

# Complaints Policy and Procedure

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## 1.0 Policy statement

The Dixons Academies Trust recognises that at times things can and do go wrong. The Trust's governors and staff believe that it is in everyone's best interest to resolve complaints at the earliest possible stage.

For the purposes of this policy, a 'complaint' is to be interpreted as 'the expression of concern over any subject connected with the education and / or welfare of any student at the school,' this policy therefore, seeks to help parents / carers understand how to resolve concerns about their child's education.

## 2.0 Scope and purpose

The scope of this policy covers most complaints that the academies are likely to receive from parents / carers or students. However, it is not intended to cover aspects for which there are specific statutory requirements, in particular, complaints about the delivery of the curriculum or the provision of collective worship or religious education.

In addition:

- parents who are not satisfied with a special needs assessment may appeal to a SEN Tribunal
- concerns about admissions or exclusions have specific appeal rights to the governors and are detailed in the relevant policies
- allegations of child abuse will be dealt with through the Safeguarding and Child Protection Policies
- complaints of financial improprieties or other criminal activities will be dealt with through the Whistleblowing Policy
- the policy complies with Part 7 of the Education (Independent School Standards) Regulations 2014
- the complaints procedure is not intended to cover complaints raised by members of the public. Public complaints raised with an academy or the Trust will be handled respectfully and expediently by an appropriate member of staff
- complaints from staff will be dealt with under the trust's internal grievance procedures
- complaints about staff conduct will not generally be handled under this complaint 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
- 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

## 3.0 General principles

### 3.1 The Dixons Trust complaints procedure will:

- encourage resolution of problems by informal means wherever possible
- be easily accessible and publicised
- be simple to understand and use
- be impartial
- be non-adversarial
- allow swift handling with established time limits for action and keeping people informed of the progress
- ensure a full and fair investigation by an independent person, where necessary
- respect people's desire for confidentiality
- address all the points at issue and provide an effective response and appropriate redress, where necessary
- provide information to senior leadership so that services can be improved

### 3.2 Timescales

Complaints must be raised within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame in exceptional circumstances.

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

If other bodies are investigating aspects of the complaint, for example, the police, local authority, safeguarding teams, Tribunals, this may impact on our ability to adhere to the timescales within the 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.



## 4.0 Serial or persistent complaints

- 4.1 If the complainant contacts the academy repeatedly about the same matter, then such communication may be viewed as 'serial' or 'persistent' and the academy may choose not to respond. The academy will not mark a complaint as 'serial' before the complainant has completed the procedure.
- 4.2 The decision to stop responding will not be taken lightly and will only be taken on the advice of the CEO and / or the Chair of the Trustees if they believe that all reasonable steps have been taken to address the complainant's needs and that the academy's position has been stated clearly and despite this, the complainant is refusing to accept the decision making the same points repeatedly.

## 5.0 Unreasonable complaints

- 5.1 The majority of people with complaints or concerns behave reasonably in pursuing their complaint. This means that they:
- treat all staff and property with courtesy and respect
  - engage with staff to resolve concerns
  - respect the needs of students and staff
  - do not use intimidating / aggressive behaviour or inappropriate language towards staff
  - recognise the time constraints under which members of staff work and allow a reasonable time for the academy to respond to a complaint
  - recognise that resolving a specific problem can sometimes take some time
  - follow the Trust's complaints procedures

Unreasonable behaviour may be seen in a single incident or through a persistent approach that interferes with the consideration of the complaint and / or ability of staff to undertake legitimate academy business including:

- malicious, aggressive, intimidating, threatening, offensive language or actions which appear to be targeted and/or cause ongoing distress to staff
- complaints where the complainant has no view about what would constitute a satisfactory outcome and/or no intention to resolve the complaint
- seeking an unrealistic outcome
- making excessive demands on time and resources by frequent and lengthy and complicated contact whilst a complaint is being dealt with and expecting immediate responses
- changing the basis of the complaints as it proceeds or changing statements made at an earlier stage and use of falsified information
- making unjustified personal comment or complaint about staff who are trying to assist and / or seeking to have them replaced
- refusing to accept that certain issues are not within the remit of the academy or scope of the complaints procedure
- refusing to cooperate with the investigation process to resolve a complaint or insisting a complaint is dealt with in ways which are incompatible with the policy
- submitting repeat complaints with minor amendments to make them new complaints
- use of Subject Access Request (SAR) and Freedom of Information Act (FOIA) requests excessively and unreasonably
- publishing unacceptable information in a variety of media such as on social media websites and in newspapers

The Principal may assess a complainant as unreasonable and will ensure that there is sufficient evidence to justify the decision. Wherever possible, the Principal will discuss concerns with the complainant before applying any further sanctions. If the behaviour continues or is more serious, the Principal will put in writing their decision and the way that future complaints will be dealt with. Any restrictions imposed will be appropriate and proportionate. A serious incident or threat of violence or aggression will normally constitute a ban from academy premises and may involve police. This will be put in writing immediately.

