



# Trust Complaints Policy

September 2024

[Mater-Christi.com](http://Mater-Christi.com)

### Document Control

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Amendments	October 5 <sup>th</sup> Board Meeting review recommended that Lancashire references are in place- complete. November 10 <sup>th</sup> Added in the complaints form, barring from site and role of the ESFA.

### Introduction

1.1. The Mater Christi Multi-Academy Trust endeavours to provide the best education possible

for all students in an open and transparent environment. We welcome any feedback that we receive from parents, students and third parties, and we accept that not all of this will be positive. Where concerns are raised the Trust intends for these to be dealt with:

- Fairly
- Openly
- Promptly
- Without Prejudice

1.2. To do so, the Trust Board has approved the following procedure, for use by the Local Governing Board of each academy, which explains what you should do if you have any concerns about that academy. All members of staff will be familiar with the procedure and will be able to assist you.

### 2. Legal Framework

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

- 2.1.1. The Freedom of Information Act 2000
- 2.1.2. The Education Act 2002
- 2.1.3. The Equality Act 2010
- 2.1.4. The Education (Independent School Standards) Regulations 2014
- 2.1.5. The Immigration Act 2016
- 2.1.6. The Data Protection Act 2018 (including the General Data Protection Regulation (GDPR))

2.2. This policy also has due regard to guidance including, but not limited to, the following:

- 2.2.1. Education and Skills Funding Agency (ESFA) (2015) 'Creating an academy complaints procedure'
- 2.2.2. HM Government 'Code of practice on the English language requirement for public sector workers' 2016

2.2.3. Best Practice Guidance for School Complaints Procedures January 2019

2.3. Further it has been accredited as compliant with the relevant legislation by the Department for Education in October 2018.

### **3. Definition**

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

3.2. A complaint may be defined as ‘an expression of dissatisfaction however made, about actions taken or a perceived lack of action’.

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

3.4. NB. In this policy, “concerns” will be classed and addressed as complaints. Any further references to “complaints” will include “concerns”.

3.5. If there are difficulties in discussing a concern with a particular member of staff, complainants can be referred to another staff member appointed by the Headteacher. Similarly, if the member of staff directly involved feels unable to deal with a concern, another member of staff will be selected by the Headteacher. 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.

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

### **4. Who can make a complaint?**

4.1. This complaints procedure is not limited to parents or carers of children that are registered at an academy. Any person, including members of the public, may make a complaint to the Trust about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

### **5. Which procedure do I need?**

5.1. This procedure covers all complaints about any provision of community facilities or services by the Trust other than complaints that are dealt with under other statutory procedures, including those listed below. You can access these policies on each academy website or ask for a copy from the academy reception.

5.1.1. Admissions to schools; please see the relevant academy’s admission Policy.

5.1.2. Statutory assessments of Special Educational Needs; please contact the local authority [www.cumbria.gov.uk/childrensservices/schoolsandlearning/ils/specialeducationalneeds](http://www.cumbria.gov.uk/childrensservices/schoolsandlearning/ils/specialeducationalneeds) or

[SEN support and EHC plans - forms for professionals - Lancashire County Council](#)

- 5.1.3. Matters likely to require a child protection investigation; Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to

contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH). Please contact the local authority: [www.cumbria.gov.uk](http://www.cumbria.gov.uk). Or [www.lancashire.gov.uk](http://www.lancashire.gov.uk)

- 5.1.4. Complaints about exclusion of children from an academy should be dealt with by the process explained at: <https://www.gov.uk/school-discipline-exclusions/exclusions>. Complaints about the application of the behaviour policy can be made through this complaints procedure.
- 5.1.5. Whistleblowing; we have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.
- 5.1.5.1. 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](http://www.education.gov.uk/contactus).
- 5.1.5.2. Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.
- 5.1.6. Staff grievances; complaints from staff will be dealt with under the Trust's internal grievance procedures.
- 5.1.7. Staff conduct; complaints about staff will be dealt with under the Trust's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member because of a complaint. However, the complainant will be notified that the matter is being addressed.
- 5.1.8. Complaints about services provided by other providers who may use school premises or facilities; providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
- 5.1.9. Complaints regarding National Curriculum content; if you are unhappy with the way we have dealt with your complaint please contact the Department for Education at; [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus).

