



KINGSWAY COMMUNITY TRUST

**KINGSWAY
COMMUNITY TRUST

COMPLAINTS POLICY**

October 2022

Complaints Policy

Date: October 2022

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TABLE OF CONTENTS

| | |
|---|----|
| The Policy | 3 |
| Purpose of the Policy..... | 4 |
| How to make a complaint | 5 |
| Anonymous complaints | 5 |
| Complaints received outside of term time | 5 |
| Scope of this complaints procedure | 5 |
| Withdrawal of a complaint | 6 |
| Resolving complaints | 7 |
| Stages of the Policy..... | 7 |
| Stage One - Informal Complaints..... | 7 |
| Stage Two - Formal Complaint..... | 7 |
| Stage Three – Panel Hearing..... | 8 |
| Complaints escalated to / about the Trust, Executive Headteacher or Trustee | 11 |
| Appendix 1 - Complaint Form | 14 |
| Appendix 2 - Roles and Responsibilities..... | 16 |



The Policy

The partnership between the parent/carer and the school is integral to the ethos and mission of the Trust. Not all concerns are complaints. A concern is an issue raised by a parent, pupil or other person that is resolved quickly and informally. Most concerns are resolved by the person to whom the concern is addressed e.g. the class teacher or the Head of School. Every effort should be made to allay concerns at this level and with the least possible formality. The ideal is that no concern should ever become a formal complaint.

Occasionally, however, a concern will be too serious to be handled in this way, perhaps needing greater investigation; or the person concerned may not feel that the answers given so far have been acceptable or adequate. In such circumstances the concern will become a complaint and this document outlines the formal procedure that should be followed in such cases.

This complaints policy is not limited to parents or carers of children that are registered at our Trust schools. Any person, including members of the public, may make a complaint to Kingsway Community 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 policy.

The policy will be relied upon in respect of **all concerns or complaints** by parents/carers and pupils made against the Trust Schools ***other than complaints that are dealt with under other statutory procedures, including those below***

- (a) **Admissions to schools; Statutory assessments of Special Educational Needs (SEN); School re-organisation proposals; Matters likely to require Child Protection Investigation** - Concerns should be raised direct with local authorities (LA). For school admissions, it will depend on who is the admission authority (either the school or the LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.
- (b) **Exclusion of children from school** - Further information about raising concerns about exclusion can be found at: www.gov.uk/schooldiscipline-exclusions/exclusions.
- (c) **Whistleblowing** – We have an internal whistleblowing policy for all our employees, including temporary staff and contractors. The Secretary of State is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at www.education.gov.uk/contactus. Volunteer staff who have concerns about our schools should complain through this document, the Trust Complaints policy.
- (d) **Staff grievances and disciplinary procedures** - These matters will invoke the Trust's internal grievance procedures. Complainants will not be informed of the outcome of any investigation but will be notified that the matter is being addressed
- (e) **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. They should be contacted directly.

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

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

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 lack of action’. The Trust Board expects that most concerns can be resolved informally and recognises that the majority of issues raised by parents/carers or pupils are concerns rather than complaints. Each school will use its best endeavours to resolve any concerns that are made on this basis.

The Trust is committed to taking concerns seriously at the earliest stage, in the hope of keeping the number of formal complaints to a minimum and without the need for formal procedures. It is recognised however that, depending on the circumstances and the nature of the complaint, parents/carers or pupils may, in appropriate circumstances, wish to or may be asked to follow the formal stages of this policy from the outset.

If the informal procedures fail to resolve the issue, a formal written complaint about any matter (except for those listed in (a) to (e) above), may be made to the Executive Headteacher in the first instance, marked Private and Confidential

Complainants should not approach individual governors or trustees to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at stage 3 of the procedure.

Every complaint will receive fair and proper consideration and a timely response but in order for the Trust to investigate a complaint, it needs to be made within 3 months of the incident/issue occurring. If a complaint is older than 3 months it will not normally be investigated. **We will consider complaints made outside of this time frame if exceptional circumstances apply.**

The Trust will do all it can to resolve concerns or complaints and to ensure parents/carers are happy with the education their child receives at the school. Parents/carers’ and pupils can be assured that all complaints and expressions of concern, whether raised informally or formally, will be treated seriously and will be dealt with in a sensitive, impartial and confidential manner. It should also be noted that malicious/vexatious complaints may incur appropriate action by the Trust in accordance with the Trust Vexatious and Persistent Complaints Policy.