The following actions may be taken singularly or in combination, depending on the particular circumstances of the case:

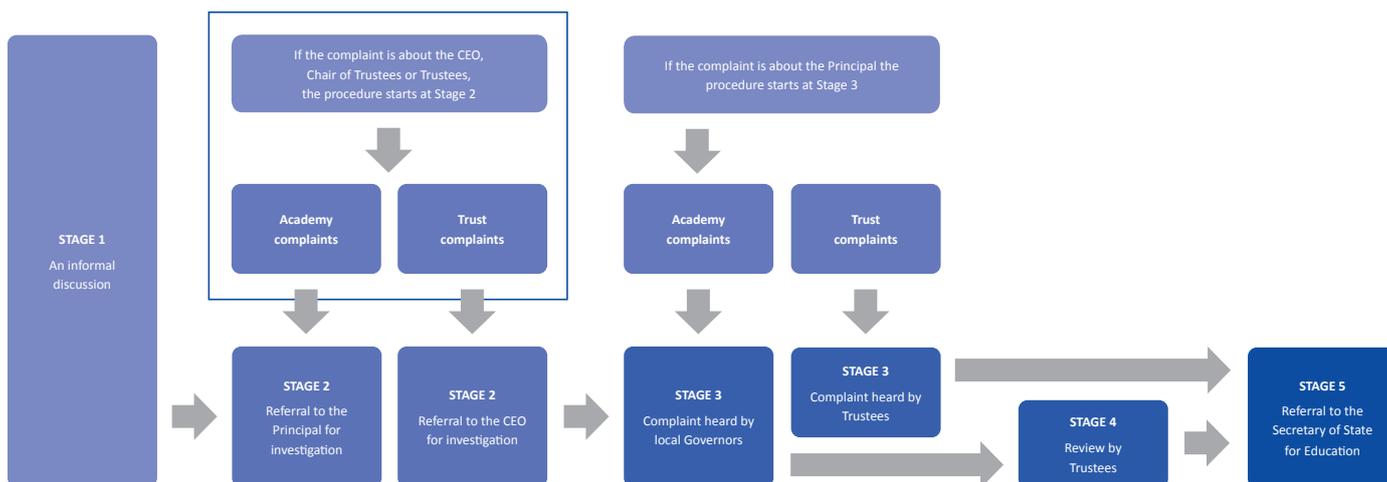
- insisting that no member of staff should meet the complainant on his/her own or notes will be taken and agreed in the meeting in the interest of all parties
- restricting telephone calls from the complainant to specified days and times, possibly to a nominated contact
- requiring that all future contact with the academy is in writing, except in emergencies
- banning the complainant from the academy premises where the complainant's behaviour constitutes a nuisance or disturbance, with any appointments to be agreed in writing via the Principal
- Consideration of legal action

New and substantive issues from people who have been deemed unreasonably persistent complainants will be treated on their merits and a reply will be sent to the complainant.



## 6.0 Our five stage procedure

6.1 The following diagram outlines the key stages of our complaints procedure.



### 7.0 Stage 1: Informal discussion

- 7.1 Our experience is that the vast majority of complaints can be resolved informally to the full satisfaction of those who raise them. There are many occasions where complaints can be resolved straight away and the complainant can be provided with the benefit of an immediate response avoiding the need to submit a formal complaint.
- 7.2 Complaints may be raised with any member of the academy staff depending on the type of issue to be discussed. Complainants should not approach individual governors 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.
- 7.3 Parents / carers have an opportunity to discuss their complaint with the appropriate member of staff who clarifies with the parent the nature of the complaint and reassures them that the academy wants to hear about it. It can be helpful to identify at this point what sort of outcome the parent is looking for.
- 7.4 If the first member of staff to be contacted regarding a complaint is unable to deal with it, they should make a note of the date, the name, contact number and address and pass this information onto the relevant person. They should check later to make sure the referral has been successful.
- 7.5 The staff member dealing with the complaint will make sure that the parent knows what action (if any) or monitoring of the situation has been agreed.
- 7.6 If the complaint relates to the Principal, the parent should be advised to contact the Chair of Governors.
- 7.7 If the person who raised the complaint is dissatisfied with the response given they should contact the academy and refer to stage 2 'below' within 7 school days of the response from stage 1.

