



## COMPLAINTS POLICY

<b>Review Due:</b>	<b>December-2022</b>
<b>Last Review</b>	December 2021
<b>Applicable to:</b>	All Trust Schools
<b>Reviewed By:</b>	SV
<b>Approved By:</b>	Trust Board

## **1. Introduction**

The Partnership Trust ('the Trust') and its schools endeavour to provide the best education possible for all of its pupils in an open and transparent environment. We welcome any feedback that we may receive from parents, pupils and third parties and we recognise that on occasions parents/carers, students or members of the public may need to raise a concern or complaint about the Trust or one of its schools. The Trust takes all concerns and complaints seriously and is committed to seek to resolve any matter raised in a positive way and make any identified improvements.

## **2. Scope and Purpose of this Policy**

2.1 This policy applies to all concerns and complaints made about or against the Trust and its schools about any provision of its facilities or services provided with the exception of those for which there are separate procedures as set out below. Any person, including members of the public, may raise a concern or make a complaint to the Trust or one of its schools using this policy.

- School Admissions
- Exclusions
- Statutory Assessment of Special Educational Needs ("SEN");
- Matters likely to require a child protection investigation;
- Staff grievances and staff conduct;
- Whistleblowing matters;
- External examination results;
- Complaints about services provided by external bodies using a school's premises or facilities.

More information about these exceptions and who to contact can be found at Appendix 1.

2.2 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 policy or result in the procedure being suspended until those public bodies have completed their investigations. If this happens, we will inform you of a proposed new timescale.

2.3 If a complainant commences legal action against The Partnership Trust or any of the schools within it in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

## **3. Responsibility for this Policy**

The Trust Board has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory or Trust framework. The Trust has delegated day to day responsibility for operating and monitoring the policy to the CEO, the Headteacher and the Local Governing Body at each school. All members of staff are responsible for supporting colleagues and ensuring its success.

## **4. Aims of this Policy**

Through this policy we aim to:

- Provide a fair complaints procedure which is clear and easy to use for anyone wishing to raise a concern or make a complaint.
- Encourage the resolution of concerns by informal means, without the need to use the formal stages of the complaints policy.
- Publicise the existence of our complaints procedure so that people know how to contact us to raise a concern or make a complaint.
- Ensure all concerns and complaints are managed in an impartial and non-adversarial manner.
- Ensure all complaints are thoroughly investigated, as quickly as possible at an appropriate level.

- Ensure that complaints are, wherever possible, resolved and that relationships are maintained and enhanced.
- Gather information which helps us to improve what we do.
- Support the vision and values of the Trust and its schools.

## 5. Legal and Regulatory Framework

This Policy takes its legal framework from the following legislation and guidance:

- The Equality Act 2010
- The Data Protection Act 2018
- The Education (Independent Academy Standards) Regulations 2014
- The Education Funding and Skills Agency advice for setting up academy complaints procedures
- Department for Education Best Practice Guidance

## 6. Concerns and Complaints Resolution through this Policy

### 6.1 What is a complaint?

The difference between a concern and a complaint

- A concern may be defined as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*.
- A complaint may be defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action'*.

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

### 6.2 Safeguarding

Whenever a complaint indicates that a child's wellbeing or safety is at risk, there is a duty to report this immediately to the School or Trust's Safeguarding Lead and the Local Authority. Any action taken will be in accordance with the Trust's Safeguarding and Child Protection Policy which can be found on the school's website.

### 6.3 Social Media

In order for complaints to be resolved as quickly and fairly as possible, the 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 we expect complainants to observe confidentiality also.

### 6.4 Complaints that result in staff capability or disciplinary or police investigation

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

6.4.2 If the subject of the complaint is a matter being referred to the police, the complaints procedure will be suspended pending the outcome of that investigation and the complainant will be informed of the reasons for this delay. Once the outcome is known, the complaint may continue if appropriate.

### 6.5. Anonymous complaints:

Anonymous complaints will not be investigated under this policy unless there are exceptional circumstances, as we are unable to respond to the complainant. These circumstances may include serious concerns such as child protection issues where the Trust or its schools are either required to involve appropriate agencies or might conduct its own internal review to test whether there is

corroborative evidence which may trigger a formal investigation. Any anonymous complaint received will be referred to the CEO who will decide what action, if any, will be taken.

#### **6.6. Time scales:**

6.6.1 Timescales in this Policy are given in “school days”. i.e. during term time excluding school holidays and training days (also known as INSET days).

6.6.2 We will consider complaints made outside of term time to have been received on the first school day after the holiday period. Any complaint received within one week of the end of a term or half term is likely to take longer to resolve owing to the presence of school holidays and the unavailability of personnel required for the investigation to be undertaken properly.