Correspondence, statements and records will remain confidential except in so far as is required by Part 7 paragraph 33 (k) of the Education (Independent Schools Standards) Regulations 2014; where disclosure is required in the course of the school’s inspection; or where any other legal obligation prevails.

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

Purpose of the Policy

- To encourage resolution of problems by informal means wherever possible;
- To be easily accessible and publicised;
- To be simple to understand and use;
- To be impartial;

- To be non-adversarial;
- To allow swift handling within established time-limits for action and keep people informed of the progress;
- To ensure a full and fair investigation by an independent person where necessary;
- To respect people’s desire for confidentiality;
- To address all the points at issue and provide an effective response and appropriate redress, where necessary;
- To provide information to the School’s senior management team so that services can be improved.

How to make a complaint

All complaints should be made in writing. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.

Complaints against school staff (except the Executive Headteacher) should be made in the first instance, to the Executive Headteacher, marked Private and Confidential.

Complaints that involve or are about the Executive Headteacher should be addressed to the Chair of the Trust Board via the school office, marked as Private and Confidential.

Complaints about the individual Governor or Trustee or the whole governing body or Trust Board should be addressed to the Clerk to the Trust Board via the school office, marked Private and Confidential.

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.

Anonymous complaints

We will not normally investigate anonymous complaints. However, the Executive Headteacher or Chair of Trust Board, if appropriate, will determine whether exceptionally the complaint warrants an investigation.

Complaints received outside of term time

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

Scope of this complaints procedure

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

| Exceptions | Who to contact |
|--|--|
| <ul style="list-style-type: none"> • Admissions to schools | <p>Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority.</p> |
| <ul style="list-style-type: none"> • Matters likely to require a Child Protection Investigation | <p>Complaints about child protection matters are handled under our child protection and safeguarding 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</p> |

| | |
|--|---|
| | responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH) |
| <ul style="list-style-type: none"> Exclusion of children from school* | <p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.</p> <p><i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure. <link to school behaviour policy></i></p> |
| <ul style="list-style-type: none"> Whistleblowing | <p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</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: www.education.gov.uk/contactus.</p> <p>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.</p> |
| <ul style="list-style-type: none"> Staff grievances | Complaints from staff will be dealt with under the school's internal grievance procedures. |
| <ul style="list-style-type: none"> Staff conduct | <p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>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.</p> |

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

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

Withdrawal of a complaint

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



Resolving complaints

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

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

Stages of the Policy

The policy has three main stages ;

- Stage One – Complaint is raised informally with class teacher.
- Stage Two – Formal complaint investigated by Executive Headteacher or Head of School.
- Stage Three – Panel Hearing

Stage One - Informal Complaints

It is hoped that most concerns are raised and resolved quickly and informally with the class teacher and therefore prevents the concern becoming a complaint. If a concern is not resolved informally then it can be escalated to a stage 1 informal complaint.

If parents/carers have a complaint they should contact either the class teacher or Head of School. In many cases the matter will be resolved immediately by this means to the parents'/carers' satisfaction. Complainants should not approach individual governors to raise a concern or complaint. They have no power to act on an individual basis and if may also prevent them from considering complaints at Stage 3 of the procedure.

At the conclusion of their investigation, the appropriate person investigating the complaint will provide an informal written response within 10 working days of the date of receipt of the complaint, except when they are raised during school holidays or within 5 working days of the commencement of school holidays. In these cases the school will use its reasonable endeavour to resolve the complaint as soon as possible after the commencement of the new term (usually within 10 days).

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

Stage Two - Formal Complaint

If the complaint cannot be resolved on an informal basis then parents/carers should notify the Executive Headteacher of their complaint in writing. Parents/carers should also identify how they wish their complaint to be resolved.