### 8.0 Stage 2: Referral to the Principal for investigation

- 8.1 If a complainant is unhappy with the response from stage 1, they will be offered, before a formal investigation begins, an informal meeting with the Principal or Vice Principal to discuss their complaint. They will be offered this within 7 working days of the stage 2 complaint being received and sooner if possible. It may still be appropriate to reach an informal resolution at this point. The Principal or Vice / Principal will also support the complainant in deciding whether the complaint is best dealt through this policy, or another statutory procedure, and will advise the complainant on the next steps they would need to take.
- 8.2 If it is agreed to deal with the complaint through this policy, then a formal written complaint should now be provided to the Principal. Preferably the complaint will be made using the complaint form at Appendix 1 to this policy. The Principal will record the date the complaint is received and will acknowledge the complaint orally or in writing within 3 schools days of its receipt. The Principal will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. If appropriate, the Principal will appoint somebody to carry out an investigation.
- 8.3 The investigating officer will interview witnesses and take statements from those involved. An opportunity will be given for the complainant to meet the investigating officer to provide any supplementary information. The complainant may be accompanied by a friend or relative as a representative. If the complaint centres around a student, the student will also be interviewed, normally with the parents present. If a member of staff is complained against, the needs of that person should be borne in mind.



- 8.4 The investigating officer will keep written records of meetings, telephone conversations and other documentation.
- 8.5 The investigating officer will report to the Principal who will send a formal written response detailing the actions taken to investigate the complaint and providing a full explanation of the decision made and the reason for it including recommendations (if necessary) to the complainant within 10 school days of the initial acknowledgement. Where appropriate it will include details of actions the academy will take to resolve the complaint.
- 8.6 If the Principal is unable to meet this deadline they will provide the complainant with an update and revised response date.
- 8.7 The complainant will be advised that, should they wish to take the complaint further, they should contact the chair of governors within 7 working days of receiving the outcome letter.
- If the complaint is about the Principal, or a member of the Governors (including the Chair or Vice Chair), a suitable skilled governor will be appointed to complete all the actions at stage 2.
  - Complaints about the Principal or member of the Governors must be made to the Clerk, via the school office.
  - If the complaint is jointly about the Chair and Vice Chair, or the entire body of Governors, or the majority of Governors, stage 2 will be escalated to the CEO of the trust.

## 9.0 Stage 3: Review by Complaint Committee

- 9.1 If the complainant is dissatisfied with the outcome of stage 2 and wishes to take the matter further, they can escalate the complaint to stage 3 where the complaint will be heard by a complaint panel consisting of at least three people who were not directly involved in the matters detailed in the complaint (usually Governors from the academy). One panel member will be independent of the management and running of the academy.
- 9.2 The request to escalate to stage 3 must be made to the Clerk to Governors, via the school office, within 10 days of receipt of the stage 2 response.
- 9.3 The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing within 3 school days.
- 9.4 Requests received outside of this time frame will only be considered if exceptional circumstances apply.
- 9.5 The Clerk will set up a hearing of the complaint panel within 20 school days of receiving the complaint.
- 9.6 The Clerk will write to the complainant to inform them of the date, time and venue 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 submission from both parties.
- 9.7 The Clerk will seek to ensure that the venue and proceedings are accessible for all those attending.
- 9.8 If the complaint is jointly about the Chair or Vice Chair of Governors, or the entire governing body or the majority of the governing body, stage 3 will be heard by the trustees and an independent panel member.
- 9.9 The complainant may be accompanied to the hearing of the complaint panel by a friend or relative to provide support.
- 9.10 Generally, it is not encouraged for either party to bring legal representatives to the complaint panel meeting. However, there may be occasions when legal representative is appropriate. For instance, if an academy employee is called as a witness in a complaint committee meeting, they may wish to be supported by union and / or legal representation.
- 9.11 Representatives from the media are not permitted to attend.
- 9.12 The Principal will be invited to the panel hearing. Involvement of other staff is subject to the discretion of the Chair of the complaint committee.
- 9.13 Any written material will be circulated to all parties at least 5 school days before the date of the meeting. The panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.
- 9.14 The complaint panel will 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.
- 9.15 The meeting will be held in private. Electronic records 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 the minutes.
- 9.16 The aim of the panel hearing will be to resolve the complaint and achieve a reconciliation between the academy and the complainant. However, it has to be recognised that it may only be possible to establish facts and make recommendations which will satisfy the complainant. The hearing proceedings will be as informal as possible.
- 9.17 The hearing will allow for:
- the complainant to explain their complaint and for the Principal to explain the academy's response
  - the complainant and the Principal to question each other and for members of the hearing panel to also ask questions
  - any party to have the right to call witnesses (subject to the approval of the Chair) and all parties having the right to question all the witnesses



