



MANOR
MULTI ACADEMY TRUST

Complaints Policy

Please note, this policy is for complaints received from **parents/carers**.
Complainants who are **not** parents/carers of current pupil(s) in the School/Trust
should refer to the separate policy for non-parents.

Approved by: Directors

Date: 14.5.24

Review period: Annual

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1. Aims

Our Trust aims to meet its statutory obligations when responding to complaints from parents or carers of pupils at the school/Trust.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect
- Ensure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement evaluation processes

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

Each school in our Trust will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will ensure we publicise the existence of this policy and make it available on each school's website.

2. Legislation and guidance

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

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

<https://www.gov.uk/government/publications/setting-up-an-academies-complaints-procedure/best-practice-guidance-for-academies-complaints-procedures#esfa39s-role-in-relation-to-complaints-about-academy-schools>

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

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

3. Definitions and scope

The DfE guidance explains the difference between a concern and a complaint.

A **concern** is defined as “*an expression of worry or doubt over an issue considered to be important for which reassurances are sought*”. The Trust will resolve concerns through day-to-day communication as far as possible.

A **complaint** is defined as “*an expression of dissatisfaction however made, about actions taken or a lack of action*”.

The Trust intends to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This procedure covers all complaints about any provision of facilities or services by our schools, other than complaints that are dealt with under other statutory procedures, which are listed below. For the avoidance of doubt, these matters will not be dealt with under this policy.

Exceptions	Who to contact
School admissions	Concerns about admissions should be handled through a separate process – please see the Manor MAT <i>Admissions Policy</i> for details of the appeals process.
Statutory assessment of special educational need/disability (SEND)	Concerns about this should be raised with the SENDCo/relevant Local Authority as per SEND Policy.
Matters likely to require a Child Protection investigation, related to safeguarding	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 should follow local procedures for child protection referrals.
Suspension and exclusion of children from school	Concerns and complaints about the application of statutory suspensions and exclusions procedures should be made as part of those procedures, in line with the Manor MAT Suspensions and Exclusions Policy.
Examination results	Concerns about the results of examinations will be dealt with using the appropriate appeals processes.

Exceptions	Who to contact
Data protection	Any complaints relating to how a data protection matter has been handled should first be referred for internal review by our Data Protection Officer. If you remain unhappy with our response, you may complain to the Information Commissioner's Office.
Staff grievances	Complaints from staff and former staff will be dealt with under our internal grievance procedures.
Staff conduct	Complaints about staff will be dealt with under our 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.
Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. Please refer to our Whistleblowing Policy. 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
Provision of third party services	Complaints about services which are delivered by third parties (e.g. catering) should be addressed to the appropriate organisation and dealt with under their complaints procedures. Please contact the school office if you need details of who to get in touch with.

4. Principles for investigation

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage.

Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

The Trust expects that complaints will be made as soon as possible after an incident arises and no later than **3 months** afterwards, or, where a series of associated incidents have occurred, within 3 months of the last of these incidents.

We will consider exceptions to this timeframe in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

Complaints about our fulfilment of early years requirements

We will investigate all written complaints relating to the school's fulfilment of the Early Years Foundation Stage requirements and notify the complainant of the outcome within 28 school days of receiving the complaint. The school will keep a record of the complaint (see section 10) and make this available to Ofsted on request.

Parents and carers can notify Ofsted if they believe that the school is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4234 or 0300 123 4666, or by emailing enquiries@ofsted.gov.uk. An online contact form is also available at: <https://www.gov.uk/government/organisations/ofsted#org-contacts>

We will notify parents and carers if we become aware that the school is to be inspected by Ofsted. We will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis.

Complaints received outside of term time

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

5. Stages of complaint (Not complaints against Headteacher (HT)/Head of School (HOS), the MAT, a Director or PCAFs)

At each stage in the procedure, the Trust wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- An explanation;
- An admission that the situation could have been handled differently or better;
- An assurance that we will try to ensure that the matter complained of will not recur;
- An explanation of the steps that have been or will be taken to ensure that it will not happen again and an indication of the timescales within which any changes will be made;
- An undertaking to review school policies in light of the complaint;
- An apology.

