



# REAch2

## Complaints Policy - Academies

Audience:	Parents School staff Local Governing Bodies Cluster Boards Trustees		
Approved:	Trust Board	September	2019
	Local Governing Body		
	Headteacher		
Other Related Policies:	Complaints Policy – Trust Grievance Policy		
Policy Owner:	Gill Ellyard/Siobhan Chester		
	Director of Education / Governance Advisor		
Policy model	Compliance		
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At REAch2, our actions and our intentions as school leaders are guided by our Touchstones:

- Integrity** We recognise that we lead by example and if we want children to grow up to behave appropriately and with integrity then we must model this behaviour
- Responsibility** We act judiciously with sensitivity and care. We don't make excuses, but mindfully answer for actions and continually seek to make improvements
- Inclusion** We acknowledge and celebrate that all people are different and can play a role in the REAch2 family whatever their background or learning style
- Enjoyment** Providing learning that is relevant, motivating and engaging releases a child's curiosity and fun, so that a task can be tackled and their goals achieved
- Inspiration** Inspiration breathes life into our schools. Introducing children to influential experiences of people and place, motivates them to live their lives to the full
- Learning** Children and adults will flourish in their learning and through learning discover a future that is worth pursuing
- Leadership** REAch2 aspires for high quality leadership by seeking out talent, developing potential and spotting the possible in people as well as the actual

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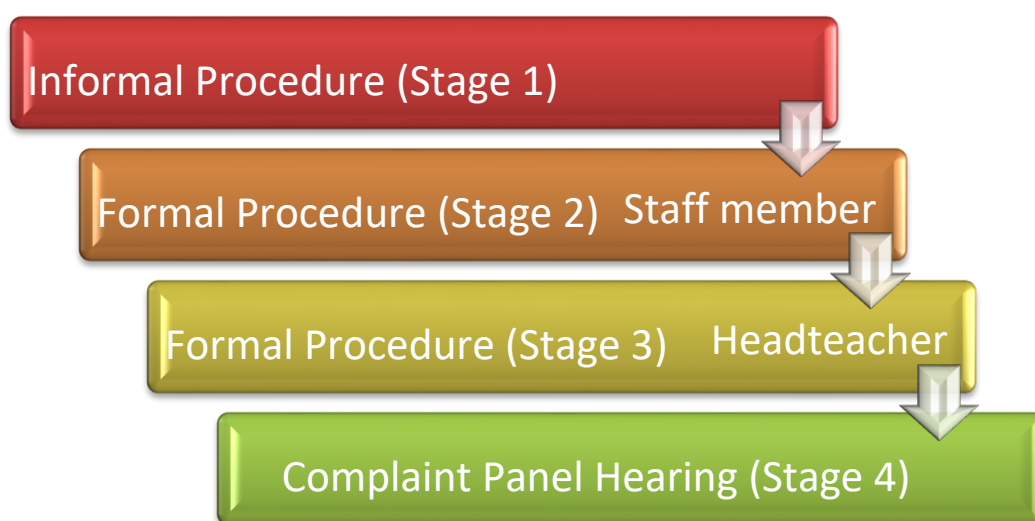
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# 1. Scope

- 1.1 This Complaints Policy is based on the principle that concerns expressed by a pupil, parent or any other individual or organisation should be resolved as quickly as possible without the need to escalate to the formal stages of the procedure. However, where resolution has not been achieved and the person raising the concern is unhappy and wishes to take the matter further, the formal procedure for dealing with complaints will be followed. The four stages are:
  - Stage 1 - Informal investigation of a concern.
  - Stage 2 - Formal complaint investigated by a member of staff.
  - Stage 3 - Formal complaint investigated by the Headteacher.
  - Stage 4 - Complaint heard before a Complaint Panel.
- 1.2 Complaints made by members of staff should be dealt with under separate grievance procedures applicable to employees. Complaints made by employees will not be dealt with under this Complaints Policy.
- 1.3 Complaints made by Local Governors should be referred to the Chair of Local Governors to be dealt with informally as an item for consideration initially and, if necessary, through the formal procedure set out in the Trust's Articles of Association. Complaints made by Local Governors will not be dealt with under this Complaints Policy.
- 1.4 Complaints made by contractors should be dealt with informally, but may be escalated where dispute resolution or a formal complaints process is included in the contractual agreement. Complaints made by contractors will not be dealt with under this Complaints Policy.
- 1.5 Complaints about or relating to a pupil should be directed to the relevant member of the Academy's staff. If the Complainant is not happy with the manner in which the complaint was handled, then they may put their complaint in writing and ask for it to be dealt with formally using this Complaints Policy.
- 1.6 Complaints made about or relating to a member of the central REAch2 team will be addressed under the Complaints Policy –Trust.
- 1.7 This policy does not affect rights and responsibilities under other processes, legal or otherwise.
- 1.8 This Complaints Policy is intended to be compliant with the Education (Independent School Standards (England) Regulations 2014 Schedule 1, Part 7 (as amended) ("the Regulations"). In the event of any variance between this Complaints Policy and the Regulations, the Regulations will apply.

