



# COMPLAINTS PROCEDURES POLICY

Equa Multi Academy Trust aims to resolve all complaints at the earliest possible stage and is dedicated to continuing to provide the highest quality of education possible throughout the procedure. This policy applies to any matter (other than matters relating to admissions and exclusions which have their own processes) which has been raised with the Trust by parents/guardians of pupils as a matter of concern, but which has not been capable of resolution informally, and which the complainant or the Trust consider should be dealt with on a formal basis.

<b>Policy Lead</b>	<b>CFO</b>
<b>Committee</b>	<b>Resources</b>
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## **Statement of intent**

Equa Multi Academy Trust and its schools aim to resolve all complaints at the earliest possible stage and are dedicated to continuing to provide the highest quality of education possible throughout the procedure.

This policy has been created to deal with any complaint relating to any aspects of the school or the provision of facilities or services. It is designed to ensure that the school's complaints procedure is straightforward, impartial, non-adversarial, allows a full and fair investigation, respects confidentiality and delivers an effective response and appropriate redress. The policy also deals with complaints about the Trust.

Any person, including a member of the public, is able to make a complaint about the provision of facilities or services that the school provides. This policy outlines the procedure that the complainant and school must follow.

Once a complaint has been made, it can be resolved or withdrawn at any stage.

The headteacher will be the first point of contact when following the complaints procedure for schools.

The Equa Chief Executive Officer (CEO) will be the first point of contact when following the complaints procedure with a complaint regarding a headteacher or regarding the trust.

## 1. Legal framework

This policy has due regard to all relevant legislation including, but not limited to, the following:

- Freedom of Information Act 2000
- Immigration Act 2016
- Equality Act 2010
- UK General Data Protection Regulation (GDPR)
- Data Protection Act 2018
- The Education (Independent School Standards) Regulations 2014
- The Education and Skills Act 2008

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

- ESFA (2021) 'Best practice guidance for academies complaints procedures'
- HM Government (2016) 'Code of Practice on the English language requirement for public sector workers'

This policy operates in conjunction with the following school policies:

- Safeguarding and Child Protection Policy
- Grievance Policy
- Exclusion Policy
- Whistleblowing Policy

## 2. Definitions

For the purpose of this policy, a **"complaint"** can be defined as 'an expression of dissatisfaction' towards the actions taken or a perceived lack of action taken.

Complaints can be resolved formally, through this procedure, or informally dependent on the complainant's choice.

Complaints raised through this procedure are for external use only and not for staff. Staff who have cause for raising a concern have a range of internal procedures available e.g. Grievance Procedure / Dignity at Work / Whistleblowing.

A **"concern"** can be defined as 'an expression of worry or doubt' where reassurance is required. For the purpose of this policy, concerns will be classed and addressed as complaints.

Any complaint or concern will be taken seriously, whether formally or informally, and the appropriate procedures will be implemented.

A **"grievance"** is an issue raised by a member of staff where they feel the school has not implemented a policy or process fairly or properly. Grievances will be dealt with in line with the Trust's Grievance Policy.

For the purpose of this policy, **"unreasonable complaints"** include:

- Vexatious complaints:
  - Are obsessive, persistent, harassing, prolific and repetitious.
  - Insist upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason.
  - Insist upon pursuing meritorious complaints in an unreasonable manner.
  - Are designed to cause disruption or annoyance.
  - Demand for redress which lacks any serious purpose or value.
- Serial or persistent complaints:
  - Are duplicated, sent by the same complainant once the initial complaint has been closed.

Serial or persistent complaints will only be marked as 'serial' once the complainant has completed the complaints procedure. It is the complaint that will be marked as 'serial', meaning the complainant can complain about a separate issue if necessary.

For the purpose of this policy, “**duplicate complaints**” are similar or identical complaints received from a complainant’s spouse or partner. These complaints will not be addressed again. The individual making the second complaint will be informed that the complaint has been dealt with on a local level and if they are dissatisfied with the result, they can appeal to the DfE.

Any new details provided by a complainant’s spouse, partner, grandparent or child, will be investigated and dealt with in line with the complaints procedure.

