: psmoffice@@cidari.co.uk
the Chair of Governors % the CEO of the Trust	Mr Peter Ashworth	Cidari Multi Academy Trust Belthorn House Walker Park Blackburn BB1 2QE Mark as PRIVATE & CONFIDENTIAL Tel: 01254 958888 Email: complaints@cidari.co.uk

the Clerk of the Governing Body	Ruth Campbell	St Matthew's C.E. Primary Academy New Hall Lane Preston PR1 5XB Mark as PRIVATE & CONFIDENTIAL Email: ruth.campbell@cidari.co.uk
the CEO of the Trust	Mr Peter Ashworth	Cidari Multi Academy Trust Belthorn House Walker Park Blackburn BB1 2QE Mark as PRIVATE & CONFIDENTIAL Tel: 01254 958888 Email: complaints@cidari.co.uk
the Chair of Trustees	Mr J McClelland	Cidari Multi Academy Trust Belthorn House Walker Park Blackburn BB1 2QE Mark as PRIVATE & CONFIDENTIAL
the Clerk to the Trust Board	Miss F Browne	Cidari Multi Academy Trust Belthorn House Walker Park Blackburn BB1 2QE Mark as PRIVATE & CONFIDENTIAL governance@cidari.co.uk

6. The difference between a concern and a complaint

6.1. A concern may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'.

6.2. A complaint may be defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

6.3. It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. The Academy takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

6.4. If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Headteacher will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Headteacher 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.

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

7. How to raise a concern or make a complaint

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

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

7.3. Complaints that involve or are about the Headteacher should be addressed to the Chair of Governors via the Academy office. Please mark them as Private and Confidential.

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

7.5. Complaints about the Chief Executive Officer (CEO) or a trustee of the Trust, should be addressed to the Chair of Trustees, via the Cidari Multi Academy Trust office (not the Academy). Please mark them as Private and Confidential.

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

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

8. Anonymous complaints

8.1. We will not normally investigate anonymous complaints. However, the Headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

9. Timescales

9.1. You must raise the complaint **within three months of the incident** or, where a series of associated incidents have occurred, **within three months of the last of these incidents**. We will consider complaints made outside of this time frame if exceptional circumstances apply. An outline of the timescales can be found in Appendix 6.

10. Complaints received outside of term time

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

11. Scope of this complaints procedure

11.1. This procedure covers all complaints about any provision of community facilities or services by The Academy or the Trust, other than complaints that are dealt with under other statutory procedures, including those listed in Appendix 2.

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

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

12. Unreasonable complaints and serial and persistent complainants

12.1. The Academy and 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 the academy. 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.

12.2. The Academy and the Trust define serial and unreasonable complainants as 'those who, because of the frequency or nature of their contacts with the academy, hinder our consideration of their or other people's complaints'.

12.3. 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 cooperate 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 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 taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- 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 academy'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 academy 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.

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

- maliciously;
- aggressively;

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

12.5. Complainants should limit the numbers of communications with an academy while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, telephone, email or text) as it could delay the outcome being reached.

12.6. Whenever possible, the Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' judgement. If the behaviour continues the Headteacher will write to the complainant explaining that his/her behaviour is unreasonable and asking him/her to change it. For complainants who excessively contact the Academy 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.

12.7. In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the Academy premises. Details of the grounds and legislation for this action are set out in Appendix 5.

13. Resolving complaints

13.1. At each stage in the procedure, the Academy 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 Academy and Trust policies in light of the complaint
- an apology.

14. Withdrawal of a complaint

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

15. Retention, Monitoring and evaluating the policy

15.1. All documentation regarding complaints (including notes of any related meetings and telephone calls), the action taken and the final outcome will be recorded and a summary included in the Headteacher's next report to the Chair of Governors.

15.2. The Governing Body will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary.

15.3. Complaints information shared with the whole governing body will not name individuals.

15.4. The monitoring and review of complaints by the Academy, Trust and the governing body is a useful tool in evaluating Academy and Trust performance, and will contribute to school improvement.

16. Academy Stage 1 - Informal Complaints

The Process

16.1. It is to be hoped that most concerns can be expressed and resolved on an informal basis.

16.2. Concerns should be raised with either the class teacher, year head / subject head or Headteacher. Complainants should not approach individual governors or Trustees to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 3 of the procedure.

16.3. At the conclusion of their investigation, the appropriate person investigating the complaint will provide an informal written response **within 10 school days** of the date of receipt of the complaint.

16.4. If the issue remains unresolved, the next step is to make a formal complaint.

17. Academy Stage 2 - Formal Complaints

Raising the Formal Complaint

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

17.2. 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 3 school days**.