## 2. Policy

- 2.1 There is no time limit to raising any concern or complaint relating to a safeguarding issue.
- 2.2 Concerns or complaints should be raised within four weeks of the incident or event to which the complaint relates (or, where the complaint relates to a series of incidents or events, within one month of the latest incident or event). This time limit also applies when a child has left the Academy.
- 2.3 The Academy has four stages to its complaints procedure. The aim is to try to deal with the complaint, to the satisfaction of the Complainant, at the earliest possible stage. It is helpful therefore, at every point, for all parties to keep in mind the over-arching aim of achieving reconciliation.



- 2.4 Only if the complaint cannot be resolved at the informal stage (stage 1) should it be escalated to the formal stages (stages 2 – 4). Only if the complaint cannot be subsequently resolved at the formal stages would it be escalated to a Complaint Panel Hearing (stage 4).

### Principles of Investigating a Concern or Complaint

- 2.5 The principles that will form the basis for all investigations of concerns and complaints will be that the person investigating the complaint:
  - Has read this Complaints Policy to familiarise his or her self with the procedure;
  - Is aware of the time limits that apply to the relevant stage and ensures that he or she complies with them;
  - Establishes the nature of the complaint and what issues remain unresolved;
  - Limits the scope of his or her investigation to the subject matter of the complaint but may accept into scope reasonable new issues raised by the complainant during the investigation, where they are linked or relevant to the original complaint and/or where it appears to the

investigator (or for Stage 4 the complaint panel) that doing so would help facilitate an overall resolution

- Establishes what the Complainant says has happened, who has been involved, and what the Complainant feels would put things right;
- Takes a proportionate approach in deciding what steps to take in conducting the investigation, including who to interview, balancing the need to resolve the complaint as quickly as possible with the need to preserve the privacy of those involved and minimise unnecessary distress to all parties;
- Where required, interviews those involved in the matter, for example the Complainant, pupils and members of staff, including those complained about;
- Allows pupils and those complained about to be accompanied during interviews, if they wish;
  - Pupils could be accompanied by a preferred member of staff
  - Staff members could be accompanied by a colleague
- Keeps a separate written record of each interview, and asks each interviewee to sign and date their record, along with their own signature;
- Establishes relevant facts, on a balance of probabilities, based on evidence not speculation, and keeps a written record of these;
- Provides an effective response to the complaint in writing, addressing all issues raised (including, where relevant, complaints about the way in which the complaint has been dealt with in the earlier stages);
- Ensures that the response to the complaint includes the appropriate recommended actions, where necessary, while recognising that confidentiality and data protection rules may limit the extent of disclosure in some circumstances (e.g. potential employee disciplinary processes which must remain confidential);
- Reports the complaint and the outcome of the complaint to the Headteacher at stage 1, 2 or 3 and the Deputy Director of Education at Stage 4 or where the complaint at stage 3 is regarding the Headteacher, so that services can be improved;
- Conducts the investigation in an impartial, objective, fair, proportionate and timely manner, keeping in mind the privacy of the parties involved and GDPR procedures.

### Principles of Resolving a Concern or Complaint

- 2.6 It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. The way in which the concern or complaint is dealt with after the Complainant first raises the matter can be crucial in determining whether the complaint will escalate. To that end, members of staff will be annually reminded of the procedure in this Complaints Policy, so that they will know what to do when a concern is raised with them.
- 2.7 At each stage of the complaints procedure, the investigator will consider how the complaint may be resolved. In considering how a complaint may be resolved, the investigator will give due

regard to the seriousness of the complaint. It may be appropriate in order to bring the complaint to a resolution for the investigator to recommend:

- An explanation;
- An apology;
- Reassurance that steps have been taken to prevent a recurrence of events which led to the complaint;
- Reassurance that the Academy and/or the Trust will undertake a review of its policies and procedures in light of the complaint.

None of the above will constitute an admission of negligence or an acceptance of liability on behalf of the Academy or the Trust.

### Principles of Notifying the Outcome of a Concern or Complaint

2.8 Once all of the facts have been established, the investigator will write to the Complainant setting out all of the issues in dispute, the results of the investigation, the decision made, the reasons for the decision, and details of any action to be taken to resolve matters or prevent a reoccurrence. Alternatively, the investigator may wish to meet with the Complainant to discuss the outcome of the investigation, the decision made, the reasons for the decision and any action to be taken directly, in which case a full written record will be made of the meeting using an independent clerk, which the Complainant will be asked to sign and date. Strictly confidential procedures such as staff disciplinary investigations or sanctions must **not** be referred to.