The Executive Headteacher may delegate responsibility for undertaking the investigation of the complaint to the Head of School in appropriate circumstances unless the Executive Headteacher deems it appropriate for her to deal with the matter personally.

The Executive Headteacher/Head of School will decide, after considering the complaint, the appropriate course of action but will endeavour to resolve the matter as speedily as possible.

In most cases, the Executive Headteacher/Head of School will meet or speak with the parents/carers concerned to discuss the matter. The Executive Headteacher/Head of School will use reasonable endeavours to speak to or meet parents/carers within 10 working days of the formal complaint being received. In cases where the complaint is received during School holidays or within 5 working days of their commencement, the Executive Headteacher/Head of School will use his/her reasonable endeavours to speak or meet with parents/carers as soon as possible after the commencement of the new term (usually within 10 working days). It may be necessary for the Executive Headteacher/Head of School to carry out further investigations.

Once the Headteacher/Head of School is satisfied that, so far as is reasonably practicable, all of the relevant facts have been established, a decision will be made. Parents/carers will be informed of this decision in writing, giving reasons for the decision including the steps/action the Trust has taken to resolve the issue. The written decision will normally be provided 10 working days following the conclusion of the investigation. The Headteacher/Head of School may also arrange a further meeting with the parents/carers to explain their decision.

The Trust will keep a written record of all formal complaints, including records of meetings and interviews held in relation to the complaint, and the Trust's decision, which will be recorded and will be kept for 1 year after the pupil leaves the School. This record will state if complaints were resolved at this stage of the policy or whether the matter was taken further.

Where parents/carers are dissatisfied with the result at Stage 2 they should notify the Executive Headteacher/ Chair of the Trust Board as appropriate in writing within 10 working days of receiving the School's written response under Stage Two. The matter will then be dealt with under Stage Three of the procedure.

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

Complaints about the Executive Head teacher or member of the governing body must be made to the Clerk, via the school office.

Stage Three – Panel Hearing

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3 – a panel hearing consisting of at least three people who were not directly involved in the matters detailed in the complaint, with one panel member who is independent of the management and running of the school. The process used for selecting an independent person will conform to any relevant guidance issued by the Department for Education (DFE). This is the final stage of the complaints procedure.

A request to escalate to Stage 3 must be made to the Clerk, in writing, within 10 school days of receipt of the Stage 2 response.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing within 5 school days. Requests received outside of this time frame will only be considered if exceptional circumstances apply. Where the written request is received by the Clerk during school holidays or within 5 working days of their commencement, the Clerk has 10 working days from the commencement of the following school term to

acknowledge the parent's/carer's written request.

The Clerk will endeavour to convene a Complaints Panel hearing as soon as possible to consider the matter, normally no later than 20 working days after their receipt of the request to escalate to Stage 3 and dependent upon the availability of Complaints Panel members. Where it is not reasonably practicable for the hearing to be convened within 20 working days after receipt of the request, the parents/carers' will be notified of the likely timescale for the hearing to take place, which must be reasonable in all the circumstances.

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.

The following are entitled to attend The Complaints Panel hearing, submit written representations and address the Complaints Panel:

- The parent/s/carers;
- The Executive Headteacher and Head of School as appropriate;
- The Chair of the Trust Board if appropriate;
- Any other interested person whom the Complaints Panel considers to have a reasonable and just interest in the appeal and whose contribution would assist the Complaints Panel in their decision-making.

Where the Complaints Panel deems it necessary, it may require that further particulars of the complaint or any related matter be supplied in advance of the hearing. In such cases all parties will be given the opportunity to submit written evidence to the Complaints Panel in support of their position, including:

- (a) Documents in support of complaint(s),
- (b) Chronology and key dates relating to complaint(s), and
- (c) Written submission setting out the complaint(s) in more detail.

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 complainants needs. If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or a friend but there is no legal right to legal representation.

Representatives from the media are not permitted to attend.

All evidence will be considered by the Complaints Panel, along with the appeal lodged by the parents/carers.

At least 10 school days before the meeting, the Clerk will:

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

Any written material will be circulated to all parties at least 5 school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

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 policy.

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.