Stage 1: Informal

Each school in our Trust will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant (or a third party acting on their behalf, as long as they have appropriate

consent to do so) should raise the informal complaint as soon as possible with the relevant member of staff or the HT/HOS, either in person or by letter, telephone or email. If the complainant is unclear who to contact they should contact the school office. The informal complaint will be acknowledged within 5 school days.

If the complainant has difficulty discussing a concern with a particular member of staff, the HT/HOS will refer them to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the HT/HOS will refer the complainant 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. There is no suggested timescale for resolution at this stage given the importance of dialogue through informal discussion. However, it would be expected that most issues will be resolved around 15 school days. If this deadline is unable to be met, the HT/HOS/investigating officer will provide the complainant with an update and revised response date.

The informal stage will involve a meeting between the complainant and the HT/HOS and/or the subject of the complaint, if appropriate.

If the complaint is not resolved informally, the complainant will be advised that if they wish for their concerns to be considered further, they should write to the HT/HOS under [Stage 2](#) of this procedure within 15 school days (as detailed below).

Complainants should not approach individual Directors or PCAF representatives to raise concerns or complaints. Directors and PCAF representatives have no power to act on an individual basis and it may also prevent them from considering complaints at [Stage 3](#) of the procedure (Review Panel).

Stage 2: Formal

The Formal stage involves the complainant putting the formal complaint to the HT/HOS and/or the subject of the complaint via the school office in writing either via a letter or email marked "Private and confidential."

If the complaint is about the HT/HOS, a Director or PCAF representative, **please go to [Section 6](#)**.

The complainant must provide details of the nature of the complaint and as the relevant dates, times and the names of witnesses of events, alongside copies of all relevant documents. The complainant should also state what they feel would resolve the complaint. If complainants need assistance raising a formal complaint, they can contact the school office.

The complaint will normally be acknowledged in writing (either by letter or email) within 5 school days of receipt, along with a target date for providing a response to the complaint.

The HT (or other person appointed by the HT for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 20 school days. Should it not prove possible for this timescale to be met (for example,

due to the complexity of the complaint), the complainant will be informed.

The response will detail any actions taken to investigate the complaint and provide an explanation of the decision made by the HT/HOS/investigating officer and the reason(s) for it. Where appropriate, it will include details of actions the School will take to resolve the complaint.

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the Trust Governance Professional (TGP) in writing within 14 school days of receipt of the Stage 2 response. The TGP will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days. Requests received outside of this timeframe will only be considered if exceptional circumstances apply.

Stage 3: Review Panel

Complainants will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at Stage 2. The complainant must confirm – **in writing** – that they wish to progress their complaint to a panel. This request will be acknowledged by the Trust (usually via the TGP) within 5 school days. The TGP will write to the complainant to inform them of the date of the meeting.

The TGP will aim to convene a meeting within 20 school days of receipt of the Stage 3 request. If this is not possible, the TGP will provide an anticipated date and keep the complainant informed. If the complainant rejects the offer 3 proposed dates without good reason, the TGP 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.

At least 5 school days before the meeting the TGP 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 panel at least 5 school days before the meeting.

The panel will be appointed by or on behalf of the Trust and must consist of at least 3 people who were not directly involved in the matters detailed in the complaint.

At least 1 panel member must be independent of the management and running of the School/Trust.

“Independent” for the purposes of this policy means:

- People who are not Directors of Manor MAT
- **For school complaints:**
 - Headteachers/Heads of School from other schools in the Trust
 - Senior Leaders from the Central Trust e.g. CFO
 - PCAF representatives from elsewhere in the Trust
 - People external to the Trust
- **For complaints against the MAT central team/CEO/CEA:**
 - Any Headteacher/Head of School from within the Trust (except in relation to

- paragraph 6b)
 - o PCAF representatives from across the Trust

Alternatively, an entirely independent panel may be convened to hear the complaint at this stage.