6.6.3 You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

6.6.4 Every effort will be made to comply with the timescales within each stage of this policy. This may not be possible due to the complexity of the investigation required or the unavailability of a participant needed to attend a meeting. Where a timescale cannot be complied with, the Complainant will be written to by email or post to inform them of the reasons for the delay and the new timescale that will apply.

#### **6.7. Withdrawal of a complaint**

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

#### **6.8. Reasonable adjustments**

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

#### **6.9 Procedure**

6.9.1 An overview of the stages within our Complaints Policy can be found within the flowchart at Appendix 2.

6.9.2 There are four stages to this Policy:

- Stage 1: Informal resolution of concerns.
- Stage 2: Formal Complaint.
- Stage 3: Independent Review
- Stage 4: Independent Panel Hearing

6.9.3 The aim of each stage is to ensure the concern or complaint is fully considered and a clear finding is communicated to the person who has raised the concern or complaint. The finding should either resolve the matter to the satisfaction of the Complainant or explain why this is not possible.

6.9.4 All complainants will be given the opportunity to complete the complaints procedure in line with policy, unless there is clear evidence that the complaint meets the unreasonably persistent or vexatious criteria defined within this Policy.

6.9.5 The Trust and its employees will investigate complaints professionally and with respect towards all individuals involved. The Trust expects anyone raising a complaint to be respectful and avoid aggression or intimidating behaviour.

6.9.6 To help in the effective resolution of the complaint as early as possible, we ask that complainants:

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

## 7. Stage 1: Informal Resolution of Concerns

7.1 The Trust recognises from time to time there may be normal and legitimate concerns about decisions within their schools. For example, concerns from parents or carers regarding the progress, achievement, behaviour, or welfare of their child. They are encouraged to make their concerns known at the earliest opportunity so they can be addressed.

7.2 The majority of concerns can be dealt with without resorting to the complaints procedure and the Trust and all schools within aim for concerns to be resolved quickly and informally through discussion, clarification, explanation, or provision of further information or by acknowledgement of an issue and an apology. Complainants are expected to seek to resolve matters informally prior to raising a formal complaint.

### 7.4 Who to contact:

- Where someone has a concern about **any aspect of a school or their child's education or well being**, this should in the first instance be raised with the relevant Teacher (Class Teacher, Form Tutor, Subject Teacher or Head of Year) or an appropriate member of staff according to the matter concerned. Further information about who to contact can be found in the school's communication protocol. This may be by letter, email, telephone or requesting a meeting via the school office. If a concern is raised with a member of staff who feels they are not the best person to deal with it, the matter will be referred to the Headteacher for them to determine the best person to deal with the matter. This does not escalate the stage of this policy the matter is being dealt with.
- Where someone wishes to raise a concern in relation to **a school's Headteacher**, they should in the first instance contact the CEO of the Trust c/o Trust Governance Manager. Please mark correspondence as Private and Confidential.
- Where someone wishes to raise a concern **about the Trust** (i.e. one that doesn't relate to an individual school), they should contact the CEO via the Trust Governance Manager. Please mark correspondence as Private and Confidential.
- Where someone wishes to raise a concern about **the Chair of Governors, any individual governor or the Local Governing Body (LGB)** they should contact the Chair of the Trust Board via the Trust Governance Manager. Please mark them as Private and Confidential.
- Where someone wishes to raise a concern about the **Chief Executive Officer (CEO) or a Trustee of the Trust**, this should be addressed to the Chair of Trustees, via the Trust office. Please mark them as Private and Confidential.
- Complaints about the **Chair of the Trust Board** should be addressed to the CEO of the Trust via the Trust Governance Manager. Please mark them as Private and Confidential

Contact details can be found at Appendix 2.

7.5 If a concern is raised with a member of staff who feels they are not the best person to deal with it, the matter will be referred to the Headteacher for them to determine the best person to deal with the matter. This does not escalate the stage of this policy under which the matter is being dealt with.

- 7.6 If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Headteacher will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Headteacher will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.
- 7.7 Concerns will wherever possible be acknowledged within 2 school days of receipt and a response to the concern will be provided within 5 school days. If it is not possible to meet this deadline the person who has raised the concern will be informed of when a response will be made.
- 7.8 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 retained in line with the Trust's Data Retention Policy.
- 7.9 If the issue remains unresolved, the next step is to make a formal complaint.

## 8. Stage 2 – Formal complaints

- 8.1 If a complainant feels that their concern has not been resolved they may progress by making a formal complaint. In doing so, the following steps will be followed.
- 8.2 The Complainant must put the complaint in writing using the Trust's Complaint Reporting Form (attached at Appendix 4, unless the Complainant has a disability, learning difficulty or difficulties with the English language in which case the Complainant may contact the school for assistance.
- 8.3 When completing the Complaint Reporting Form, the Complainant should provide as much detail as possible about the matter including:
- An overview of the complaint so far
  - Who has been involved
  - Why the complaint remains unresolved and steps taken to resolve the matter informally prior to making a formal complaint
  - Action they would like to be taken to resolve the complaint

The Complainant should also provide any supporting documents.