It is for the Complaints Panel to decide how to conduct the proceedings of the meeting, which should be reasonably informal so that all parties can present their case effectively. If possible, the Complaints Panel will resolve the parents'/carers' complaint immediately without the need for further investigation. Where further investigation is required, the Complaints Panel will decide how it should be carried out.

After due consideration of all the facts and evidence they consider relevant, the Complaints Panel will reach a decision, and may make recommendations which it shall endeavour to implement within 10 working days of the hearing. Any decision reached that may have financial implications for the Trust will need the appropriate approval from the relevant authorities e.g. Trust Board, although any such approval must be compatible with the decision of the Complaints Panel. For more complex or multi pronged complaints the timescales may be extended as appropriate – whilst attempting to deal in a timely manner.

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

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

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

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

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

The decision reached by the Complaints Panel is the final school based stage of the complaints process. The findings and recommendations will be made available for inspection on the school premises by the Executive Headteacher.

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

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.

Complaints escalated to / about the Trust, Executive Headteacher or Trustee

If a complaint is escalated to the Trust or if a complainant wishes to complain directly about the Trust, then the complaint should be sent to the Executive Headteacher to be investigated.

The Executive Headteacher will write to the complainant acknowledging the complaint within **10 school days** of the date that the written request was received. The acknowledgement will confirm that the complaint will now be investigated under Stage 2 of this Complaints Policy and will confirm the date for providing a response to the complainant.

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

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

Escalation to Stage 3

If the complainant is not satisfied with the outcome of the previous stage, the complainant should write to the Clerk to the Trust Board asking for the complaint to be heard before a Stage 3 Complaints Panel, within 10 school days.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

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

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 20 school days of receipt of the Stage 3 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

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.

If the complaint is:

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

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

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

One of the Complaint Panel members will be independent of the management and running of the Academy Trust. This means that the independent Complaint Panel member will not be a Trustee or an employee of the Trust.

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

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.

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.

Representatives from the media are not permitted to attend.

At least 10 school days before the meeting, the Clerk will:

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

Any written material will be circulated to all parties at least 5 school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

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.

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.

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

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

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

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

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

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

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

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

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

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.

Next Steps

If the complainant believes the Trust did not handle their complaint in accordance with the published complaints procedure or they acted lawfully or unreasonably in the exercise of their duties under education law, they can contact the EFSA after they have completed Stage 3.

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

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

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

Should the complainant continue to make contact on the same issue, the Chair of the Trust Board has the power to inform them that the process is complete and the matter is therefore closed.

| Date | Issue Name | Date approved by Trustees | Review date |
|---------------|---------------|---------------------------|-------------|
| December 2017 | December 2017 | 18.12.17 | Autumn 2020 |
| Autumn 2020 | December 2020 | 7.12.20 | Autumn 2022 |
| May 2021 | May 2021 | 23.5.21 | Summer 2023 |
| October 2022 | October 2022 | 17.10.22 | Autumn 2024 |

Appendix 1 - Complaint Form

Please complete this form & return it, via the school office, to the Executive Headteacher (or Clerk to the Trust Board), who will acknowledge receipt & inform you of the next stage in the procedure.

| | |
|---|--|
| Your name: | |
| Pupils Name: (if relevant) | |
| Your relationship to the pupil (if relevant) | |
| Your address: | |
| Tel number: | |
| Email address: | |
| Please give concise details of your complaint (including dates, names of those involved, witnesses, etc including whether you have spoken to anybody at the school about it) to allow the matter to be fully investigated. Please use additional pages if necessary. | |

| |
|---|
| <p>What action, if any, have you already taken to try and resolve your complaint? (ie. who have you spoken with or written to and what was the outcome?)</p> |
| <p>What actions do you feel might resolve the problem at this stage?</p> |
| <p>Are you attaching any paperwork? If so, please give details.</p> |

Signed.....Date.....

| | | | |
|----------------------------|---------------------|-----------------------------------|---------------------------------|
| SCHOOL USE ONLY: | | | |
| Date form received: | Received by: | Date Acknowledgement sent: | Acknowledgement sent by: |
| Agreed outcomes | | | |

| | | | |
|-------------------------------|--|--------------|--|
| Complaint referred to: | | Date: | |
|-------------------------------|--|--------------|--|