2.9 The outcome of all concerns and complaints, whether dealt with formally or informally, must be recorded by the Academy, with records maintained for the duration of the child's time at the Academy. Examples of outcomes include:

- There was insufficient evidence to reach a conclusion, so the complaint cannot be upheld;
- The evidence did not substantiate the concern, so the complaint cannot be upheld;
- The complaint was substantiated in part or full. A brief description should be given of the remedial action being taken by the Academy as a consequence of the complaint. Details of the investigation of or any disciplinary sanctions to be taken against a member of staff cannot be disclosed.
- The matter has been fully investigated and, as a consequence, further confidential procedures are being pursued. Strictly confidential procedures such as staff disciplinary investigations and sanctions must not be referred to.

### Time Limits

2.10 This Complaints Policy sets out the time limits for each stage of the complaints procedure. Those dealing with complaints will keep to these time limits. However, where a complaint is of a particularly complex nature, or further investigations are required to ascertain the facts, new

time limits can be set. The Complainant will, within the time limit specified in this Complaints Policy, be sent the details of any changes to the time limits with an explanation for the delay and confirmation of the revised date.

### Late Complaints

2.11 Where a concern or complaint is raised more than four weeks after the incident or event (or where the complaint relates to a series of incidents or events, more than four weeks from the date of the latest incident or event), the Academy reserves the right to refuse to investigate the concern or complaint under the procedure in this Complaints Policy **if it appears reasonable and fair to do so, having regard to the circumstances surrounding the complaint.**

2.12 Where the Academy decides that a concern or complaint which was raised late will not be investigated, the Academy will write to the Complainant notifying them of the decision within **5 school days** of the concern or complaint being raised.

2.13 If the Complainant is unhappy with the decision not to investigate a concern or complaint that was raised late, the Complainant may write to the Chair of Local Governors at the Academy asking for the decision to be reviewed within **5 school days** of receiving the decision. The Chair of Local Governors will be provided with all documentation relating to the concern or complaint, together with the letter from the Academy to the Complainant, and will review the decision made. The Chair of Local Governors will write to the Complainant with the outcome of the review within **10 school days** of the date that the letter from the Complainant seeking the review was received, and provide the Academy with a copy of the letter.

2.14 If the Chair of Local Governors quashes the decision not to investigate the concern or complaint, it will be referred to the Academy to be dealt with under the procedure in this Complaints Policy in the usual way.

2.15 If the Chair of Local Governors upholds the decision not to investigate the concern or complaint, the Complainant may refer the concern or complaint to the Education and Skills Funding Agency (ESFA) using the procedure stated towards the end of this Complaints Policy.

2.16 In exceptional circumstances, the Chair of Local Governors can delegate the responsibility for the review to the Vice-Chair of Local Governors.

### Vexatious and/or Repeated Complaints

2.17 There may be occasions when, despite exhausting the procedure in this Complaints Policy, the Complainant:

- persists in making substantially the same complaint to the Academy; or
- persists in making repeated complaints against the same individual or group of individuals with the intention to harass or subdue that individual or those individuals
- raises complaints about matters which do not affect them or which are manifestly unmeritorious; or
- raises a complaint about a matter for which the continued use of the Academy's resources to progress through all the stages of this policy would be manifestly disproportionate; or

- persists in using abusive, offensive, threatening or other forms of unacceptable language or behaviour.
- In addition, there may be occasions when a complaint is made about a matter for which the continued use of the Academy's resources to progress through all the stages of this policy would be manifestly disproportionate.

In all of these cases, the Academy reserves the right to regard the complaint as vexatious and to refuse to investigate it under the procedure in this Complaints Policy **if it appears reasonable and fair to do so, having regard to all the circumstances<sup>1</sup> surrounding the complaint**. An Academy should consult the Trust Governance service before using the provisions in this paragraph.

2.18 Where the Academy decides that a complaint is vexatious and/or repeated and will not be investigated, the Academy will write to the Complainant within **5 school days** of the complaint being raised to notify them of the decision. The Academy will inform the Deputy Director of Education of the complaint.

2.19 If the Complainant is unhappy with the decision not to investigate a vexatious and/or repeated complaint, they may write to the Chair of the Local Governing Body to ask for the decision to be reviewed, **within 5 schools days** of receipt of the decision. The Chair of the Local Governing Body will be provided with all documentation relating to the current complaint and any previous complaints which were relevant to the decision, together with the letter from the Academy to the Complainant, and will review the decision made. The Chair of Local Governors will write to the Complainant with the outcome of the review within **10 school days** of the date that the letter from the Complainant seeking the review was received.

2.20 If the Chair of Local Governors quashes the decision not to investigate the concern or complaint, it will be referred to the Academy to be dealt with under the procedure in this Complaints Policy in the usual way.