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

Note: The Headteacher may delegate the investigation to another member of the Academies senior leadership team but not the decision to be taken.

Investigating and Responding to the Complaint

17.4. During the investigation, the Headteacher (or investigator) will:

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

17.5. At the conclusion of their investigation, the Headteacher will provide a formal written response **within 15 school days** of the date of receipt of the complaint.

17.6. If the Headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

17.7. The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the Academy will take to resolve the complaint.

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

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

17.10. Complaints about the Headteacher or member of the governing body must be made to the Clerk, via the Academy office.

17.11. If the complaint is:

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

Stage 2 will be escalated to the CEO of the Trust.

18. Academy Stage 3 - Panel Hearing

Escalating Following Stage 2 Outcome

18.1. If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3 – a panel hearing consisting of at least three people who were not directly involved in the matters detailed in the complaint with one panel member who is independent of the management and running of the Academy. In most cases this will be the Trust's Chief Operating Officer. This is the final stage of the complaints procedure.

18.2. A request to escalate to Stage 3 must be made to the Clerk, via the Academy office, **within 15 school days** of receipt of the Stage 2 response.

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

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

18.5. The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting **within 15 school days** of receipt of the Stage 3 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

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

18.7. If the complaint is:

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

Stage 3 will be heard by the trustees and an independent panel member.

The Panel

18.8. 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.

18.9. For instance, if an Academy employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under (Human Resources) staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

18.10. Representatives from the media are not permitted to attend.

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

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

18.12. Any written material will be circulated to all parties **at least 3 school days** before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

18.13. 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.

18.14. The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

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

Steps Following the Panel Decision

18.16. The Chair of the Committee will provide the complainant and the Academy with a full explanation of their decision and the reason(s) for it, in writing, **within 10 school days**.

18.17. The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by the Academy.

18.18. The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the Academy will take to resolve the complaint.

18.19. The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the Academy premises by the proprietor and the Headteacher.

18.20. A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.

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

19. Complaints escalated to / about the Trust, CEO or Trustee

The Process

19.1. If a complaint is escalated to Cidari Multi Academy Trust (Cidari Education Ltd) "the Trust" or if a complainant wishes to complain directly about the trust, then the complaint should be sent to the CEO to be investigated.

19.2. The CEO will write to the complainant acknowledging the complaint **within 5 school days** of the date that the written request was received.

19.3. If the complaint has been sent to the CEO outside of the normal local Academy process and escalation set out in the policy, and does not concern

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

Then the CEO may request further information from the complainant to identify why this complaint is unable to be resolved using the local Academy procedures (Stages 1-3 of this policy). This request would be made in the written complaint acknowledgement in 17.2. If such information is requested by the CEO, the complainant must provide this **within 5 school days** of receiving the request.

19.4. The CEO will consider the response to the request for further information and will respond **within 5 school days** outlining the next steps.

19.5. If the CEO deems it appropriate, the complainant may be directed back to the Academy complaint stages 1 - 3 to protect the integrity of the process, the impartiality of the CEO, and the escalation rights of the complainants should they be unhappy with the outcome of the local process.

19.6. If the CEO agrees that the complaint should be considered at a Trust level they will confirm that the complaint will now be investigated under Stage 2 of this Complaints Policy and will confirm the date for providing a response to the complainant.

19.7. Following the investigation, the CEO will write to the complainant confirming the outcome **within 15 school days** of the date that the letter was received. If this time limit cannot be met, the CEO will write to the Complainant **within 10 school days** of the date that the letter was received, explaining the reason for the delay and providing a revised date.

19.8. If the complaint concerns the CEO or a Trustee, the complaint should be investigated by the Chair of the Trust Board. If a formal complaint form is received about the Chair, the complaint will be referred to the Vice Chair for investigation

Note: Where the Chair of the Trust Board has investigated the complaint, they will write the letter of outcome to the Complainant and provide a copy to the CEO.

Final Trust Escalation

19.9. If the complainant is not satisfied with the outcome of the previous stage, the complainant should write to the Clerk to the Trust Board **within 15 school days** asking for the complaint to be heard before a Complaint Panel.

19.10. The Clerk 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**.

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

19.12. The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within **15 school days** of receipt of the stage 3 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

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

19.14. If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire trust board or
- the majority of the trust board

Stage 3 will be heard by a completely independent committee panel.

The Panel

19.15. The Complaint Panel will consist of three members. None of the three members of the Complaint Panel will have been involved in the incidents or events which led to the complaint, or have been in-volved in dealing with the complaint in the previous stages, of have any detailed prior knowledge of the complaint.

19.16. One of the Complaint Panel members will be independent of the management and running of the Academy Trust. This means that the independent Complaint Panel member will not be a Trustee or an employee of the Trust. In such cases an independent representative from the Diocese may be called upon.