Prior to the meeting, the panel will decide among themselves who will act as the Chair of the Complaints panel, and the TGP will aim to notify the complainant of the agreed individual at least 5 school days before the meeting. Should it not prove possible for this deadline to be met, the TGP will notify the complainant as soon as possible. Failure to meet this deadline will not preclude the meeting from taking place.

The panel will have access to the existing record of the complaint's progress (see section 10). The complainant must have reasonable notice of the date of the review panel; however, review panel reserves the right to convene at their convenience rather than that of the complainant.

At the review panel meeting, the complainant and representatives from the School/Trust, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied by a friend/relative if they wish. The Head teacher/HOS (or other investigating officer if not the Head teacher) is entitled to have a friend or colleague accompany them to the meeting with prior approval by the Chair of the panel. The Headteacher may allow a colleague to speak on their behalf in the meeting; for example, where that colleague has more detailed knowledge of an event or issue.

Representatives from the media are not permitted to attend.

At the meeting, each individual will have the opportunity to give statements and present evidence and witnesses can be called as appropriate to present their evidence. The panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The panel will not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. Any new complaints must be dealt with from stage 1 of procedure.

The panel, the complainant and the School/Trust representative(s) will be given the chance to ask and reply to questions. Once the complainant and School/Trust representative(s) have presented their cases, they will be asked to leave and evidence will then be considered.

The panel must then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint and make a copy available for inspection by the School/Trust and HT.

The panel will consider the complaint and all the evidence presented. The panel can:

- Uphold the complaint in whole or in part; or
- Dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the panel will:

- Decide on the appropriate action to be taken to resolve the complaint; and
- Where appropriate, recommend changes to the School/Trust's systems or procedures to prevent similar issues in the future.

The School/Trust will inform those involved of the decision in writing within 5 school days. Options in the event the complainant remains dissatisfied with the outcome are detailed in Section 7: Referring complaints on completion of the Trust's procedure.

6. Complaints against HT/HOS, the CEO (Chief Executive Officer)/CEA (Chief Executive Advisor) and/or MAT, the central MAT support team or a PCAF representative or the PCAF Group

- a) Complaints made against the HT/HOS or a member of the MAT central support team should be directed to the CEO/CEA.

*Complaints made against the HT/HOS or a member of the MAT central support team will be investigated by the CEO/CEA. Response timescales will reflect those detailed in [Section 5](#). If the complainant remains unsatisfied, the complainant must write to the TGP who will convene a panel of 3 members, **one of whom must not be a Director/PCAF representative from the school but can be a PCAF representative from elsewhere in the Trust or can be a Headteacher from elsewhere in the Trust**. The panel will follow the format laid out in [Section 5, Stage 3](#).*

- b) Complaints made against the CEO/CEA or the MAT as a whole should be directed to the Chair of the Trust by contacting the TGP (see Governance page on MAT website for contact information).

*Complaints made against the MAT/CEO/CEA will be investigated by the Chair of the Trust. Response timescales will reflect those detailed in [Section 5](#). If the complainant remains unsatisfied, the complainant must write to the TGP who will convene a panel of 3 members, **one of whom must not be a Director/PCAF representative from the school but can be a PCAF representative from elsewhere in the Trust**. The panel will follow the format laid out in [Section 5, Stage 3](#).*

- c) Where the complaint is about a PCAF representative, the Chair of the Trust will investigate in the first instance. Response timescales will reflect those detailed in [Section 5](#). The panel will follow the format laid out in [Section 5, Stage 3](#).

- d) Where the complaint is about the Chair of the Trust, the Vice-Chair of the Trust will investigate and report back to the complainant. Response timescales will reflect those detailed in [Section 5](#). If the complainant remains unsatisfied, the Vice-Chair will ask the TGP to convene a panel of 3 members. The panel will follow the format laid out in [Section 5, Stage 3](#).