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

5.3. If a complainant commences legal action against the 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.

5.4. Accordingly, this document does not apply to complaints about the above.

## **6. Resolving Complaints**

6.1. 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:

- 6.1.1. an explanation
- 6.1.2. where relevant, an admission that the situation could have been handled differently or better

6.1.3. where relevant, an assurance that we will try to ensure the event complained of will not recur

6.1.4. where appropriate, an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made.

6.1.5. where appropriate, an undertaking to review school policies in light of the complaint.

6.1.6. where warranted, an apology.

## **7. Withdrawing a complaint**

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

## **8. Exceptional Circumstances**

8.1. If the complaint suggests that a child has been at risk of significant harm through violence, emotional abuse, sexual harassment or neglect, it may be referred without further notice to Children's Services at the local authority.

8.2. If a local authority decides to investigate a situation, the Headteacher or Local Governing Board may postpone the complaints procedure.

8.3. Where a matter can be resolved through a legal appeal, it will not be considered as a formal complaint. The key areas are: admission decisions, certain decisions relating to a formal assessment of SEND and decisions to permanently exclude a child.

## **9. Raising Concerns**

9.1. The majority of concerns can be dealt with without resorting to the procedure. Where you have a concern about any aspect of an academy in the Trust or your child's education or wellbeing, these should be raised with either:

- 9.1.1. In the case of a secondary academy, your child's head of year via the phone, email or in person.
- 9.1.2. In the case of a primary academy, the Headteacher via the phone, e-mail or in person.

9.2. In either case, they should be able to address your concerns on the spot, or can arrange a meeting with you to discuss the issue.

9.3. All concerns will be dealt with confidentially, although the staff member may need to take notes if they feel that the matter may need to be taken further or it may arise again in the future. Any such notes will be kept in accordance with the principles of the Data Protection Act 2018 (including the General Data Protection Regulation (GDPR)). However, such notes would be able to be used to as evidence if further investigation was required, or if the concern became a formal complaint.

## **10. Safeguarding**

10.1. Wherever a complaint indicates that a child's wellbeing or safety is at risk, that academy is under a duty to report this immediately to the local authority and the Trust. Any action taken will be in accordance with each academy's child protection policy which can be found on the individual academy's website.

## **11. Social Media**

11.1. In order for complaints to be resolved as quickly and fairly as possible, Mater Christi Multi-Academy Trust requests that complainants do not discuss complaints publicly via social media, such as Facebook or Twitter. Complaints will be dealt with confidentially for those involved, and the Trust expects complainants to observe confidentiality also.

## **12. Complaints that results in Staff Capability Procedures or disciplinary proceedings**

12.1. If at any formal stage of the complaint it is determined that staff disciplinary or capability proceedings are necessary in order to resolve the issue, the details of this action will remain confidential to the Chair of the Local Governing Board (in a complaint involving the Headteacher), the Headteacher and/or the individual's line manager.

The complainant is not entitled to participate in the proceedings or receive any detail about them.

## **13. Making a complaint**

13.1. Mater Christi Multi-Academy Trust will ensure that all aspects of the complaints procedure are:

- 13.1.1. Easily accessible and publicised.
- 13.1.2. Simple to understand and put into practice.
- 13.1.3. Impartial and fair to all parties involved.
- 13.1.4. Respectful of confidentiality duties.
- 13.1.5. Continuously under improvement, using information gathered during the procedure to inform each Academy Leadership Team.
- 13.1.6. Fairly investigated, by an independent person when necessary. Used to address all issues to provide appropriate and effective responses where necessary.