2.21 If the Chair of Local Governors upholds the decision not to investigate the concern or complaint, the Complainant may refer the concern or complaint to the Education and Skills Funding Agency using the procedure stated towards the end of this Complaints Policy.

2.22 In exceptional circumstances, the Chair of Local Governors can delegate the responsibility for the review to the Vice-Chair of Local Governors.

### Anonymous Complaints

2.23 The Academy will not investigate anonymous complaints under the procedure in this Complaints Policy. Anonymous complaints will be referred to the Headteacher who will decide what, if any, action should be taken.

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<sup>1</sup> The Academy and the wider Trust have a duty of care towards staff as well as towards pupils and their parents/carers; the Academy may therefore factor into its consideration of the 'circumstances' the impact that persistent, repeated, abusive, offensive, threatening or other such complaints may have on staff members and their well-being. It is worth noting the Department for Education have an equivalent policy, available at [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/489056/Best\\_Practice\\_Advice\\_for\\_School\\_Complaints\\_2016.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/489056/Best_Practice_Advice_for_School_Complaints_2016.pdf)



### 3. Stage 1 Informal Procedure

- 3.1 The class teacher and other members of staff can deal with many concerns to the satisfaction of the Complainant, without needing to deal with them formally. The Academy values informal meetings and telephone discussions as a way of improving its procedures and relations with parents.
- 3.2 There is no rigid time-scale for resolving concerns and complaints at this stage, given the importance of dialogue through informal discussions, however it is expected that most concerns will be resolved within **10 school days**. Should the nature or complexity of the concern mean that more time is required, the Academy will write to the Complainant within **10 school days** informing them of the reason for the delay and confirming a revised date for resolution.
- 3.3 Should informal meetings and telephone discussions appear unlikely to resolve the concern, either party may initiate a move to the Stage 2 for the complaint to be investigated formally. A copy of the formal complaint form in Annex 2 will be forwarded to the Complainant for completion and return, or completed during an initial interview. Complainants will be provided with a copy of this Complaints Policy. A copy of the complaint form should be retained by both the complainant and the Academy.

### 4. Stage 2 Formal Complaint Investigated by a Member of Staff

- 4.1 If the Complainant is unhappy with the way in which the concern was dealt with informally, the Complainant should complete the formal complaint form found in Annex 3 and return it to the Academy.
- 4.2 Upon receipt of a completed formal complaint form, the Headteacher will identify the appropriate member of staff to investigate the complaint under Stage 2. If the complaint is about a member of staff, a manager senior to that member of staff will normally investigate the complaint. If the complaint is very serious, the Headteacher may, at their discretion, escalate the complaint directly to Stage 3.
- 4.3 During a standard investigation the investigator should:
  - Record in writing all meetings held, whether it is with pupils, staff, parents or other witnesses
  - Ensure that the complainant has the opportunity to submit witness statements which should be received in writing in support of their complaint
- 4.4 The Academy will try to respect the views of a Complainant who indicates that he or she would have difficulty discussing a complaint with a particular member of staff. In these cases, the matter will be referred back to the Headteacher who may, if they feel it necessary, refer the complaint to another staff member for investigation.
- 4.5 Where the complaint concerns the **Headteacher** or a **Local Governor**, the complaint will be referred to the Chair of Local Governors. The Chair of Local Governors will investigate the complaint under **Stage 3** of this Complaints Policy. Where the complaint concerns the **Chair of Local Governors**, a non-executive member of the local Cluster Board will investigate the complaint under **Stage 3** of this Complaints Policy.

- 4.6 Where the first approach is made to a Local Governor, the Local Governor must refer the complaint to the Headteacher, who will allocate it to an appropriate member of staff for investigation under Stage 2 of this Complaints Policy. Local Governors should not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a Complaint Panel at a later stage of the procedure.
- 4.7 The member of staff considering the complaint will write to the Complainant acknowledging the complaint within **5 school days** of receiving the formal complaint form or written complaint. The acknowledgement will confirm which stage of the Complaints Policy the complaint is being investigated under, and will confirm the date for providing a response to the complaint. Following investigation of the complaint, the member of staff will write to the Complainant confirming the outcome within **10 school days** of the formal complaint form being received. If this time limit cannot be met, the member of staff will write to the Complainant within **10 school days** of the formal complaint form being received, explaining the reason for the delay and providing a revised date.
- 4.8 The letter to the Complainant should notify them that if he or she is unhappy with the outcome of the Stage 2 investigation of the complaint, they should write to the Headteacher within **10 school days** of receiving the letter, asking for the complaint to be investigated under Stage 3 of this Complaints Policy. If no further communication is received from the Complainant within **10 school days**, the complaint will be deemed to have been resolved.