19.17. 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.

19.18. For instance, if a trust employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

19.19. Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

19.20. Representatives from the media are not permitted to attend.

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

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

19.22. Any written material will be circulated to all parties **at least 3 school days** before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

19.23. 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.

19.24. The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

19.25. 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.

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

19.27. The Chair of the Committee will provide the complainant and the Trust with a full explanation of their decision and the reason(s) for it, in writing, **within 10 school days**.

19.28. The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by the Trust.

19.29. The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the Trust will take to resolve the complaint.

19.30. The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the Academy premises by the proprietor and the Headteacher.

19.31. A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the deci-sion.

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

20. Next Steps

20.1. If the complainant believes the Academy /Trust 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 ESFA after they have completed Stage 3.

20.2. The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by the Academy or the Trust. They will consider whether the Academy and the Trust has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed Part 7 of the Education (Independent School Standards) Regulations 2014.

The complainant can refer their complaint to the ESFA online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Academy Complaints and Customer Insight Unit

Education and Skills Funding Agency

Cheylesmore House

5 Quinton Road

Coventry

CV1 2WT

Appendix 1 - Roles & Responsibilities

Complainant

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

- explain the complaint in full as early as possible
- cooperate with the Academy and Trust 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 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
- 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 CEO / designated complaints governor or 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, Headteacher, CEO, Chair of Governors, Chair of Trust or the Clerk and to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
    1. sharing third party information
    2. 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 / Trust Board

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, Academy/ Trust 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

20.3. 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 Academy/ 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 coordinator, if the Academy/ Trust has one).

20.4. Committee Member

20.5. Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so
- No governor / 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 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.
- The remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

Appendix 2 - Scope and Exceptions

This procedure covers all complaints about any provision of community facilities or services by The Academy, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to Contact
Admissions to schools	Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority.
Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH). Their contact details are:
Exclusion of children from school*	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions. *complaints about the application of the behaviour policy can be made through the school's complaints procedure which can be found on the academy's website.
Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus. Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.
Staff grievances	Complaints from staff will be dealt with under the Trust's internal grievance procedures.
Staff conduct	Complaints about staff will be dealt with under the Trust's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.

Appendix 3 - Complaint Form Stage 2

Please complete and return to the appropriate person as outlined in this policy, who will acknowledge receipt and explain what action will be taken.

Your name:	
Pupil's name (if relevant):	
Your relationship to the pupil (if relevant):	
Address:	
Day time telephone number:	
Evening telephone number:	
Email address:	

Please give details of your complaint, including whether you have spoken to anybody at the school about it.
Action taken so far (including staff member who has dealt with it so far) or solutions offered
The reason that this was not a satisfactory resolution for you

What actions do you feel might resolve the problem at this stage?
Are you attaching any paperwork? If so, please give details.

Signature:		**Date:**	

For Official Use			
Date of Acknowledgement:		**Sent By:**	
Referred to:			
Action Taken:			
Date:			

Appendix 4 - Complaint Form Stage 3

Please complete and return to the appropriate person as outlined in this policy, who will acknowledge receipt and explain what action will be taken.

Your name:	
Pupil's name (if relevant):	
Your relationship to the pupil (if relevant):	
Address:	
Day time telephone number:	
Evening telephone number:	
Email address:	

Reasons for requesting a Stage 3 Complaint Review (reasons why you feel your concerns have not been fully addressed, and any evidence that you feel has not been fully considered)
Which element(s) of your complaint remain unresolved from the previous stage?
What outcome are you seeking from the Stage 3 Complaint Review?

Signature:		**Date:**	

For Official Use			
Date of Acknowledgement:		**Sent By:**	
Referred to:			
Action Taken:			
Date:			

Appendix 5 - Barring from the Academy premises

1.1. Although fulfilling a public function, academies are private places. The public has no automatic right of entry. Governing bodies have a responsibility to ensure for the wellbeing of pupils and staff and will therefore act to ensure that academies remain a safe place.

1.2. If a parent's behaviour is a cause for concern, an academy can ask him/her to leave academy premises. In serious cases, the Headteacher or the Trust can notify them in writing that their implied permission to be on academy premises has been temporarily revoked subject to any representations that the parent may wish to make. Academies should always give the parent the opportunity to formally express their views on the decision to bar in writing.

1.3. The decision to bar should then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent should be notified in writing, explaining how long the bar will be in place. Anyone wishing to complain about being barred can do so, by letter or email, to the Headteacher or Chair of Governors. However, complaints about barring cannot be escalated to the Department of Education. Once the academy's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

Appendix 6 - Complaint Process & Timescale Flowchart