13.2. Complaints are expected to be made as soon as possible after an incident arises in order to amend the issue in an appropriate timescale.

13.3. Mater Christi Multi-Academy Trust upholds a six-month time limit within which a complaint can be lodged regarding an incident in any academy in the Trust. Complaints made outside this time limit will not be automatically refused and exceptions will be considered.

13.4. In the case of any timescales changing, all parties involved will be informed of the changes in a timely manner.

13.5. Complaints should be made using the appropriate channels of communication, including the use of the complaints form.

13.6. All complaints shall be considered whether made in person, by telephone, in writing or electronically via email.

13.7. A complaint can progress to the next stage of the procedure even if it is not viewed as “justified”. All complainants are given the opportunity to fully complete the complaints procedure.

13.8. In regard to 14:10, any complaint made against the Headteacher may be initially dealt with by the Chair of the Local Governing Board subject to the Chief Executive Officer’s decision.

13.9. In regard to 14:11, any complaint made against the Chair of the Local Governing Board or any other member of the governing board should be made in writing to the Chief Executive Officer via the Clerk to the Local Governing Board.

13.10. A complaint made against any member of the Chief Executive Officer’s team should be made in writing to the Chief Executive Officer. Each member of the Chief Executive Officer’s team is not employed in any individual academy however complaints made against the team follow this same procedure, replacing Headteacher with Chief Executive Officer.

13.11. A complaint made against the Chief Executive Officer should be made to the clerk to the Board of Directors. The Chief Executive Officer is not employed in any individual academy however, complaints made against the Chief Executive Officer follow this same procedure, replacing Governor with Director and replacing academy with Trust.

#### **14. Complaints**

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

14.2. The Headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within two academy days.

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

14.4. Note: The Headteacher may delegate the investigation to another member of the academy’s leadership group but not the decision to be taken.

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

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

14.6. At the conclusion of their investigation, the Headteacher will provide a formal written response within fifteen academy days of the date of receipt of the complaint.

14.7. If the Headteacher is unable to meet this deadline (to take legal advice, require further investigation of any relevant issue etc.), they will provide the complainant with an update and revised response date.

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

14.9. The Headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

14.10. If the complaint is about the Headteacher, or a member of the governing Board (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 1.

14.11. Complaints about the Headteacher or member of the governing Board must be made to the Chief Executive Officer, via the Clerk to the Local Governing Board.

14.12. If the complaint is:

- 14.12.1 jointly about the Chair and Vice Chair or
- 14.12.2 the entire governing Board or
- 14.12.1. the majority of the governing Board Stage 1 will be considered by an independent investigator appointed by the Trust. At the conclusion of their investigation, the independent investigator will provide a formal written response.

14.13. If the complaint is about a member of staff, the complainant can discuss the complaint with the Headteacher or the Trust's appointed Complaints Coordinator to seek support.

14.14. In case a complaint is made initially to a governor or Director, the complainant should be referred to the appropriate person. The governor or Director in question should not act alone on a complaint outside the procedure; if they do, they cannot be involved if the complaint is subject to a hearing at a later stage of the procedure.

## **15. Complaints Procedure Stage 2**

15.1. If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2. This is the final stage of the complaints procedure.

15.2. A request to escalate to Stage 2 must be made to the Clerk, via the Academy office, within ten academy days of receipt of the Stage 1 response.

15.3. The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within two academy days.

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

15.5. The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within fifteen academy days of receipt of the Stage 2 request. If this is not possible (where the case is complex, governors are unavailable, the academy is unable to secure an independent panel member), the Clerk will provide an anticipated date and keep the complainant informed.

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

15.7. The complaints committee will be composed of three members: two academy governors and one panel member who is independent of the management and running of the academy. All three panel members will have no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee.