## 5. Stage 3 Formal Complaint Investigated by the Headteacher

- 5.1 If the Complainant is unhappy with the outcome of the complaint under Stage 2, the Complainant should write to the Headteacher at the Academy asking for the complaint to be investigated under Stage 3 of this Complaints Policy.
- 5.2 The Headteacher will write to the Complainant acknowledging the complaint within **5 school days** of the date that the letter was received from the Complainant. The acknowledgement will confirm that the complaint will now be investigated under Stage 3 of this Complaints Policy, and will confirm the date for providing a response to the complaint. Following investigation of the complaint, the Headteacher will write to the Complainant confirming the outcome within **10 school days** of the date that the letter was received from the Complainant. If this time limit cannot be met, the Headteacher will write to the Complainant within **10 school days** of the date that the letter was received from the Complainant, explaining the reason for the delay and providing a revised date.

During a standard investigation the investigator should:

- Record in writing all meetings held, whether it is with pupils, staff, parents or other witnesses
- Ensure that the complainant has the opportunity to submit witness statements which should be received in writing in support of their complaint

- 5.3 The letter to the Complainant should notify them that if he or she is unhappy the outcome of the Stage 3 investigation of the complaint, they should write to the Clerk to the Local Governors within **10 school days** of receiving the written request asking for the complaint to be heard before a Complaint Panel under Stage 4 of this Complaints Policy. If no further communication is

received from the Complainant within **10 school days**, the complaint will be deemed to have been resolved.

- 5.4 In exceptional circumstances, the Headteacher may delegate responsibility for investigating the complaint under Stage 3 of this Complaints Policy to a member of the Academy's Senior Management Team. In those circumstances, the Headteacher will monitor the progress of the investigation, and it will be the Headteacher who will write the letter of outcome to the Complainant.

If an Academy has a Transition or Intervention Board as part of the REAch2 governance model (or where there is an established LGB which is carrying governor vacancies or is supporting a small Academy), the Board should consider whether it has the capacity and capability required to act under these provisions; if not, other arrangements can and should be made, liaising with the Governance service, including involvement of local governors at other REAch2 academies and or REAch2 cluster non-executives.

- 5.5 As stated above, where a formal complaint form is received making a complaint about the **Headteacher** or a **Local Governor**, the complaint will be referred to the Chair of Local Governors for investigation under **Stage 3** of this Complaints Policy, rather than Stage 2. If a formal complaint form is received making a complaint about the **Chair of Local Governors**, the complaint will be referred to a non-executive member of the local Cluster Board for investigation under **Stage 3** of this Complaints Policy, rather than Stage 2. Where the Chair of the Local Governors has investigated the complaint, they will write the letter of outcome to the Complainant and provide a copy to the Headteacher and the Deputy Director of Education.

## 6. Stage 4 Complaint Heard at a Complaint Panel Hearing

- 6.1 If the Complainant is unhappy with the outcome of the complaint under Stage 3, the Complainant should write to the Clerk to the Local Governors at the Academy asking for the complaint to be heard before a Complaint Panel within **10 school days** as the final stage available in the process. Where he or she believes, at his or her absolute discretion, it may enable the matter to be resolved more effectively and without the need for a full panel hearing, the Chair of Local Governors, in consultation with the Trust Governance service, may propose that they or the Vice-Chair have a meeting with the complainant to review the process/outcomes to date and to discuss how best to achieve a resolution.
- 6.2 The Clerk to the Local Governors will write to the Complainant within **5 school days of receiving the letter** acknowledging the request for the complaint to be heard before a Complaint Panel. The letter will inform the Complainant that the Complaint Panel Hearing will take place within **25 school days** of the date that the letter was received from the Complainant and that arrangements to appoint the Complaint Panel and convene the Complaint Panel Hearing will be made by the Clerk to the Local Governors, who will be the Complainant's point of contact.

### Appointment of the Complaint Panel

- 6.3 The Clerk to the Local Governors will liaise with the Academy in making arrangements for the Complaint Panel to be appointed. 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 involved in dealing with the complaint in the previous

stages, or have any detailed prior knowledge of the complaint. Parent or staff governors should not be used if there are any existing links to the complainant.

If an Academy has a Transition or Intervention Board as part of the REAch2 governance model (or where there is an established LGB which is carrying governor vacancies or is supporting a small Academy), the Board should consider whether it has the capacity and capability required to act under these provisions; if not, other arrangements can and should be made, liaising with the Governance service, including involvement of local governors at other REAch2 academies and or REAch2 cluster non-executives.