- final statements by both the complainant and the Principal
- 9.18 If the complaint is upheld in whole or in part, the panel will:
- decide on the appropriate action to be taken to resolve the complaint; and
  - where appropriate, recommend changes to the academy’s systems or procedures to prevent similar issues in the future.
- 9.19 The Chair of the complaint panel will provide the complainant and the academy with a full explanation of the decision and the reason(s) for it, in writing, within 10 school days.
- 9.20 The letter to the complainant will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reasons for it. Where appropriate, it will include details of actions the academy will take to resolve the complaint.
- 9.21 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 academy’s premises by the proprietor and the Principal.
- 9.22 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.
- 9.23 All correspondence statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

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

- 10.1 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 is received about the Chair, the complaint will be referred to the Vice Chair for investigation. 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 panel.
- 10.2 The CEO will write to the complainant acknowledging the complaint within 3 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.
- 10.3 Following the investigation, the CEO will write to the complainant confirming the outcome within 15 school days of the date that the letter was received. If this time limit cannot be met, the CEO 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.
- 10.4 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.
- 10.5 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.
- 10.6 The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing within 3 school days.
- 10.7 Requests received outside of this time frame will only be considered if exceptional circumstances apply.
- 10.8 The Clerk will set up a panel hearing within 20 school days of receiving the complaint.
- 10.9 The Clerk will write to the complainant to inform them of the date, time and venue 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 submission from both parties.
- 10.10 The Clerk will seek to ensure that the venue and proceedings are accessible for all those attending.
- 10.11 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.
- 10.12 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.
- 10.13 A complainant may bring someone along to the panel meeting to provide support. Generally, it is not encouraged for either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representative is appropriate. For instance, if an academy employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.
- 10.14 Representatives from the media are not permitted to attend.
- 10.15 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.
- 10.16 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.



- 10.17 The meeting will be held in private. Electronic records 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 the minutes.
- 10.18 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; and
  - where appropriate, recommend changes to the academy's systems or procedures to prevent similar issues in the future.
- 10.19 The Chair of the Committee will provide the complainant and Dixons Academies Trust with a full explanation of their decision and the reason(s) for it, in writing, with 10 school days.
- 10.20 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 Dixons Academies Trust will take to resolve the complaint.
- 10.21 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 Principal.
- 10.22 A written record will be kept of all complaints, and of whether they are resolved at the primary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.
- 10.23 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.

## **11.0 Stage 4: Referral to Trustees for review**

- 11.1 In very rare instances a complainant may judge that the findings of a stage 3 panel hearing have not resolved their complaint on matters of procedure set out according to this Policy or in exceptional circumstances the conduct in relation to the panel hearing. In these rare instances a complaint can be escalated to the Trustees via the Clerk to the Trustees. This should be in writing and within five working days of the letter setting out the outcome of the stage 3 hearing panel. Requests received outside of this time frame will only be considered if exceptional circumstances apply with written supporting evidence provided.
- 11.2 The Clerk will write to the complainant acknowledging the complaint within five working days of the date that the written request was received. The acknowledgement will confirm that the complaint will now be reviewed under stage 4 of the trust's complaints policy and procedure and will confirm the date for providing a response to the complainant. The complaint will be delegated to a trustee to review the findings from the stage 3 panel hearing and whether or not due process was followed according to the trust policy. On occasion the trustees may decide to appoint an investigating officer who will then be required to report back their findings to the main board.
- 11.3 At stage 4, the trustees will not consider any new complaints or consider evidence unrelated to the initial complaint to be included. Any new complaint must be dealt with from stage 2 of the procedure.
- 11.4 Following the investigation, the trustees will write to the complainant confirming the outcome within 20 working days of the date that the letter was received. If this time limit cannot be met, the Clerk will write to the complainant explaining the reason for the delay and providing a revised date. The letter to the complaint will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled by Dixons Academies Trust.
- 11.5 This represents the conclusion of Dixons Academies Trust's complaints procedure. If the complainant remains dissatisfied with the outcome of the stage 4 process and the way the complaint has been handled, they may choose to contact the Department for Education, as set out in Section 12 of this complaints policy.