### **3. Roles and responsibilities**

#### **3.1 The complainant will:**

- Cooperate with the school in seeking a solution to the complaint.
- Express the complaint and their concerns in full at the earliest possible opportunity.
- Promptly respond to any requests for clarity about the complaint if needed, further information or meetings.
- Ask for assistance as needed.
- Treat any person(s) involved in the complaint with respect.

#### **3.2 The complaints co-ordinator will:**

- Ensure that all parties involved in the complaint are fully updated throughout each stage of the procedure.
- Guarantee that all parties involved in the procedure are aware of any relevant legislation, including the Equality Act 2010, UK GDPR, Data Protection Act 2018 and Freedom of Information Act 2000.
- Keep up-to-date records throughout the procedure. These records will be kept securely at the school and retained in line with the Trust’s record retention procedure.
- Explain that statements taken and the original complaint will be shared with the subject of the complaint.

- Liaise with all parties involved to ensure the complaints procedure runs smoothly, including the headteacher, clerk and chair of governors; or if appropriate, the Chief Executive Officer and Chair of Trustees.
- Ensure, where the complainant is dissatisfied with the response, they are allowed to escalate it to the next stage and are provided the opportunity to complete the complaints procedure in full.
- Be aware of issues with regards to sharing third party information.
- Understand the complainant's need for additional support, including interpretation support, and will be aware of any issues concerning this.

### **3.3. The investigator is involved in Stages One and Two of the procedure. Their role includes:**

- Providing a sensitive and thorough interviewing process of the complainant to establish what has happened and who is involved.
- Considering all records, evidence and relevant information provided.
- Interviewing all parties that are involved in the complaint, including staff and pupils.
- Analysing all information in a comprehensive and fair manner.
- Liaising with the complainant and complaints co-ordinator to clarify an appropriate resolution to the problem.
- Identifying and recommending solutions and courses of actions to take.
- Being mindful of timescales and ensuring all parties involved are aware of these timescales.
- Responding to the complainant in a clear and understandable manner.

### **3.4 The panel chair will:**

- Ensure that minutes of the hearings are taken on every occasion.
- Explain the remit of the panel to the complainant.
- Ensure that all issues are addressed and that outcomes are reached based on facts and evidence.
- Help to put at ease and console individuals involved who are not used to speaking at such hearings, particularly any pupils involved.
- Conduct the hearing in an informal manner, ensuring that everyone is treated with respect and courtesy.
- Ensure that the room's layout and setting is informal and non-adversarial, yet still sets the appropriate tone.
- Confirm that no member of the panel has previously been involved in the earlier stages of the procedure or has an external interest in the outcome of the proceedings.
- Give both the complainant and the school the opportunity to state their case and seek clarity without undue interruption.
- Provide copies of any written material or evidence to everyone in attendance of the meeting, ensuring that everyone has seen the necessary material.
- Organise a short adjournment of the hearing if required.
- Continuously liaise with the clerk and complaints co-ordinator to ensure the procedure runs smoothly.

- Help to provide the support necessary where the complainant is a child.

### **3.5 All panel members will be aware that:**

- The review panel hearing is independent and impartial.
- No individual with prior involvement in the complaint, or the circumstances surrounding it, is permitted to sit on the panel.
- The aim of the panel is to achieve a reasonable resolution and, ultimately, attain reconciliation between the parties involved.
- Reconciliation between the school and complainant is not always achievable, and that it may only be possible to establish facts and make recommendations to reassure the complainant that their case has been taken seriously.
- The panel can:
  - Dismiss or uphold the complaint, in whole or in part.
  - Decide on appropriate action to be taken.
  - Recommend changes that the school can make to prevent recurrence of the problem.
- Complainants may feel nervous or inhibited in a formal setting and, therefore, the proceedings should be as welcoming as possible.
- When a child is present at the hearing, extra care needs to be taken to ensure that the child does not feel intimidated, as well as ensuring the child's view is represented equally.