7. Referring complaints on completion of the Trust's procedure

If the complainant believes the School/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.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by the Multi Academy Trust or any of the schools within the Trust. They will consider whether the School/Trust has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed 2014 legislation:

<https://www.legislation.gov.uk/uksi/2014/3283/schedule/made>

The complainant can refer their complaint to the ESFA online at:

<https://www.legislation.gov.uk/uksi/2014/3283/schedule/made>

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

The ESFA will only consider the complaint if the complainant can provide evidence that the School or Trust:

- does not have a complaints procedure
- did not provide a copy of its complaints procedure when requested
- does not have a procedure that complies with statutory regulations
- has not followed its published complaints procedure
- has not allowed its complaints procedure to be completed

The ESFA will inform the complainant that they are not able to:

- overturn the governing body's decision
- re-investigate the original complaint
- review the accuracy of minutes taken or documents provided
- order that compensation is paid
- direct the school to discipline / exclude pupils
- force the school to discipline / dismiss staff
- instruct the school to apologise

8. Persistent complaints

Where a complainant tries to re-open the issue with the School/Trust after the complaints procedure has been fully exhausted and the School/Trust has done everything it reasonably can in response to the complaint, the Chair of the relevant governance group (or other appropriate person in the case of a complaint about the Chair) will inform the complainant that the matter is closed.

If the complainant subsequently contacts the School/Trust again about the same issue, the School/Trust can choose not to respond. The normal circumstance in which we will not respond is if:

- The School/Trust has taken every reasonable step to address the complainant's needs, *and*
- The complainant has been given a clear statement of the School/Trust position and their options (if any), *and*
- The complainant is contacting the School/Trust repeatedly but making substantially the same points each time

However, this list is not intended to be exhaustive.

The School/Trust will be most likely to choose not to respond if:

- We have reason to believe the individual is contacting the School/Trust with the intention of causing disruption or inconvenience, *and/or*
- The individual's letters/emails/telephone calls are often or always abusive or aggressive, *and/or*
- The individual makes insulting personal comments about, or threats towards, school/Trust staff

Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint.

Once the School/Trust has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

The School/Trust will ensure when making this decision that complainants making any new complaint are heard, and that the School/Trust acts reasonably.

Unreasonable and persistent complaints

The Trust is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. We will not normally limit the contact complainants have with our Trust's schools.

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.

Our Trust defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contacts with the School/Trust, such as, if the complainant:

- 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;
- refuses to accept that certain issues are not within the scope of the complaints procedure;
- insists on the complaint being dealt with in ways that are incompatible with the complaints procedure or with good practice;
- introduces trivial or irrelevant information that they expect to be taken into account and commented on;
- raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the Trust's complaint procedure has been fully and properly implemented and completed including referral to the DfE;
- seeks an unrealistic outcome, such as the inappropriate dismissal of staff;
- makes excessive demands on school/Trust time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with;
- uses threats to intimidate;
- uses abusive, offensive or discriminatory language or violence;
- knowingly provides falsified information; and/or
- Publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the School/Trust in relation to their complaint, while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached. Whenever possible, the HT/HOS or relevant investigating officer (IO) will discuss any concerns with the complainant informally before applying an '*unreasonable*' marking.

If the behaviour continues, the HT/HOS (or IO if different) will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact the School/Trust, causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

If an individual's behaviour is causing a significant level of disruption, regardless of whether or not they have raised a complaint, the School/Trust can implement a tailored communication strategy.

For example, we can:

- restrict the individual to a single point of contact via an email address
- limit the number of times they can make contact, such as a fixed number of contacts per term

Different procedures apply to freedom of information (FOI) and data protection (DP) correspondence, as detailed in the Trust's Data Protection Policy. All requests for FOI and DP information should be sent via email to the Trust's Data Protection Officer.

The School/Trust will act reasonably and consider any new complaint. Anyone has the right to raise a genuine new complaint at any time.

The School/Trust may also suggest that the complainant asks a third party to act on their behalf, such as the local Citizen's Advice Bureau.

If an individual persists to the point that may constitute harassment, the School/Trust will seek legal advice. In some cases, injunctions and other court orders may be requested.

Once the School/Trust has decided that it's appropriate to stop responding, the individual will be informed.