Appendix 2 - Roles and Responsibilities

The Complainant

The complainant or person who makes the complaint will receive a more effective response to the complaint if they:-

- Co-operates with the school in seeking a solution to the complaint;
- Expresses the complaint in full, in writing, as early as possible;
- Responds promptly to requests for information or meetings or in agreeing the details of the complaint;
- Asks for assistance as needed;
- Treats all those involved in the complaint with respect.
- Refrain from publicising the details of their complaint on social media and respect confidentiality

The Complaints Coordinator (Governance & Compliance Manager)

The complaints coordinator will:-

- Ensure that the complainant is fully updated at each stage of the procedure;
- Ensure that all people involved in the complaint procedure are aware of the legislation around complaints including the equality act 2010, data protection act 2018 and freedom of information act 2000;
- Liaise with staff members, Executive Headteacher, Chair of the Trust Board and Clerk to ensure the smooth running of the complaints procedure;
- Keep records;
- Be aware of issues regarding:-
 - Sharing third party information;
 - Additional support - this may be needed by complainants when making a complaint including interpretation support.

The Investigator – dependent on stage of complaint and nature of complaint

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

- Providing a comprehensive, open, transparent and fair consideration of the complaint through:-
 - Sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved;
 - Consideration of records and other relevant information;
 - Interviewing staff and children/young people and other people relevant to the complaint;
 - Analysing information;
- Effectively liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right;
- Responding to the complainant in plain and clear language.

The investigator should:-

- Conduct interviews with an open mind and be prepared to persist in the questioning
- Keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- Ensure that any papers produced during the investigation are kept securely pending any appeal
- Be mindful of the timescales to respond

- Prepare a comprehensive report for the Executive Headteacher or Complaints Committee that sets out the facts, identifies the solutions and recommends courses of action to resolve problem.

The Executive 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.

The Panel Clerk

This could be Clerk to the Trust Board, the Complaints Coordinator or an independent Clerk. The Clerk is the contact point for the complainant for the panel meeting and is expected to:-

- Ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- Set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- Collate any written material and send it to the parties in advance of the hearing;
- Meet and welcome the parties as they arrive at the hearing;
- Record the proceedings;
- Circulate the minutes of the panel hearing;
- Notify all parties of the panel's decision;
- Liaise with the complaints co-ordinator.

The Panel Chair

The Panel Chair who is nominated in advance of the complaint meeting, has a key role in ensuring that:-

- Both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- The meeting is minuted;
- The remit of the panel is explained to the complainant and both they and the school have the opportunity of putting their case without undue interruption;
- The issues are addressed;
- Key findings of fact are made;
- Parents/carers' and others who may not be used to speaking at such a hearing are put at ease – this is particularly important if the complainant is a child/young person;
- The hearing is conducted in an informal manner with everyone treated with respect and courtesy;
- The layout of the room will set the tone – care is needed to ensure the setting is not adversarial;
- 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;
- Both the complainant and the school are given the opportunity to state their case and seek clarity;
- Written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the Data Protection Act 2018 or GDPR. If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the hearing;
- They liaise with the Clerk and Complaints Coordinator.

Panel Member

Panelists will need to be aware that:-

- It is important that the review panel hearing is independent and impartial, and that it is seen to be so; No Trustee/Governor 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 hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant; However, it must be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- Many complainants will feel nervous and inhibited in a formal setting; Parents/carers often feel emotional when discussing an issue that affects their child. The Panel Chair will ensure that the proceedings are as welcoming as possible.
- Extra care needs to be taken when the complainant is a child/young person and present during all or part of the hearing; The panel should respect the views of the child/young person and give them equal consideration to those of adults.
- If the child/young person is the complainant, the panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the panel should give the parent the opportunity to say which parts of the hearing, if any, the child/young person needs to attend.
- The parent should be advised however that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting which the panel considers not to be in the child/young person's best interests.
- The welfare of the child/young person is paramount.

Appendix 3 – Complaints Policy Flow Chart

Complaints Policy Flow Chart