### 8.4 Who to complain to (the 'Complaint Manager'):

- Where a complaint relates to a **school or school staff**, the complaint should be addressed to the Headteacher of the school. Contact details can be found at Appendix 2 and on the school's website. The complaint will be investigated by the Headteacher (the Complaint Manager) or will delegate the investigation to an appropriate Investigating Officer who has no direct involvement with the complaint.
- Where a complaint relates to a **Headteacher** the complaint should be addressed to the Trust Chief Executive Officer (CEO). The CEO (Complaint Manager) will appoint an Investigating Officer who has had no direct involvement with the complaint to investigate the complaint. A Headteacher or member of the Trust Executive Team will not be considered under this policy to be directly involved in a complaint through undertaking their school improvement overview role.
- Where a complaint relates to the **CEO, a Trustee or a Governor**, the complaint should be put in writing to the Chair of the Board of Trustees ("the Trust Chair"). The Chair of the Trust (Complaint Manager) will appoint an Investigating Officer who has had no direct involvement in the complaint to review the matter. The Chair will also nominate a Trustee to make a recommendation or decision based on that report. The Chair may fulfil this role.
- Where a complaint relates to the **Trust, a member of the Trust Central Team or the Chair of the Trust Board**, the complaint should be addressed to the CEO. The CEO (Complaint Manager) will

appoint an Investigating Officer to review the matter who has had no direct involvement in the complaint.

## 8.5 The Complaint Manager

8.5.1 The Complaint Manager will be responsible for the progress of the complaint through Stage 2 of the Complaints Policy. They may investigate the complaint themselves or may delegate the investigation to an Investigating Officer.

8.5.2 The Complaints Manager cannot delegate the decisions to be taken.

8.5.3 The Complaints Manager will ensure that:

- Within 2 school days of receipt of the complaint forward a copy of the complaint together with details of the nominated investigating officer (see paragraph 8.5 below) to the Trust Governance Manager who will support with the progress of the complaint; provide or signpost advice and guidance as needed and confirm CEO/Chair of the Board approval of the Investigating Officer.
- Within 5 school days of receipt of the complaint acknowledge receipt of the complaint within 5 school days and if relevant pass the complaint to a nominated senior member of staff (“the Investigating Officer”), as appropriate for investigation. The acknowledgement of receipt of the complaint will identify the Investigating Officer.
- Consider the Investigating Officer’s report and identify solutions and courses of action to resolve problems, determining whether to uphold or dismiss the complaint.
- Within 15 school days of receipt of the complaint, communicate in writing that decision to the complainant, providing the appropriate escalation details.
- Advise the Complainant of any causes for delay and provide them with a revised time frame.

8.5.4 It is recommended that the Complaints Manager speak with the complainant either face to face, remotely or over the telephone to discuss the findings of the investigation. Where reasonably possible, such discussion will take place within 15 school days of the complaint being received. The purpose of the discussion is to provide an opportunity to ensure clarity of the issues raised, the investigation process and to avoid misunderstandings which can occur through written communication. Complainants should be aware that there may be circumstances in which information is not able to be shared, for example where there are child protection concerns; a police investigation; staff disciplinary or data protection reasons.

8.5.5 The Complaints Manager will provide the complainant with a written response outlining the outcome of the investigation within 15 school days or within 5 school days of meeting with the complainant as set out above. The letter must clearly set out why any decision has been made; detail any agreed actions as a result of the complaint and provide details of how to progress the complaint if they are not satisfied.

8.5.6 The written response may include the following :

- That in the view of the Complaint Manager that the complaint requires no further action and the reasons why;
- That in the view of the Complaint Manager there is insufficient evidence to reach a conclusion such that the complaint cannot be upheld;
- That the situation could have been handled differently or better;
- An apology;
- An explanation of the steps that have been taken to ensure it will not happen again;
- That the school or Trust will review procedures following consideration of the complaint.

And **must** include that

- if the Complainant is dissatisfied, they may refer the matter for Trust Review within 10 school days of the date of the written response. The Complainant should contact the Trust Governance Manager in writing clearly stating their reasons for requesting a review

- if the Complainant wishes, they may request that the complaint be considered either by an independent panel hearing within 10 school days of the date of the written response. The request must be made in writing and addressed to the Trust Governance Manager at the Trust. The request must set out clearly the reasons why the Complainant is dissatisfied with the response and may include any evidence to support their reasons.

8.5.7 A copy of the written response should be provided to the Trust Governance Manager and the Chair of the LGB to support the monitoring of any actions.