### **3.5 The panel clerk will:**

- Continuously liaise with the complaints co-ordinator.
- Record the proceedings.
- Set the date, time and venue of all hearings, ensuring that this is appropriate, convenient and accessible to all parties involved.
- Collate all written material or evidence involved and send it to the parties involved in timely advance of the hearing.
- Greet all parties as they arrive at the hearing.
- Ensure that the minutes of the panel hearing are circulated.
- Notify the relevant parties of the panel's decision and any other actions to be taken.

## **4. Making a complaint**

Complaints are not restricted to parents of attending pupils. The school will consider all complaints.

The school will ensure the complaints procedure is:

- Easily accessible and publicised via the school's website.
- Simple to understand and put into practice.
- Impartial and fair to all parties involved.
- Respectful of confidentiality duties.

- Continuously under improvement, using information gathered during the procedure to inform the school's Senior Leadership Team.
- Fairly investigated, by an independent person when necessary.
- Used to address all issues to provide appropriate and effective responses where necessary.

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

The school upholds a three-month time limit in which a complaint can be lodged regarding an incident. Complaints made outside this time limit will not be automatically refused and exceptions will be considered. In the case of any timescales changing, all parties involved will be informed of the changes in a timely manner.

Complaints should be made using the appropriate channels of communication, including the use of the [Complaints Procedure Form](#).

All complaints shall be considered, whether they are made in person, by telephone, in writing, electronically via email, or via a third party (such as the Citizen's Advice Bureau).

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

Any complaint made against a member of staff will be initially dealt with by the headteacher, and then by a committee of the local governing body.

Any complaint made against the headteacher shall be initially dealt with by the CEO and then by a panel hearing if necessary.

Any complaint made against the chair of governors or any other member of the local governing body should be made in writing to the CEO. Any complaint made against the entire local governing body, or complaints involving the chair and the vice chair, should be made in writing to the CEO. The CEO will then determine the most appropriate course of action, depending on the nature of the complaint. This action may involve sourcing an independent investigator to initially deal with the complaint and then getting the complaint to be heard by governors from another school.

Under some circumstances, it may be necessary to deviate from the complaints procedure. Any deviation will be documented.

Information about a complaint will not be disclosed to a third party without written consent from the complainant.

## **5. Complaints procedure**

### **5.1 STAGE ONE: Informal concern made to a member of staff**

A complaint may be made in person, by telephone or in writing.

The member of staff the complaint has been made against can discuss the concern with the headteacher or complaints co-ordinator to seek support.



To prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls are kept and a copy of any written response is added to the record. These notes are kept securely within the Trust and, where appropriate, encrypted.

If the concern is about the headteacher, the Chair of Governors will need to be informed. The COG will contact the complainant to ascertain if the complaint may be resolved informally. If the complainant is not satisfied with the outcome of this, the complaint will proceed to Stage 2.

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

Within **10 school days**, wherever possible, the complainant and the relevant member of staff should discuss the issue in a respectful and informal manner to seek a mutual resolution.

At this stage, the complainant will be asked what they think might resolve the issue – any acknowledgement that the school could have handled the situation better is not an admission of unlawful or negligent action.

If an appropriate resolution cannot be sought at this informal level, or if the complainant is dissatisfied with the outcome following the initial discussions, the complainant may wish to proceed to the next level of the procedure.

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.

## **5.2 STAGE TWO: Formal complaint made to the headteacher**

Stage two of the process will be completed within **10 school days**, where possible, of the completion date of stage one. If stage 1 is not applicable, stage two will be completed within **10 school days** where possible. Where the situation is recognised as complex, and it is deemed to be unable to be resolved within this timescale, the headteacher will contact the complainant to inform them of the revised target date via a written notification.

An appointment with the headteacher should be made, as soon as reasonably practical, to avoid any possible worsening of the situation.

If the complaint is against the headteacher, the complainant will initially need to write, in confidence, to the chair of governors. The chair will seek to resolve the issue by arranging a meeting with the complainant within **15 school days**, where possible, before moving directly to stage three of the procedure. If the complainant is not satisfied with outcome of Stage 2, the complainant will need write to the clerk to the Trust Board requesting the CEO to investigate under Stage 3.

To prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls are kept, and a copy of any written response is added to the record.

Where the headteacher or chair of governors has made reasonable attempts to accommodate the complainant with dates for a complaint meeting and they refuse or are unable to attend, the meeting will be convened in their absence and a conclusion will be reached in the interests of drawing the complaint to a close.

The formal stage requires the complaint to be made in writing. However, where there are communication difficulties, the complaint may be made in person or via telephone, in which case a written summary of the complaint will be sent by the school to the complainant so there is clarity on the detail of the complaint.

In terms of a complaint being made against a member of staff, the headteacher will discuss the issue with the staff member in question. Where necessary, the headteacher will conduct interviews with any relevant parties, including witnesses and pupils, and take statements from those involved.

Once all facts are established, the headteacher shall contact the complainant in writing with an explanation of the decision. The complainant will be advised of any escalation options (e.g., escalation to stage three) and will be provided with details of this process.

The complainant will also be provided with copies of minutes, subject to any necessary redactions under the Data Protection Act 2018 and the UK GDPR.

Any further action the school plans to take to resolve the issue will be explained to the complainant in writing.

If the complainant is not satisfied with the outcome suggested, the procedure will progress to stage three.

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.

### **5.3 STAGE THREE: Investigation by the Chair of Governors or CEO (or nominated trustee)**

The complainant should submit any complaint in respect of the headteacher's or Chair of Governor's investigation in writing (or via an alternative method if necessary) to the Chair of Governors.

If the Chair of Governors has completed Stage 2, (when the complaint is in relation to the Headteacher) Stage 3 will be conducted by the CEO or a nominated trustee.

The chair of governors or CEO will carry out an investigation and consider all available evidence.

Following the investigation, the Chair of Governors or CEO will write to the complainant and the headteacher confirming the outcome within **20 school days**, where possible, of the date that the investigation was completed. The complainant will be advised of any escalation options, e.g. escalation to stage four, and will be provided with details of this process.

The complainant will also be provided with copies of minutes, subject to any necessary redactions under the Data Protection Act 2018 and the UK GDPR.

If the complainant is not satisfied with the response to the complaint, they may request that the Trustees review the complaint (stage four).

#### **5.4 STAGE FOUR: Complaints appeal panel (CAP)**

Following receipt of a stage three outcome, the complaint should be made in writing to the chair of Equa trustees within **10 school days**, where possible.

However, where there are communication difficulties, the complaint may be made in person or via telephone, in which case a written summary of the complaint will be sent by the school to the complainant so there is clarity on the detail of the complaint. To prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls are kept, and a copy of any written response is added to the record.

Written acknowledgement of the complaint will be made within **3 school days**, where possible. This will inform the complainant that a CAP will hear the complaint within **20 school days**, where possible.

Neither the Trust nor the complainant may bring legal representation to the CAP proceedings; however, there are occasions where legal representation for an individual may be appropriate, e.g. where a school employee is a witness in a complaint, they may be entitled to bring union or legal representation.

The chair of Equa trustees, or another nominated trustee, will convene a CAP comprising:

Governors from a local governing body at a different school within the MAT, who have no conflict of interest or prior knowledge of complaint, can be involved with the hearing. For the avoidance of doubt, these persons will have had no involvement in the management or running of the specific school.

A minimum of **5 days' notice**, where possible, will be given to all parties attending the CAP, including the complainant.

Prior to the hearing, the chair of the complaints panel will have written to the complainant informing them of how the hearing will be conducted. The headteacher and any other person scheduled to attend will also have a copy of this letter.

At the hearing, all participants will be given the opportunity to put their case across and discuss any issues.

The CAP will consider issues raised in the original complaint and any issues which have been highlighted during the complaints procedure.

The meeting should allow for:

- The complainant to be present and accompanied at the hearing if they wish.

- The complainant to explain their complaint and the headteacher to explain the reasons for their decision.
- The complainant to question the headteacher, and vice versa, about the complaint.
- Any evidence, including witnesses who have been prior approved by the chair of the CAP, to be questioned.
- Members of the CAP to question both the complainant and the headteacher.
- Final statements to be made by both parties involved.