15.8. The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.

15.9. If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.

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

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

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

15.13. At least five academy days before the meeting, the Clerk will:

- 15.13.1. 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
- 15.13.2. request copies of any further written material to be submitted to the committee at least five academy days before the meeting.
- 15.14. Any written material will be circulated to all parties at least five academy days before the date of the meeting. The committee will not accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

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

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

15.17. The Chair may at their discretion adjourn the hearing for further investigation of any relevant issue. This may include an adjournment to take legal advice. If an adjournment is required, the complainant will be notified in writing about any revised timeframes.

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

- 15.18.1. uphold the complaint in whole or in part.
- 15.18.2. dismiss the complaint in whole or in part.
- 15.19. If the complaint is upheld in whole or in part, the committee will:
  - 15.19.1. decide on the appropriate action to be taken to resolve the complaint
  - 15.19.2. where appropriate, recommend changes to the academy's systems or procedures to prevent similar issues in the future.

15.20. The Chair of the Committee will provide the complainant and the academy with a full explanation of their decision and the reason(s) for it, in writing, within five academy days.

15.21. There may be occasion where the five academy days may be exceeded as result of consequences outside of the academy's control (e.g. a panel member is sick or unavailable). The complainant will be informed without delay and advised of the revised timescale.

15.22. The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled by the academy.

15.23. If the complaint is:

- 15.23.1. jointly about the Chair and Vice Chair or
- 15.23.2. the entire governing board or
- 15.23.3. the majority of the governing board.
- 15.24 Stage 2 will be held by an independent panel. Timescales may be affected while the academy source appropriate individuals for the review.

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

15.26 The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

15.27 The academy will provide a copy, where relevant, to the person complained about and will have copies available on academy premises for inspection which will detail how the complaint was resolved. A written record of all complaints made will be kept confidential.

15.28 A written record will be kept of all complaints that are made whether they are resolved following a formal procedure or proceed to a panel hearing and the action taken by the academy as a result of those complaints (regardless of whether they are upheld).

15.29 Correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of state or a Board conducting an

inspection under section 109 of the Education and Skills Act 2008 requests access to them.

## **16. Next Steps**

16.1. If the complainant believes the academy 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 Department for Education after they have completed Stage 2.

16.2. The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by the academy. They will consider whether the academy has adhered to education legislation and any statutory policies connected with the complaint.

16.3. The complainant can refer their complaint to the Department for Education online at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by telephone on: 0370 000 2288 or by writing to: Department for Education, Piccadilly Gate, Store Street, Manchester, M1 2WD.

## **17. Recording a Complaint**

17.1. A record shall be kept of any complaint made, whether via phone, in person or in writing, detailing the main issues raised, ready to discuss at a later date.

17.2. The academy holds the right to use recording devices, where appropriate, to ensure all parties involved are able to review the discussions at a later date.

17.3. Where there are communication difficulties or disabilities, the academy may provide recording devices to ensure the complainant is able to access and review the discussions at a later point

17.4. Details of any complaint made shall not be shared with the entire governing board in case Stage 2 is needed to hear the complaint.

17.5. The progress and the final outcome of a complaint will be recorded and kept up-to-date by the Headteacher.

17.6. The academy will hold all records of complaints centrally.

17.7. Complainants have a right to access copies of these records under the Data Protection Act 2018 (including GDPR).

## **18. Serial and Persistent Complaints**

18.1. The Trust and its Academies will act in a manner they believe to be appropriate when dealing with an individual who consistently makes the same complaints or who continuously asks the academy to reconsider their position.

18.2. If a complainant attempts to re-open an issue which has previously fully completed the complaints procedure, the Chair of the local Governing Board will inform the complainant that the matter has already been dealt with and that either that stage of the policy has been exhausted or that the complaints procedure has been exhausted and the matter is considered closed. Where further correspondence is received on the same matter, this may be classed as 'serial' or 'persistent' and the academy does not have an obligation to respond.

18.3. The academy must ensure that a complaint is not classed as 'serial' before they have fully completed the complaints procedure.