## 8.6 The Investigating Officer

8.6.1 The Investigating Officer will be a senior member of school or Trust staff who has had no prior involvement with the complaint. This is to enable detachment and independence from the complaint. There may be occasions when it is appropriate for the investigating officer to be someone from outside of the individual school in order to ensure appropriate independence. In exceptional circumstances, for example complaints against the CEO or Chair of the Board, it may be appropriate for someone independent of the Trust to be appointed to support as investigating officer.

8.6.2 The investigating Officer's role is to establish the facts relevant to the complaint by providing a comprehensive, open, transparent and fair consideration of the complaint, including as appropriate through:

- sensitive interviewing of the complainant to establish what has happened and who has been involved
- interviewing staff and pupils and other people relevant to the complaint, including where appropriate sharing with staff a copy of the complaint made
- consideration of records and other relevant information
- analysing information
- liaising with the complainant and the complaints manager as appropriate to clarify what the complainant feels would put things right.

8.6.3 The investigating officer should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of all meetings or telephone call undertaken or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are passed to the Complaint Manager to retain securely pending progress to another stage of the Complaints Policy and in line with the Trust Records Retention Policy.
- be mindful of the timescales to respond
- prepare a comprehensive report for the Complaints Manager that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

**8.7 Supporting staff welfare:** The Trust recognises that complaints can be distressing for both the complainants and the staff that may be the subject of a complaint. All staff members who are the subject of a formal complaint will be offered a named member of staff, allocated in consultation with them by the Complaints Manager or CEO, to provide them with confidential support as well as being directed to provision offered by the Education Support Partnership.

## 9. Stage 3: Formal Review

9.1 If the complainant is not satisfied with the outcome of the first stage, they may request that the complaint be reviewed by someone who is independent to the complaint and has not been involved in the investigation. Such a request should be in writing addressed to the Trust's Governance Manager



within 10 school days of the date of response to the Stage 2 complaint and set out briefly the reasons why the complainant is dissatisfied with the response.

9.2 The Trust Governance Manager will acknowledge the request and notify the relevant individual ('the Reviewer') as outlined below:

- Where a complaint relates to a school, school staff or a Headteacher, the review will be undertaken by a member of the Trust Executive Team (or appropriately senior nominee) allocated by the CEO who has not previously been involved in the complaints process.
- Where the complaint relates to the Trust or Head Office Staff, the review will be undertaken by the Chief Executive Officer (or an appropriately senior nominee appointed by the CEO) who has not previously been involved in the complaints process.
- Where the complaint relates to the Chief Executive Officer, a Governor or a Trustee, the review will be undertaken by the Chair of the Trust Board or nominated Trustee who has not previously been involved in the complaints process.

9.3 The Reviewer will carry out a review of the matter to date considering all relevant evidence will be considered. This may include but is not limited to:

- The complaint statement from the complainant.
- Steps taken to resolve the matter informally prior to making a formal complaint.
- Where relevant a statement from an individual who is the subject of the complaint.
- Any previous correspondence regarding the complaint.
- Any supporting documents in either case.
- Interview with anyone related to the complaint.

9.4 In consultation with the CEO or Chair of the Trust Board, the Reviewer can make the following decisions:

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

9.5 Within 15 school days of the written requests to proceed to Stage 3, the reviewer will provide a response to the complainant, and a copy

- The Headteacher of the school;
- Where relevant the person complained about;
- Where relevant, the Chair of the LGB to support the LGB (to support in fulfilling their compliance and monitoring roles)
- The Trust Governance Manager
- CEO

9.6 The reviewer must explain clearly why they have come to the decision that they made. They must detail any agreed actions as a result of the complaint. Finally, they must provide the complainant with details of how to progress the complaint to Stage 4 if they are not satisfied.

## **10. Stage 4 – Panel Hearing**

10.1 If the complainant is dissatisfied with the outcome at Stage 3 and wishes to take the matter further, they can escalate the complaint to Stage 4 – a panel hearing consisting of at least three people who were not directly involved in the matters detailed in the complaint with one panel member who is

independent of the management and running of the school. This is the final stage of the Trust complaints procedure.

10.2 A request to escalate to Stage 4 must be made to the Trust Governance Manager within 10 days of the date of the response to Stage 3 where used or Stage 2 complaint where a decision has been made not to pursue a Stage 3 Formal Review. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

10.3 The Trust Governance Manager will:

10.3.1 Record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within five school days.

10.3.2 Convene an appeal panel comprising of:

- Where a complaint relates to a school, school staff or a Headteacher, the review will be undertaken by a panel of three Trustees or Governors including an independent panel member (i.e. one panel member who is independent of the management and running of the school) who have not previously been involved with the complaint.
- Where the complaint relates to a Governor or Chair of a Local Governing Body, the review will be undertaken by a panel of three Trustees or Governors, including an independent panel member (i.e., one panel member who is independent of the management and running of the school), who have not previously been involved with the complaint.
- Where the complaint relates to Central Trust Staff, including the CEO or a Trustee, the review will be undertaken by a panel of two Trustees of the Trust Board and one panel member who is independent of the Trust, who have not previously been involved with the complaint.