The complainant and the person complained about where relevant, will receive a written response, via email or otherwise, explaining the panel's findings and recommendations within **15 school days**, where possible. This response will also explain whether there are any further rights of appeal and to whom they need to be addressed.

A copy of the panel's findings and recommendations will be made available for inspection on the academy premises by the board of trustees and the headteacher.

Where relevant, the person complained about will receive a summary of the panel's findings and recommendations. They will also receive a copy of the minutes, subject to any necessary redactions under the Data Protection Act 2018 and the UK GDPR. (Updated from The School Bus)

### **5.5 Complaints Relating to Fulfilment of the EYFS Requirements**

In order to comply with the statutory framework, written concerns or complaints relating to the fulfilment of the EYFS Requirements will be dealt with in accordance with the following process:

- The written concern/complaint will be acknowledged within **5 days**, where possible;
- The Headteacher will investigate the concern or complaint which may include meeting with the complainant and the Head of Early Years. A written response notifying the complainant of the outcome of the investigation will be sent within **28 days**, where possible, of the complaint being received.
- Where the complainant remains dissatisfied, the Headteacher will ensure that a formal complaints panel will be convened in accordance with stage four of this policy.

A record of the written complaints and their outcome will be maintained and made available to Ofsted on request.

Parents are further advised that where you have concerns regarding the School meeting EYFS requirements they may contact Ofsted on 0300 123 4666.

### **5.6 FINAL STAGE: Appeal**

If a complainant has exhausted the Trust's complaints procedure, they will be advised that they can submit a complaint to the ESFA using the [online form](#) or in writing to:

Academy Complaints and Customer Insight Unit

Education and Skills Funding Agency

Cheylesmore House

5 Quinton Road

Coventry

CV1 2WT

The ESFA will not overturn the panel's decision or re-investigate the original complaint. The ESFA will only intervene following a complaint if it believes the school has:

- Breached a clause in its funding agreement.
- Failed to comply with education law or acted unreasonably when exercising related education functions.

### **5.7 Complaints escalated to / about the Trust, CEO or Trustee**

If a complaint is escalated to Equa "the trust" or if a complainant wishes to complain directly about the trust, then the complaint should be sent to the CEO to be investigated.

The CEO will write to the complainant acknowledging the complaint within **15 school days**, of the date that the written request was received, where possible. The acknowledgement will confirm that the complaint will now be investigated under **Stage Two** of this Complaints Policy and will confirm the date for providing a response to the complainant.

Following the investigation, the CEO will write to the complainant confirming the outcome **within 15 school days** of the date that the investigation was completed, where possible.

If the complaint concerns the CEO 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

*NB. Where the Chair of the Trust Board has investigated the complaint, they will write the letter of outcome to the Complainant and provide a copy to the CEO.*

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 Complaint Panel, **within 10 school days**, where possible.

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**, where possible.

Requests received outside this time frame will only be considered if in the discretion of the trust 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 2 request, where possible. 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

### **5.8 Stage Three 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 permit 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 the complainant.*

Representatives from the media are not permitted to attend.

At least **7 school days**, where possible 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**, where possible, before the meeting.

Any written material will be circulated to all parties at least **5 school days**, where possible, before the date of the meeting. Emails used as part of evidence will be put into chronological sequence as far as possible. 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 One 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 the Trust with a full explanation of their decision and the reason(s) for it, in writing, within **15 school days**, where possible.

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 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.

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.

## **6. Interviewing witnesses**

When interviewing pupils to gather information regarding a complaint, the interview should be conducted in the presence of another member of staff or, in the case of serious complaints, in the presence of their parents, guardians or another responsible adult.

The school will ensure that the conduction of interviews does not prejudice a Local Authority designated officer's (LADO), or police, investigation and will involve or pass the case over to the relevant authority should the situation or complaint be beyond the Trust's capacity to resolve.

The school understands the importance of ensuring a friendly and relaxed area which is free from intimidation.