- 6.4 One of the Complaint Panel members will be independent of the management and running of the Academy. This means that the independent Complaint Panel member will not be a REAch2 Trustee, a REAch2 cluster non-executive, a Local Governor of the Academy, or an employee of either the Trust or the Academy. When appointing the independent Complaint Panel member, the Trust and the Academy will bear in mind the non-statutory advice of the Department for Education, which states:

*“Whilst we do not wish to be prescriptive about who schools should appoint as an independent person our general view is that people who have held a position of responsibility and who are used to analysing evidence and putting forward balanced arguments would be suitable. Examples of persons likely to be suitable are serving or retired business people, civil servants, heads or senior members of staff at other schools, people with a legal background and retired members of the police force might be considered by schools. Schools will of course have their own views.”*

For the avoidance of doubt, a Local Governor of another REAch2 Academy within the group may be the independent Complaint Panel member, as long as they are not an employee of that academy or an employee, cluster non-executive or Trustee of the Trust, and they are sufficiently removed from the management and running of the Academy to be considered truly independent.

- 6.5 One or both of the other two Complaint Panel members can be a REAch2 Trustee, a REAch2 cluster non-executive or a Local Governor of the Academy or another REAch2 Academy, as long as they fulfil the requirements of paragraph 6.3 above and are not an employee of the Academy.

### The Academy's Representative

- 6.6 The Academy will be represented at the Complaint Panel Hearing by the person who investigated the complaint under the most recent stage of the procedure. This will usually be the Headteacher, however it may on occasions be the Chair of Local Governors, the Vice-Chair of Local Governors, a member of the Senior Management Team or a member of the local Cluster Board. If the Complainant only has complained about the way in which the complaint was investigated by that person (rather than only or also disagreeing with the outcome of the investigation) then the Academy may choose to be represented by another person at the complaint panel hearing and to involve the investigator of the previous stage as a witness. There may be other circumstances (e.g. changes in staff) where the Academy has to nominate another person as their representative.

### Convening the Complaint Panel Hearing

- 6.7 The Clerk to the Local Governors will liaise with the Academy and convene the Complaint Panel Hearing on a date and at a time which is convenient to the Complainant, the Academy's

representative and the three Complaint Panel members. The Clerk to the Local Governors will write to the Complainant, the Academy's representative and the Complaint Panel members **at least 5 school days** before the Complaint Panel Hearing is due to take place confirming the date and time. The Academy can offer an alternative venue if requested by the complainant.

### Witnesses

- 6.8 The Academy may seek to rely on the accounts of witnesses, which are relevant to the complaint. Such witnesses may also include those persons who dealt with the complaint in the previous stages, if the Complainant has complained about the way in which the complaint was investigated (rather than simply disagreeing with the outcome of the complaint). Such witnesses should, if they have not already done so, provide a signed and dated statement of their account and provide it to the Clerk to the Local Governors **at least three school days** before the Complaint Panel Hearing is due to take place.
- 6.9 For the avoidance of doubt, where the Complainant intends to rely on his or her own account at the hearing, there is no need for that account to be written down and sent to the Academy in advance (although it may be helpful to do so).
- 6.10 The Complaint Panel will have the absolute discretion to decide whether a witness account is relevant to the complaint or whether a witness account is undisputed by the Complainant or the Academy respectively. Where a witness account is irrelevant or undisputed, their attendance at the Complaint Panel will not be required.
- 6.11 The Complaint Panel will also have the absolute discretion to decide whether an additional witness may be invited to participate even after the documents for the Hearing (see below) have issued if they believe it will help achieve a resolution to the complaint without causing undue prejudice to any of the parties involved.
- 6.12 All witnesses, whether they are for the Complainant or the Academy, will not be allowed to sit in on any part of the Complaint Panel Hearing except when they are giving their own verbal account or answering questions, upon conclusion of which they will be required to leave the room.

### Documents

- 6.13 The Clerk to the Local Governors will provide an agenda and a copy of all correspondence, statements (including witness statements) and records relating to the complaint (including records made by those persons who investigated the complaint in the previous stages) to the Complainant, the Academy's representative and each Complaint Panel member **at least two school days** before the Complaint Panel Hearing is due to take place. Documentation will be redacted in line with data protection regulations.
- 6.14 The Complaint Panel will have the absolute discretion to decide whether any new documentation is accepted after that the above deadline, including at the Hearing itself, if they believe it will help achieve a resolution to the complaint without causing undue prejudice to any of the parties involved.

### Attendance at the Hearing

- 6.15 The Complainant may be accompanied by an interpreter or signer, as well as friend or relative, at the Complaint Panel Hearing. The friend or relative will attend for moral support only and will

not play any part in the Complaint Panel Hearing, unless invited to do so by the Complaint Panel if it appears to them that it will improve the quality of the Complainant's representations and/or help achieve a resolution to the complaint. The Complaint Panel Hearing is not a legal hearing and it is therefore not permitted for either the Complainant or the Academy to be legally represented.

### The Clerk to the Complaint Panel

6.16 A Clerk to the Complaint Panel will attend the Complaint Panel Hearing and keep a written record of the proceedings. The Clerk to the Complaint Panel will usually be the Clerk to the Local Governors, however another suitable person may be appointed to this role if the Clerk to the Local Governors is not available.