10.3.3 Organise the date and time of the appeal hearing, inviting all the attendees. They will aim to convene a meeting as soon as practicable and whenever possible within 20 school days of receipt of the request. If this is not possible, they will provide an anticipated date and keep the complainant informed. Meetings will where possible take place in person, however may take place remotely. If the complainant rejects the offer of three proposed dates, without good reason, the Trust Governance Manager 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.

10.3.4 Arrange for a clerk to the meeting

10.4 **Panel Attendees:**

10.4.1 In addition to the panel and clerk, the following parties will be invited to submit a statement or attend the panel meeting, where applicable:

- The Complainant(s).
- The Complaints Manager and/or one representative.
- The Reviewer who dealt with the complaint at Stage 3
- Where the complaint relates to a member of staff, the staff member who is the subject of the complaint.
- Any other individual whom the Complaints Panel considers to have a reasonable and just interest in the panel meeting and whose contribution would assist the Panel in their decision-making.

10.4.2 The complainant may also bring a companion with them to the hearing if they wish (see paragraph 11 for further information).

10.4.3 Where the subject of the complaint is a member of staff, that staff member is also able to bring a companion with them. The companion will be a relative, friend or a colleague. Generally, we do not encourage either party to bring legal representatives to the Panel meeting. However, there may be occasions when legal representation is appropriate. For instance, if a school employee is called as a

witness in a complaint meeting, they may wish to be supported by union or HR consultant representation. Recognising that investigating a complaint and attending a panel meeting may be distressing for the Complaints Manager, Investigator or Reviewer, these individuals may also wish to be supported by a union representative or HR consultant.

10.4.4 Representatives from the media are not permitted to attend.

10.5 The clerk to the panel will:

10.5.1 At least 10 school days before the meeting,

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that 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 7 school days before the meeting.

10.5.2 At least 5 days before the hearing: Circulate the agenda and any written material in a paginated and indexed bundle to all parties. 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.

## **10.6 The Panel Hearing procedure:**

10.6.1 Prior to the panel hearing, the panel will appoint a member of the panel as Chair

**10.6.2** Panel Chair: The Panel Chair will ensure that:

- 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.
- 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.
- 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
- 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
- they liaise with the Trust Governance Manager and clerk to the meeting

10.6.3 Panel members: Panel members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so
- the documentation shared is confidential and must be returned to the Governance Manager at the end of the meeting for confidential destruction
- the contents of the meeting are confidential
- No governor / Trustee may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant
- recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- many complainants will feel nervous and inhibited in a formal setting

- Parents/carers often feel emotional when discussing an issue that affects their child and extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting
- 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.

10.6.2 The panel will not review any new complaints or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

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

10.6.4 The clerk will record the proceedings in the form of minutes.

10.6.5 The panel will consider the complaint and all the evidence presented.

### **10.7 Panel Decision:**

The panel can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

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

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the Trust or school's systems or procedures to prevent similar issues in the future.

10.8 Within 5 school days of the panel meeting, the Chair of the panel will provide a written response by post or email which includes an explanation of their decision and the reason(s) for it and details of how the Complainant can contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled (see paragraph 14 for further information). The response will be sent to:

- The Complainant;
- The Headteacher of the school;
- Where relevant the person complained about;
- The Chair of the LGB
- The Trust Governance Manager
- CEO

10.9 A written record will be kept of all Stage 2 and above complaints by the school and by the Trust Governance Manager. The Trust Governance Manager will record at what stage they have been resolved or progressed to. All recommended actions arising from the complaint investigations will be monitored by the School's Local Governing Body, CEO and Chair of the Trust Board.

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

10.11 This is the final stage at which the complaint will be considered.

## **11. Right to be accompanied**

- 11.1 The Complainant(s) have a right to be accompanied by a friend, relative or other third party to any meetings or hearings held under stages 2, 3 and 4 of the Complaints Policy. These meetings **are not** legal proceedings so legal representation is not necessary. If a Complainant does wish to be accompanied by someone who is legally qualified, they must notify the Headteacher/ Complaints Manager/Trust Governance Manager at least 7 school days prior to the meeting.
- 11.2 Any member of staff interviewed as part of the investigation process into a complaint has a right to be accompanied to the meeting by another colleague or trade union representative.
- 11.3 Any pupil interviewed as part of the investigation process or the subject of a complaint must be accompanied to the meeting/hearing by a parent/carer or staff member who they are comfortable with.