All pupils interviewed will be made fully aware of what the interview concerns and their right to have someone with them.

Staff are allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager.

The interviewer will not express opinions in words or attitude, so as to not influence the interviewee.

The interviewee will receive a draft of the transcription of the interview and will have the opportunity to review and comment on it, before being asked to sign it.

## **7. Recording a complaint**

A written record shall be kept of any complaint made, whether made via phone, in person or in writing, detailing:

- The main issues raised, the findings and any recommendations.
- Whether the complaint was resolved following an informal route, formal route or panel hearing.
- Actions taken by the school as a result of the complaint (regardless of whether the complaint was upheld).

All records are made available for inspection on the school premises by the CEO and the Headteacher.

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

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

Recording devices will not be used without the prior consent of all parties.

Where the school allows complainants to record meetings, the following will be considered:

- How any decision to allow recordings may affect any third parties called to act as witnesses
- The impact and consequences on the individuals involved in the complaint in the event that recordings are lost or leaked.

The school will not accept, as evidence, any recordings that were obtained covertly and without the informed consent of all parties being recorded.



Details of any complaint made shall not be shared with the entire local governing body. The exception to this is when a complaint is made against the whole local governing body and they need to be aware of the allegations made against them, to respond to any independent investigation.

Complainants have a right to access copies of these records under the UK GDPR and the Freedom of Information Act 2000.

The school or the trust will hold all records of complaints centrally. Correspondence, statements and records relating to individual complaints are kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests to access them.

## **8. Complaints not covered by this procedure**

Complaints regarding the following topics should be directed to the Local Authority:

- Statutory assessments of Special Educational Needs and Disabilities (SEND)
- School re-organisation proposals
- Admissions to schools

Complaints about child protection matters will be handled in line with the school's Child Protection and Safeguarding Policy and in accordance with relevant statutory guidance.

Any child protection complaints should be directed to the LADO or the multi-agency safeguarding hub (MASH).

Complaints concerning admissions will be directed to the appropriate admissions authority.

Complaints regarding exclusions will be dealt with in accordance with statutory procedure and as outlined in the Exclusion Policy.

The school has an internal whistleblowing procedure for all employees, including contractors and temporary staff outlined in the Whistleblowing Policy. Any whistle-blowers not wishing to raise the issue with their employer will direct their complaint to the Department for Education (DfE).

Volunteers who have concerns about the school or a member of staff should make their complaint in line with this policy. Volunteers may also be able to complain to the Local Authority or DfE, depending on what the complaint is about.

Staff grievances and disciplinary procedures will be dealt with in line with the Grievance Policy. In these cases, complainants will not be informed of the outcome of any investigations; however, they will be notified that the matter is being addressed.

This complaints procedure is not to be used when addressing any complaints made about services provided by a third party who may use the school premises or facilities. The headteacher will ensure all third-party suppliers have their own complaints procedures in place, and all complaints concerning this should be directed to the service provider.

Complaints about the content of national curriculum should be made to the DfE.

Complaints about how the school delivers the curriculum, including Religious Education (RE) and Relationships and Sex Education (RSE), will be dealt with using this complaints procedure.

Any complaints about the content of the daily act of collective worship are dealt with by either:

- the Local Authority
- the local Standard Advisory Council on Religious Education
- a relevant body such as Salisbury Diocesan Board of Education.

Complaints from parents who are dissatisfied with the handling of a request to withdraw their child from RE or collective worship will be handled in line with this complaints procedure.

Requests for information and issues with the school's process for dealing with FOI requests, will be dealt with in accordance with the Freedom of Information Policy.

## **9. Exceptional circumstances**

The DfE expects complainants to have completed the school's complaints procedure before directing a complaint to them. The exceptions to this include when:

- Pupils are at risk of harm.
- Pupils are missing education.
- A complainant is being prevented from having their complaint progress through the school's complaints procedure.
- The DfE has evidence that the school is proposing to act or is acting unlawfully or unreasonably.
- If a social services authority decides to investigate a situation, the headteacher or local governing body may postpone the complaints procedure.