### Procedure at the Complaint Panel Hearing

6.17 An effective Complaint Panel will acknowledge that many Complainants and witnesses, especially children, will feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The Complaint Panel will ensure that the proceedings are as welcoming and informal as possible, while keeping in mind that the proceedings must be fair and follow the rules of natural justice.

This is a confidential process, under General Data Protection regulations, and therefore no audio or video recordings should be made during the meeting, unless reasonable adjustment is necessary to ensure all parties can access matters arising from the meetings. Proceedings will be immediately concluded if unauthorised recordings are discovered during the meeting.

6.18 The Complaint Panel Hearing will proceed as follows:

- On arrival, those attending the panel as complainants should be directed to a waiting area away from members of the Academy
- The Clerk to the Complaint Panel will greet the Complainant, the Complainant's supporter (if in attendance) and the Academy's representative and welcome them into the room where the Complaint Panel has convened (witnesses will remain in their relevant waiting areas outside of the room until they are called in to give their account);
- The Complainant will be invited by the Complaint Panel to give an account of their complaint;
- The Academy's representative will be invited to ask the Complainant questions, if any;
- The Complaint Panel will ask the Complainant questions, if any;
- The Complainant's relevant first witness will be invited into the room to give an account of what they saw or know;
- The Academy's representative will be invited to ask the Complainant's witness questions, if any;
- The Complaint Panel will ask the Complainant's witness questions, if any;
- The Complainant's witness will be asked to leave the room;

- If the Complainant has any further relevant witnesses, they will be invited into the room individually to provide their accounts and be questioned as outlined above;
- The Academy's representative will be invited by the Complaint Panel to respond to the complaint and make representations on behalf of the Academy;
- The Complainant will be invited to ask the Academy's representative questions, if any;
- The Complaint Panel will ask the Academy's representative questions, if any;
- The Academy's relevant first witness will be invited into the room to give an account or what they saw or know;
- The Complainant will be invited to ask the Academy's witness questions, if any;
- The Complaint Panel will ask the Academy's witness questions, if any;
- The Academy's witness will be asked to leave the room;
- If the Academy has any further relevant witnesses, they will be invited into the room individually to provide their accounts and be questioned, as outlined above;
- The Complainant will be invited by the Complaint Panel to summarise their complaint;
- The Academy's representative will be invited by the Complaint Panel to summarise their response to the complaint and the Academy's stance;
- The Complaint Panel Hearing will conclude and the Complainant and the Academy's representative will be asked to leave.

### The Complaint Panel's Decision

6.19 The Complaint Panel will meet in private, either immediately after the Complaint Panel Hearing or on a subsequent date, and will consider all of the documentation and everything that they have heard at the Complaint Panel Hearing and make:

- **Findings of Fact**

The Complaint Panel will decide which facts are established to be true, on a balance of probabilities (i.e. more likely than not). If a fact is not deemed relevant, the Complaint Panel will not consider it further. The Complaint Panel will make a written record of the facts that have been established, those which have not been established and those which are not relevant, with reasons.

- **Recommendations**

The Complaint Panel will consider the facts, which they have established and will make recommendations based upon them. These recommendations may be aimed at achieving reconciliation between the parties (for example, a written apology), improving procedures

and/or preventing a recurrence in the future. The Complaint Panel will keep a written record of their recommendations, with reasons.

### Notification of the Complaint Panel's Decision

6.20 The Clerk to the Complaint Panel will write within **10 school days** of the Complaint Panel Hearing to the:

- **Complainant;**
- **The Academy's representative;**
- **Any person complained about;**

The letter will identify the issues complained about, and will confirm the Complaint Panel's findings of fact and recommendations, if any, with reasons. The letter will also confirm that, if the Complainant believes that this Complaints Policy does not comply with the Regulations, or that the Academy has not followed the procedure outlined in this Complaints Policy, the Complainant may refer their complaint to the Education and Skills Funding Agency for consideration.

6.21 The Clerk to the Complaint Panel will also ensure that a copy of the Complaint Panel's findings and recommendations are made available on the Academy's premises for inspection by the Trust, the Local Governing Body and the Headteacher, with a copy sent to the Deputy Director of Education.

### Adjournment or postponement of a stage 4 complaint panel

6.22 The Chair of the Panel can agree to an adjournment if it becomes apparent that there is not enough time allocated for the hearing; all members of the panel, the clerk and the complainant must be in agreement for the adjournment. The panel should be reconvened, with all original members, not later than **4 school weeks** after the date of adjournment.

6.23 All attempts should be made to hold the panel on the original date agreed by the complainant, clerk and members. However, if there are unavoidable circumstances such as illness, the panel should be reconvened at the earliest possible date after adjournment and no later than **4 school weeks** following adjournment.

6.24 Where a second postponement seems likely or where a complainant does not attend the hearing and offers no apologies, the panel has the right to hold the complaint hearing using evidence provided by the complainant, the school and witnesses and to distribute the decision letter according to the timescales identified in section 6.20.