## **12. Confidentiality, record keeping and data protection**

- 12.1 All complaints will be handled in the strictest confidence by the Trust and its Schools. Data protection principles will be applied in line with the Trust's Data Protection Policy. Only those members of staff concerned with investigating the complaint will have access to documentation relating to the complaint. No confidential information regarding the investigation will be made available publicly. However, it should be noted that if any action taken by a member of staff is the subject of a complaint, then that person should be advised of the complaint made against them.
- 12.2 Correspondence, statement and records relating to individual complaints will be kept confidential except where the Secretary of State for Education or a body conducting an inspection under section 162 A of the Education Act 2002 requests access to them or where the Trust is otherwise required by law to disclose them.
- 12.3 It is expected that Complainants will also keep their complaint private and confidential. Complainants are not expected to discuss complaints publicly via any form or social media or with third parties.
- 12.4 Electronic recordings of meetings must not be made by either the Trust, school, or the Complainant. A meeting to discuss a complaint may not go ahead if the Complainant is insistent on recording the meeting. The Trust or School will take notes of any meetings to discuss a complaint.
- 12.5 Due to privacy rights under data protection legislation, information disclosed relating to an outcome if it relates to a third-party individual, i.e. disciplinary action against a member of staff or another student, may sometimes be limited.
- 12.6 The Trust will retain records evidencing compliance with this policy, as set out in the Trust's Records Management Policy.
- 12.7 A written record will be kept in all schools of all concerns and complaints raised under this Policy and whether they are resolved following a formal procedure, or proceed to a panel hearing and action taken as a result of those complaints (regardless of whether they are upheld). Records will be kept in line with the Trust's Records Retention Policy.

## **13. Dealing with unreasonably persistent or vexatious complaints and behaviour**

- 13.1 Where a complainant raises an issue that has already been dealt with via the Trust's complaints policy, and that procedure has been exhausted, the complaint will not be re-investigated except in exceptional circumstances, for example where new evidence has come to light.
- 13.2 The Trust is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. The Trust will not normally limit the contact complainants have with the Trust or a school. However, the Trust does not expect staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening. defines unreasonable complainants as 'those who, because of the

frequency or nature of their contacts with the Trust or school, hinder our consideration of their or other people's complaints'.

13.3 A complaint may be regarded as unreasonable when the person making the complaint:

- Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance.
- Refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- Refuses to accept that certain issues are not within the scope of a complaints procedure.
- Insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice.
- Introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own time-scales.
- 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 Department for Education.
- seeks an unrealistic outcome.
- Makes excessive demands on Trust/school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

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

- Maliciously.
- Aggressively.
- Using threats, intimidation or violence.
- Using abusive, offensive or discriminatory language.
- Knowing it to be false.
- Using falsified information.
- Publishing unacceptable information in a variety of media such as in social media websites and newspapers.

13.5 Complainants should limit the numbers of communications while a 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.

13.6 Whenever possible, the Headteacher or CEO will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

13.7 If the behaviour continues the CEO will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact causing a significant level of disruption, the Trust may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

- 13.8 In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the Police informed. This may include banning an individual from Trust or school premises.

#### **14. Continued Dissatisfaction with Outcome**

- 14.1 If the complainant is not satisfied with the outcome of the complaints procedure and 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 4.

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

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

Academy Complaints and Customer Insight Unit  
Education and Skills Funding Agency  
Cheylesmore House  
5 Quinton Road  
Coventry  
CV1 2WT

#### **15. Training and awareness**

The Trust will ensure that all individuals involved in the management of complaints understand their responsibilities under this Policy through the sharing of the policy and appropriate, training, education and guidance carried out by the school for their staff and by the Trust for the central Trust staff. The level of training and the nature of the education and guidance may vary depending upon the role as relevant to the policy.

#### **16. Timing and frequency of review of the policy**

This policy will be reviewed annually or sooner when relevant statutory guidance is issued.

#### **17 Related Policies**

This policy is related to the following other Trust policies:

- Safeguarding and Child Protection Policy.
- Whistleblowing Policy.
- Data Protection and Freedom of Information Policy.
- Data Retention Policy.

## Appendix 1 – Exceptions to the Complaints Policy

Exceptions	Who to contact
Admissions to schools	<p>The Trust website provides copies of any Admission Policies for the individual schools within the Trust. Parents/Carers can also contact the Local Authority in which the school is situated.</p> <p>Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority.</p>
Matters likely to require a Child Protection Investigation	<p>The Trust and individual school website provides details of the School Safeguarding and Child Protection Policy. Each school has a Designated Safeguarding Lead who can be contacted via the school.</p> <p>Complaints about child protection matters are handled under Safeguarding and Child Protection Policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or, where relevant, the Multi-Agency Safeguarding Hub (MASH).</p>
Exclusion of children from school*	<p>Details of the processes to be followed will be provided by the school in the documentation provided at the time of an exclusion.</p> <p>Information can also be found in the Trust’s Exclusion Policy on the Trust’s website. Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>.</p> <p><i>*complaints about the application of the behaviour policy (available on each individual school’s website) can be made through the school’s complaints procedure.</i></p>
Whistleblowing	<p>The Trust website provides details for of the Trust’s Whistleblowing Policy.</p> <p>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: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p>
Staff grievances	Complaints from staff will be dealt with under the Trust’s Grievance Policy
Staff conduct	Complaints about staff will be dealt with under the Trust’s Disciplinary Policy. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a