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

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

## **10. Managing unreasonable requests**

The school is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. We will not normally limit the contact complainants have with the school; however, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

A complaint may 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
- By publishing unacceptable information in a variety of media such as in social media websites and newspapers

Complainants should limit the numbers of communications with a school 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.

Whenever possible, the headteacher or chair of governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

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

A decision to stop responding will only be considered in circumstances where the following statements are true:

- Every reasonable step has been taken to address the complainant's concerns.
- The complainant has been given a clear statement of the school's position and their options.
- The complainant contacts the school repeatedly, making substantially the same points each time.

If the above criteria are met, in making a decision to stop responding the school will also consider if the complainant is often abusive or aggressive in their communication, makes insulting personal comments about or threats towards staff, and if the school believes their intent is to disrupt or inconvenience the school.

The school will not stop responding to a complainant on the basis that they are difficult to deal with or they ask complex questions.

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 the premises.

## **11. Complaints campaigns**

For the purposes of this policy, "**complaints campaigns**" are where the school receives large volumes of complaints that are all based on the same subject.

Where the school becomes the subject of a complaints campaign from complainants who are **not** connected with the school, a standard, single response will be published on the school's website.

If the school receives a large number of complaints about the same subject from complainants who **are** connected to the school, e.g. parents, each complainant will receive an individual response.

If complainants remain dissatisfied with the school's response, they will be directed to the DfE.

## **12. Barring from the premises**

School premises are private property and therefore any individual may be barred from entering the premises.

If an individual's behaviour is cause for concern, the headteacher will ask the individual to leave the premises.

The headteacher will notify the parties involved in writing, explaining that their implied licence for access to the premises has been temporarily revoked and why, subject to any representations that the individual may wish to make.

The individual involved will be given the opportunity to formally express their views regarding the decision to bar them. This decision to bar will be reviewed by the chair of governors or a committee of the local governing body, taking into account any discussions following the incident. If the decision is made to continue the bar, the individual will be contacted in writing, informing them of how long the bar will be in place, and when the decision will be reviewed.

Anyone wishing to make a complaint regarding a barring order can do so in writing, including email, to the headteacher or chair of governors.

Once the school's complaints procedure is completed, the only remaining avenue of appeal is through the Courts.

## **13. Role of the school complaints unit (SCU)**

If a complainant remains dissatisfied once the complaint procedure has been completed, they have the right to refer their complaint to the Secretary of State.

If a complainant wishes to escalate a complaint of bias, the DfE will require evidence to be submitted with the complaint. The Secretary of State will only intervene when they believe that the local governing body has acted unlawfully or unreasonably.

The SCU will not overturn a school's decision about a complaint except in exceptional circumstances, such as the school acting unlawfully.

When making a final decision about a complaint, the school reserves the right to seek advice from the SCU on whether they are acting reasonably and lawfully; however, they will not be able to advise on how to resolve the complaint.

## **14. Transferring data**

When a pupil changes school, the pupil's educational record will be transferred to the new school and no copies will be kept.

The school will hold records of complaints separate to pupil records while a complaint is ongoing, so that access to these records can be maintained.

Information that the school retains relating to a complaint will be stored securely and in line with the school's Records Management Policy.

#### **15. Availability**

A copy of this policy will be made available on request. It will also be published on the Equa website and on the school websites directing them to the Equa Website, as recommended by the ESFA.

#### **16. Monitoring and review**

The complaints procedure will be reviewed annually, taking into account any legislative changes and the latest guidance issued by the DfE.

Responsibility for reviewing the procedure belongs to a committee of the local governing body, an individual governor or the headteacher. All projected review dates will be adhered to.

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

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

### **Appendix A: Complaints Procedure Form**

If you have tried unsuccessfully to resolve your complaint and wish to take the matter further, please complete this form and send it to the headteacher. (If your complaint is against the headteacher, you will need to send the form to the chair of the local governing body.)