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

Vexatious complaints

The DfE defines vexatious complaints as:

- complaints which are obsessive, persistent, harassing, prolific, repetitious
- insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason
- insistence upon pursuing meritorious complaints in an unreasonable manner
- complaints which are designed to cause disruption or annoyance
- demands for redress that lack any serious purpose or value

When to stop responding

The decision to stop responding should never be taken lightly.

We will stop responding to complaints if we can demonstrate:

- The school/Trust has taken every reasonable step to address the complainant's concerns
- the complainant has been given a clear statement of the School's/Trust's position and their options

- the complainant contacts the School/Trust repeatedly, making substantially the same points each time

The case to stop responding is stronger if the School/Trust agrees with one or more of these statements:

- the complainant's letters, emails, or telephone calls are often or always abusive or aggressive
- the complainant makes insulting personal comments about or threats towards staff
- the School/Trust has reason to believe the individual is contacting the School/Trust with the intention of causing disruption or inconvenience

The School/Trust will not stop responding just because an individual is difficult to deal with or asks complex questions.

Duplicate complaints

If, after closing a complaint at the end of the complaints procedure, we receive a duplicate complaint from a spouse, a partner, a grandparent or a child not attending this School/Trust, we will remind them that we have already considered the complaint and the local process is complete. Complainants will be advised to contact the DfE if they are dissatisfied with our handling of the complaint.

Complaint campaigns

Where the School/Trust receives a large volume of complaints about the same topic or subject, the School/Trust may respond to these complaints by:

- Publishing a single response on the School/Trust website
- Sending a template response to all of the complainants

If complainants are not satisfied with the School/Trust response, or wish to pursue the complaint further, the normal procedures will apply.

Anonymous complaints

Anonymous complaints will not usually be investigated. However, the investigating officer (i.e. the CEO/CEA or the Chair of the Trust if the complaint is against the CEO/CEA) will determine whether or not the complaint warrants investigation. The IO will attempt to adhere to the timescales set out in Section 5 but will be unable to respond to the complainant if no contact information is provided.

9. Withdrawal of a complaint

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

10. Record- keeping

The school/Trust will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the review panel, except where:

- they are requested by the Secretary of State (or someone acting on their behalf); or
- the complainant requests access to records of a complaint through a freedom of information (FOI) request under the terms of the Data Protection Act; or
- the complainant requests access to the records of a complaint through a subject access request under the terms of the Data Protection Act; or
- the material must be made available during a school inspection; or
- under other legal authority.

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

The details of the complaint, including the names of individuals involved, will not be shared with Directors or PCAF representatives in case a review panel needs to be organised at a later point.

Where Directors or PCAF representatives are aware of the substance of the complaint before the review panel stage, the School/Trust will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the Trust as appropriate, who will not unreasonably withhold consent.

11. Learning lessons

The CEO/CEA will review any underlying issues raised by complaints with the HT/HOS (or Chair of the Trust if the complaint relates to the CEO/CEA/MAT), where appropriate, and respecting confidentiality, to determine whether there are any improvements that the School/Trust can make to its procedures or practice to help prevent similar events in the future.

12. Monitoring arrangements

The Trust Board will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The Trust Board will track the number and nature of complaints, and review underlying issues as stated in section 11. The complaints records are logged and managed by the HT/ HOS in each school (and by the TGP at MAT-level).

This policy will be reviewed by the CEO/CEA annually (or upon notification of legislative updates). At each review, the policy will be approved by the Trust Board.

13. Scope of the Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by each of the Trust's schools, other than complaints that are dealt with under other statutory procedures, including those listed below:

- Safeguarding and Child Protection Policy
- Admissions policy
- Exclusions policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEND policy (where applicable) and information report
- Privacy notices
- Whistleblowing Policy

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

Appendix A - Model Complaint Form

SCHOOL COMPLAINTS: Please complete and return to the school office in a sealed envelope marked as follows:

- i. For complaints about anyone/thing other than the HT/HOS:
“Private and confidential –for the attention of the Headteacher/Head of School”
- ii. For complaints about the HT/HOS: **“Private and confidential – for the attention of the CEO/CEA”**

TRUST COMPLAINTS (E.G. AGAINST THE CEO/CEA): Please email your complaint to the TGP, including the word “complaint” in the subject line of your email. Contact details for the TGP are available on the Trust website.