18.4. The academy will not take the decision to stop responding to an individual lightly. The academy will ensure that:

- 18.4.1. They have previously taken every reasonable step to address the problem.
- 18.4.2. They have provided the complainant with a statement of their position.
- 18.4.3. The complainant is contacting the academy repeatedly with the same complaint.
- 18.4.4. If the academy believes that the complainant is continuously contacting the academy to cause disruption or inconvenience, or if the complainant is being abusive or threatening, the academy has the right to not respond to the correspondent.
- 18.4.5. Once the academy decides to no longer respond to a complainant, the individual will be informed of this decision in writing.
- 18.4.6. The complainant has the right to a third-party representative, such as the Citizens' Advice Bureau, throughout the complaints procedure.
- 18.4.7. Any new complaint made by a 'serial' complainant will be responded to either by informal means or Stage 1.

- 18.4.8. Complainants hold the right to refer their complaint to their local MP. This would not make the individual a 'serial' or 'persistent' complainant.
- 18.4.9. Once the academy has decided that it is appropriate to stop responding, the complainant will be informed in writing.

## **19. Availability**

19.1. A copy of this Complaints Procedure Policy will be made available on request. It will also be published on the Trust website and each individual academy website, as recommended by the ESFA.

## **20. Reviewing the Procedure**

20.1. The complaints procedure will be reviewed every two years, taking into account the latest guidance issued by the DfE.

20.2. Responsibility for reviewing the procedure belongs to the governing board.

20.3. All projected review dates will be adhered to.

20.4. Information gathered through reviewing the complaints procedure will be used to continuously improve and develop the process.

20.5. The monitoring and reviewing of complaints will be used to help evaluate the academy's performance.

20.6. All records of any complaints will be kept confidential but may be inspected where appropriate by the Secretary of State or any inspection Board.

## **21. Roles and Responsibilities**

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

- 21.1.1. explain the complaint in full as early as possible
- 21.1.2. co-operate with the academy in seeking a solution to the complaint
- 21.1.3. respond promptly to requests for information or meetings or in agreeing the details of the complaint
- 21.1.4. ask for assistance as needed
- 21.1.5. treat all those involved in the complaint with respect
- 21.1.6. refrain from publicising the details of their complaint on social media and respect confidentiality.

21.2. The Investigator. The investigator's role is to establish the facts relevant to the complaint by:

- 21.2.1. providing a comprehensive, open, transparent and fair consideration of the complaint through
  - 21.2.1.1. sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
  - 21.2.1.2. interviewing staff and children/young people and other people relevant to the complaint
  - 21.2.1.3. consideration of records and other relevant information
  - 21.2.1.4. analysing information

- 21.2.2. liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

21.2.3. The investigator should:

- 21.2.3.1. conduct interviews with an open mind and be prepared to persist in the questioning
- 21.2.3.2. keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- 21.2.3.3. ensure that any papers produced during the investigation are kept securely pending any appeal
- 21.2.3.4. be mindful of the timescales to respond
- 21.2.3.5. prepare a comprehensive report for the Headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.
- 21.2.4. The Headteacher or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

21.3. Complaints Co-ordinator. Complaints Co-ordinator (this could be the Headteacher /designated complaints governor or other staff member providing administrative support) should:

- 21.3.1. ensure that the complainant is fully updated at each stage of the procedure
- 21.3.2. liaise with staff members, Headteacher, Chair of Governors, Clerk and the Chief Executive Officer to ensure the smooth running of the complaints procedure
- 21.3.3. be aware of issues regarding:
  - 21.3.3.1. sharing third party information
  - 21.3.3.2. additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- 21.3.4. keep records.

21.4. The Clerk. The Clerk is the contact point for the complainant and the committee and should:

- 21.4.1. 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)
- 21.4.2. 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
- 21.4.3. collate any written material relevant to the complaint (for example; stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- 21.4.4. record the proceedings
- 21.4.5. circulate the minutes of the meeting
- 21.4.6. notify all parties of the committee's decision.