Name:	Address:
Daytime telephone number:	
Evening telephone number:	
Email:	Postcode:
What is your complaint concerning, and what action would you like the headteacher to take?  Complaint:        Actions requested:	
When did you discuss your concern/complaint with the appropriate member of staff?        	
What was the result of the discussion?        	
Signed:	Date:

**Appendix B:**



**LIST OF COMPLAINT PROCEDURE POLICY (CCP) PROFORMAS**

Number	Proforma	Stage of process
CPP1	Letter from COG to complainant acknowledging receipt of complaint	
CCP2	Letter from COG to complainant about Stage 3 process	5.3
CCP3	List of documents /evidence for complaint	5.3, 5.4, 5.8
CCP4	Letter from CAP Chair about CAP process – Stage 4	5.4
CCP5	Letter/email from Panel Clerk to accompany evidence	5.4
CCP6	Minute frame for CAP	5.4, 5.8
CCP7	Letter of response from Stage 4 CAP	5.4
CCP 8	Flow chart(s) of process	
CCP 9	Panel clerk role	

## Complaint Process Flow-chart

### STAGE 1: Informal process (where used)

#### INFORMAL CONCERN MADE TO/ABOUT MEMBER OF STAFF.

Complainant to meet staff member to seek mutual resolution. Discuss with headteacher **within 10 days** with brief notes of meetings or calls being made.

#### INFORMAL CONCERN ABOUT HEADTEACHER

Chair of Governors informed to decide whether complaint may be resolved informally **within 10 days**, with brief notes of meetings or calls being made.

### STAGE 2: Formal complaint made

#### Investigation by Headteacher OR Chair of Governors

##### FORMAL COMPLAINT TO HEADTEACHER

From receipt of letter, headteacher to investigate and arrange meeting **within 10 days**.

Earliest meeting with headteacher arranged.

##### FORMAL COMPLAINT ABOUT HEADTEACHER

From formal letter of complaint, the Chair of Governors must arrange a meeting **within 15 days** to allow time to investigate.

### STAGE 3: Investigation by Chair of Governors OR CEO

If Stage 2 is completed by headteacher and remains unresolved, this will lead to **STAGE 3 INVESTIGATION BY CHAIR OF GOVERNORS**.

The investigation and outcome will be communicated **within 20 days**.

If Stage 2 completed by Chair of Governors and unresolved, this will lead to **STAGE 3 INVESTIGATION BY CEO**.

The investigation and outcome will be communicated **within 20 days**.

### STAGE 4: Complaints Appeal Panel (CAP)

Complaints will need to be made in writing to Equa Chair of trustees **within 10 days**.

Written acknowledgement of complaint made **within 3 days**.

CAP to be convened and meeting arranged **within 20 days** with **5 days'** notice given to all attending CAP.

Following CAP meeting, CAP chair has **15 days** to produce findings and recommendations.



# Process for complaints escalated to or about the trust, CEO or trustee

This process has only 2 stages: Stage 2 formal complaint and Stage 3 committee panel.

From receipt of letter, CEO will write to the complainant acknowledging complaint **within 15 days**.

The complaint will be dealt with under Stage 2 of the complaint process.

## STAGE 2 FORMAL COMPLAINT

### COMPLAINT ABOUT TRUST

Following investigation, the **CEO** will write confirming the outcome **within 15 days** of the investigation being completed.

### COMPLAINT ABOUT CEO OR TRUSTEE

Following investigation, the **Chair of Trust Board** will write confirming the outcome **within 15 days** of the investigation being completed.

### COMPLAINT ABOUT CHAIR OF TRUSTEES

Following investigation, the **Vice-Chair of Trust Board** will write confirming the outcome **within 15 days** of the investigation being completed.

### Unresolved Stage 2

If the complaint is unresolved at Stage 2, complainant to write to Clerk to Trustees **within 5 days**.



## STAGE 3 INDEPENDENT COMMITTEE PANEL

Complaint Panel to be convened **within 20 days**.

Chair of the committee will provide full explanation of decision and reasons **within 15 days**

### Points to note:

- All days refer to **school days** (ie Monday to Friday in term time only)
- All references to number of days in the policy refer to **where possible**, to allow for any exceptional or unforeseen circumstances.