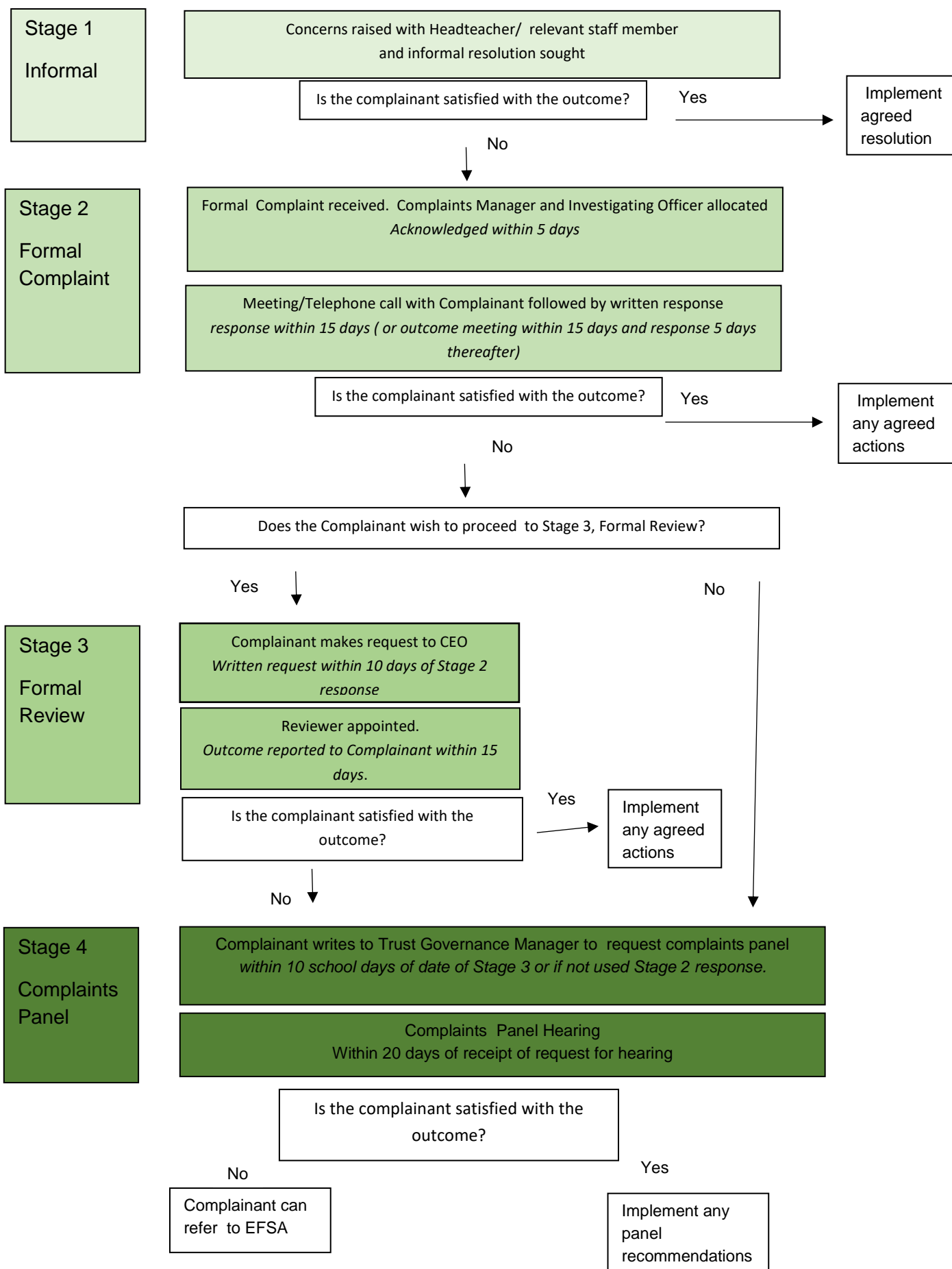


	complaint. However, the complainant will be notified that the matter is being addressed.
External examination results;	Details of any appeals procedure can be obtained from the school at which the exam was sat.
Complaints about services provided by external bodies using a school's premises or facilities.	Complaints should be made to the provider of the service, club or other activity who should have their own procedure.