Your name:
Pupil’s name (if relevant):
Your relationship to the pupil (if relevant):
Address:
Postcode:
Day time telephone:
Evening telephone:
Email address:
Please give details of your complaint, including whether you have spoken to anybody at the school/Trust about it.
What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

THIS SECTION TO COMPLETED BY SCHOOL /TRUST:

Official use/ Reference:

Date acknowledgement sent:

By whom:

Complaint referred to:

Action taken:

Appendix B – Roles and Responsibilities

Complainant

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

- explain the complaint in full as early as possible
- co-operate with the school/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 within
- Prepare a comprehensive report for the head teacher or complaints panel that sets out the facts, identifies solutions and recommends courses of action to resolve problems.
- The head teacher or complaints panel will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

Complaints Co-ordinator

(This could be the Headteacher or other staff member providing administrative support e.g. the TGP)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, Headteacher, Directors as appropriate or the TGP to ensure the smooth running of the complaints procedure

- Keep records and be aware of issues regarding:
 - sharing third party information
 - additional support this may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- Ensure that the correct procedure has been followed.
- to meet the complainant, if appropriate
- if the complaint is being referred to Stage 3, notify the TGP to arrange the Complaints panel.

Trust Governance Professional (TGP)

The TGP is the contact point for the complainant and the Complaints Panel and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example: stage 1 paperwork, school/Trust and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- take minutes of the proceedings and circulate minutes of the meeting
- notify all parties of the panel's decision.
- assist the School / Trust in issuing a summary letter to the complainant.
- ensure that the Complaints Panel has access to legal advice, where appropriate.

Panel Chair

The complaints panel chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the TGP) 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 panel 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.
- any issues not previously mentioned in writing should not be raised at the meeting and, if they are mentioned at the meeting, these should not be noted or considered by the Complaints Panel
- both the complainant and the school/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 panel is open-minded and acts independently
- no member of the panel has an external interest in the outcome of the proceedings

- or any involvement in an earlier stage of the procedure
- the meeting is minuted accurately and is a true representation
- They liaise with the TGP (and complaints co-ordinator, if the school/Trust has one).

Panel Members

Panel members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so no member may sit on the panel if they have had prior knowledge of complaint or circumstances surrounding it,
- The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school/Trust and the complainant, should the outcome of the meeting not find in the complainant's favour. It may only be possible to establish the facts and make recommendations.
- Many complainants will feel nervous and inhibited in a formal setting as parents/carers may 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 or uncomfortable.
- The panel 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 panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent/carer is the complainant, the panel should give the parent/carer the opportunity to say which parts of the meeting, if any, the child/young person needs to attend. However, the parent/carer should be advised that agreement might not always be possible if the parent/carer wishes the child/young person to attend a part of the meeting if the panel considers that it is not in the child/young person's best interests.
- The welfare of the child/young person is paramount.

APPENDIX C: Model Agenda – Complaints Panel

ITEMS
Apologies/consent to absence – none (3 panel members required)
Confirmation of panel Chair – NAME
Declarations of Interests – Chair to confirm there are none on the panel
Confidentiality – a reminder from the Chair
Chair explains the procedure to be followed in the meeting – note that the meeting is structured as per below but panel members can ask questions at any time
The complainant presents their case, sums up their complaint and explains what they want to happen as a result of the complaint.
Panel members ask the complainant any questions
The investigating officer (IO) presents their case & sums up their defence
Panel members ask the IO any questions
Complainant is given opportunity to ask any additional questions not answered earlier in the meeting
CEO/CEA is given opportunity to ask any additional questions not answered earlier in the meeting
[ALL PARTIES APART FROM THE PANEL AND THE CLERK WITHDRAW]
The panel considers the parties' cases and makes a decision
With the Trust Governance Professional, the panel drafts a decision letter which will be sent to all parties within 5 school days