21.5. The Committee Chair. The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

- 21.5.1. both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- 21.5.2. 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
- 21.5.3. 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
- 21.5.4. the remit of the committee is explained to the complainant
- 21.5.5. 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.
- 21.5.6. If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting
- 21.5.7. both the complainant and the school 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
- 21.5.8. the issues are addressed
- 21.5.9. key findings of fact are made
- 21.5.10. the committee is open-minded and acts independently
- 21.5.11. no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- 21.5.12. the meeting is minuted
- 21.5.13. they liaise with the Clerk (and complaints co-ordinator if the school has one).

21.6. Committee Members. Committee members should be aware that:

- 21.6.1. the meeting must be independent and impartial and should be seen to be so no governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- 21.6.2. the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- 21.6.3. many complainants will feel nervous and inhibited in a formal setting. Parents/carers often feel emotional when discussing an issue that affects their child.
- 21.6.4. extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting.
  - 21.6.4.1. Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.
  - 21.6.4.2. The committee should respect the views of the child/young person and give them equal consideration to those of adults.
  - 21.6.4.3. If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.
  - 21.6.4.4. However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.
- 21.6.5. the welfare of the child/young person is paramount.

## **22 Barring from the Premises**

All Academy premises in the Trust are private property and therefore any individual can be barred from entering the premises. If an individual's behaviour is cause for concern, a school can ask the individual to leave the premises. The Head of Academy will notify the parties involved via writing, explaining that their implied licence for access to the premises has been temporarily revoked subject to any representations that the individual may wish to make. The individual involved will be given the opportunity to formally express their views regarding the decision to bar them. This decision to bar will be reviewed, taking into account any discussions following the incident. If the decision is made to continue the bar, the individual will be contacted in writing, informing them of how long the bar will be in place. Anyone wishing to make a complaint regarding a barring order can do so in writing, including email, to the Head of Academy or Chair of the Local Governing Body. Once the academy's complaints procedure is completed, the only remaining avenue of appeal is through the Courts.

## **23 Role of the ESFA**

A complainant may refer the complaint to the ESFA – who may only be able to help if the complainant has not been able to complain or is not satisfied at how the academy handled the complaint because the academy:

- 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 not be able to change the Academy's decision about a complaint but can make sure the Academy handles your complaint properly by following a published procedure. The ESFA is unable to assist with the following:
  - a child or young person's Education Health and Care Plan.
  - the quality of education or leadership, or concerns affecting the school as a whole, which are addressed through OFSTED inspections.
  - discrimination.
  - data protection.
  - exam malpractice or maladministration.
  - child protection (safeguarding).
  - criminal cases.

### **Example Letter to Complainant for a Stage Two Complaint**

An example of a letter that the Chair of the local Governing Body may send to the complainant, upon receipt of a complaint at stage two.

Dear addressee's name,

Thank you for your letter dated date setting out the reasons why you are not satisfied with the Head of Academy's response to your complaint about details of the complaint. I am writing to let you know that I will be arranging for a complaints appeal panel (CAP) to consider your complaint, in accordance with our academy's complaints procedure.

As explained in the procedure, the Chair of the CAP will advise, in writing, how the CAP intends to consider your complaint. Yours sincerely Chair of the Academy Local Governing Body.



## Formal Complaints Form

If you have tried unsuccessfully to resolve your complaint and wish to take the matter further, please complete this form and send it to the Head of Academy. (If your complaint is against the Head of Academy, you will need to send the form to the Chair of the local Governing Body.)

<b>Name of Student</b>	
<b>Year Group</b>	
<b>Relationship to Student</b>	
<b>Contact Address</b>	
<b>Contact Phone Number</b>	
<b>Email Address</b>	
<b>Details of the Complaint</b>	
<b>Action taken so far</b>	
<b>Name of staff who has dealt with this issue</b>	
<b>Why you believe that this has not been resolved.</b>	
<b>What action would you like the school to take.</b>	

<b>Signed</b>	
<b>Date</b>	