## **7. Complaint Referred to Education and Skills Funding Agency**

7.1 Once a complaint has been through all the stages of this Complaints Policy, if the Complainant believes that this Complaints Policy does not comply with the Regulations, or if the Complainant believes that the Academy has not followed the procedure in this Complaints Policy, the



Complainant can refer the complaint to the Education and Skills Funding Agency for consideration.

- 7.2 The Complainant can find further information about referring a complaint to the Education and Skills Funding Agency by pasting this link into an Internet browser:

<http://www.education.gov.uk/schools/leadership/schoolperformance/b00212240/making-complaint-school/complaints-free-schools-academies>

- 7.3 The Complainant can refer their complaint to the Education and Skills Funding Agency by completing an online form by pasting this link into an Internet browser:

<https://www.education.gov.uk/schools/leadership/schoolperformance/schoolcomplaints-form>

- 7.4 The Complainant should be aware that the Education and Skills Funding Agency will not usually investigate the complaint itself, or interfere with the findings of the Complaint Panel, unless the decision made was manifestly unreasonable.

## 8. Administrative Matters

### Records

- 8.1 The Academy will keep a central record of all concerns and complaints received, whether they were dealt with informally or formally.

Records can include (but not be limited to):

- Original complaint form or letter from complainant
- Responses from the Trust
- Notes of investigations taken by investigators
- Witness statements from Trust staff
- Witness statements submitted by or on behalf of the complainant
- Minutes of formal meetings (e.g. stage 4 panel hearings)
- Correspondence, including emails, between the complainant and any Trust staff
- Relevant correspondence between any involved parties and outside agencies
- Formal notification letters of outcomes
- Any logs used to manage the complaint process, which could include dates of receipt and resolution of complaints.

### Confidentiality

- 8.2 All parties involved in a complaint should respect the confidentiality of the complaint, the process and the outcome, except insofar that sharing information is a necessary part of the process and/or of implementing the outcome or related recommendations.

The Academy will keep all correspondence, statements and records relating to individual complaints confidential, except where the Secretary of State or a body authorised to conduct a school inspection requests access to them.

## Publication

8.3 This Complaints Policy will be reviewed by the Trust every three years or if relevant legislation/regulations change and published on the Academy's web site, as well as being made available to pupils, parents and other individuals or organisations on request.

## Annex 1 – Glossary

The definitions used in this Complaints Policy are:

<b>Academy</b>	The school, which has academy status and is part of REAch2 Multi Academy Trust.
<b>Clerk to the Complaint Panel</b>	The person who will attend the Complaint Panel Hearing and keep a written record of the proceedings, and will write to the Complainant notifying them of the decision of the Complaint Panel.
<b>Clerk to the Local Governors</b>	The person responsible for making the arrangements to appoint the Complaint Panel and convene the Complaint Panel Hearing. The Clerk to the Local Governors will also usually act as the Clerk to the Complaint Panel at the Complaint Panel Hearing.
<b>Chair of Local Governors</b>	The person elected by the Local Governing Body to be their chairperson.
<b>Complainant</b>	The person or organisation making the complaint.
<b>Education and Skills Funding Agency (ESFA)</b>	The government department (a sub-department of the Department for Education) responsible for funding and monitoring standards in academies.
<b>Local Governing Body</b>	A sub-committee of the Trust. The Trust delegates the oversight of the day-to-day management and running of the Academy to the Local Governing Body.
<b>Parent</b>	The natural or adoptive mother or father of a pupil, prospective pupil or former pupil, irrespective of whether they are or ever have been married, together with persons with parental responsibility for the pupil, and persons with care of the pupil.
<b>Headteacher</b>	The head of the Academy, sometimes also known as the Headteacher.
<b>REAch2 Academy</b>	An academy within REAch2 Multi Academy Trust.
<b>School Day</b>	Term-time weekdays excluding weekends, inset days, bank holidays and school holidays.
<b>Trust</b>	A multi academy trust company, which is a charitable company responsible for the management and running of all of the academies within the multi academy trust group.

## Annex 2 – Formal Complaint Form

Please complete and return to the Academy who will provide you with a copy, acknowledge receipt and explain what action will be taken.

Your name:	
Pupil's name (if applicable):	
Pupil's year group:	
Your relationship to the pupil:	
Address for correspondence:	
Contact telephone number:	
Email address:	
Please give details of your complaint:	
What action, if any, have you already taken to try and resolve your complaint (for example, who have you spoken to and what was the response)?	
What actions do you feel might resolve the problem at this stage?	
Are you including any paperwork with this form? If so, please list:	

Signature:

Date:

We are collecting information on this form to enable the Academy to investigate your complaint. It may be shared with those named and with staff acting in an advisory capacity.