## Appendix 2: Contact Details

School	Address/email	School	Address/email
Abbot Alphege Academy Beckford Drive Lansdown Bath BA2 9AU	01225 580 281 <a href="mailto:office@abbot-alphege.org.uk">office@abbot-alphege.org.uk</a>	Nunney First School Catch Road Nunney, Frome Somerset BA11 4NE	01373 836429 <a href="mailto:office@nunneyschool.com">office@nunneyschool.com</a>
Cameley C of E Primary Meadway, Temple Cloud, Bristol BS39 5BD	01761 452644 <a href="mailto:office@cameleyprimary.org.uk">office@cameleyprimary.org.uk</a>	Paulton Infant School Paulton Infant School, Plumptre Close, Paulton, BS39 7QY	Tel: 01761 412354 <a href="mailto:office@paulton-inf.bathnes.sch.uk">office@paulton-inf.bathnes.sch.uk</a>
Castle Primary School Newlands Rd, Keynsham, Bristol BS31 2TS	0117 986 4489 <a href="mailto:office@castleprimary.uk">office@castleprimary.uk</a>	Pensford Primary School Pensford Hill, Pensford, Bristol BS39 4AA	01761 490470 <a href="mailto:Pensford_Office@pensford.school.org">Pensford_Office@pensford.school.org</a>
Chew Magna Primary School Chew Magna, Bristol BS40 8RQ	01275 332409 <a href="mailto:office@chewmagnaschool.org.uk">office@chewmagnaschool.org.uk</a>	Roundhill Primary School, Mount Rd, Bath BA2 1LG	01225 424950 <a href="mailto:office@roundhill-pri.co.uk">office@roundhill-pri.co.uk</a>
Farmborough Church Primary School The Street Farmborough Bath BA20FY	01761 470714 <a href="mailto:office@farmboroughchurchprimary.org.uk">office@farmboroughchurchprimary.org.uk</a>	St Marys CofE Primary School Old Road, Writhlington RADstock, Somerset BA3 3NG	01761 434548 <a href="mailto:office@stmaryswrithlington.co.uk">office@stmaryswrithlington.co.uk</a>
Fosse Way School Longfellow Road Midsomer Norton Radstock BA3 3AL	01761 412198 <a href="mailto:office@fossewayschool.com">office@fossewayschool.com</a>	The Mendip School Edmund Rack Road Prestleigh, Shepton Mallet Somerset BA4 4FZ	01749 838040 <a href="mailto:office@themendipschool.com">office@themendipschool.com</a>
Hayesdown First School Wyville Road Frome Somerset BA11 2BN	<b>01373 462718</b> <a href="mailto:office@hayesdownschool.com">office@hayesdownschool.com</a>	Weston All Saints Primary School Broadmoor La, Bath BA1 4JR	01225 421786 <a href="mailto:westonallsaints_pri@waspschool.org.uk">westonallsaints_pri@waspschool.org.uk</a>
Marksbury C of E Primary School Marksbury BA2 9HS	01761 470628 <a href="mailto:enquiries@marksburyschool.org.uk">enquiries@marksburyschool.org.uk</a>	<p>The Partnership Trust Mulberry Lodge Longfellow Road Radstock Bath BA3 3AL</p> <p>Tel: 01761 404207 Web: <a href="http://www.thepartnershiptrust.co.uk">www.thepartnershiptrust.co.uk</a> Email: <a href="mailto:office@thepartnershiptrust.com">office@thepartnershiptrust.com</a></p> <p>Trust Governance Manager: S Vernau Email: <a href="mailto:svernau@thepartnershiptrust.com">svernau@thepartnershiptrust.com</a></p>	
Moorlands Infant School Chantry Mead Road Bath BA2 2DE	01225 421912 <a href="mailto:office@moorlands-school.com">office@moorlands-school.com</a>		
Moorlands Junior School Chantry Mead Road Bath BA2 2DE	01225 421912 <a href="mailto:office@moorlands-school.com">office@moorlands-school.com</a>		

Appendix 3 Complaints Process Summary Flow Chart



#### Appendix 4: Complaint Form

Please complete in as much detail as possible. If you require support in completing the form, please contact your school office or the office at The Partnership Trust ([office@thepartnershiptrust.com](mailto:office@thepartnershiptrust.com)/ 01761 404207).

Please return the completed form either:

- Directly to the school
- By email or post to the marked 'Private and Confidential' to Trust Governance Manager ([office@thepartnershiptrust.com](mailto:office@thepartnershiptrust.com))

The Partnership Trust, Mulberry Lodge, Longfellow Road, Bath BA3 3AL

Your name	
Pupils name (if applicable)	
Your relationship to the pupil	
School name (if applicable)	
Your address	
Contact telephone number	
Please provide details of your complaint.	

What action if any have you already taken to try and resolve your complaint. Please provide details of who you spoke to and the response	
What actions do you feel might resolve the problem at this stage	
Are you attaching any paperwork, e.g. previous correspondence. If so, please provide details	
Signature	
Date	

<b>School/Trust use</b>
<b>Complaint Referred to (Complaint Manager)</b>
<b>Proposed Investigating Officer</b>
<b>Date acknowledge sent to complainant</b>