## **12.0 Stage 5: Referral to the Department for Education**

- 12.1 If the complainant believes the academy / trust did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed stage 4.
- 12.2 A complainant can only contact the Secretary of State once they have completed stage 4 of the complaints procedure.
- 12.3 The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made. They will consider whether the school has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed Part 7 of the Education (Independent School Standards) Regulations 2014.
- The investigating officer will interview witnesses and take statements from those involved. If the complaint centres around a student, the student will also be interviewed, normally with the parents present. If a member of staff is complained against, the needs of that person should be borne in mind.



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

### **13.0 Policy ownership, monitoring and review**

- 13.1 The Trustees and the Executive are responsible for ensuring that the Trust adheres to this policy and that this policy is periodically reviewed.

### **14.0 Complaints log, record keeping and information sharing**

- 14.1 The academy will determine who is responsible for records and reporting stage 2 and stage 3 complaints to the LGB, so that trends can be identified and reported to the Trust Board.
- 14.2 The academy / trust will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, the final outcome and action taken by the school as a result of the complaint (regardless of whether the complaint was upheld).
- 14.3 The records will also include copies of letters and emails, and notes relating to meetings and phone calls. This material will be treated as confidential and stored securely on school premises. The material will only be viewed by Members, Trustees, other appropriate authorities and where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.
- 14.4 Records of complaints will be kept for a minimum of 6 years.



# **Complaints Policy and Procedure Annex**

## Guidance for staff on complaint handling

### The Process

#### Publicity

Parents / carers should always know how they can raise a complaint. The policy can be found on the academy website and a paper copy will also be available.

#### Procedures should be as speedy as possible

Each stage of the procedure has known time limits. Where it is not possible to meet these, information about progress will be given to the complainant. The 5 stages are:

##### Stage 1: dealing with complaints informally

The vast majority of complaints can be resolved informally. There are many occasions where complaints are resolved straight away through the class teacher or Principal, depending on whom the parents first approached.

Parents / carers must feel able to raise complaints with members of staff without any formality, either in person, by telephone or in writing. On occasion, it may be appropriate for someone to act on behalf of a parent.

At first, it may be unclear whether a parent / carer is asking a question or expressing an opinion rather than making a complaint. A parent / carer may want a preliminary discussion about an issue to help decide whether he or she wishes to take it further.

##### Stage 2: referral to the Principal for investigation

One of the reasons for having various stages in the procedure is to reassure complainants that their grievance is being heard by more than one person. The Principal will ensure that his / her involvement will not predominate at every stage of a particular complaint.

##### Stage 3: complaint panel hearing

Complaints only rarely reach this formal level where the complainant is not satisfied by the Principal's response. It may be appropriate that the governors consider this a complaint against the academy, rather than against the member of staff whose actions led to the original complaint.

##### Stage 4: review by trustees

Complainants can escalate their complaint to the board of trustees if they feel that, following stage 3 of the panel hearing, they have not resolved the complaint on matters of procedure or relating to the conduct in relation to the panel hearing.

##### Stage 5: referral to the Secretary of State for Education

Complainants must be made aware that they can escalate their complaint to the Secretary of State for Education if they believe the academy / trust did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably.

#### Support for complainant

If required, support for the complainant can be offered from individuals or organisations who are clearly separated from those complained against, such as Citizens Advice Bureau, refugee support organisations and other local advice centres. Parents are invited to be accompanied by a friend or a relative for support at any stage of the procedure.

#### Support for the person who the complaint is raised against

Staff who may be questioned as part of a complaint investigation must feel they are being treated in a fair way and that they too will have an opportunity to put their case forward. They will be told about the procedure and kept informed of progress. There is an important balance to be maintained between supporting the individual so that their rights and reputation are protected during the course of an investigation.

The complaints procedure is distinct from formal disciplinary proceedings for staff. There may be occasions where a complaint launches a disciplinary procedure which puts the complaints procedure on hold. If so, the complainant will be informed and any non-disciplinary aspects of the complaint will be dealt with by the usual complaints procedure.

#### Confidentiality

All conversations and correspondence will be treated with discretion. Parents need to feel confident that their complaint will not penalise their child from the outset, all parties to a complaint will need to be aware that some information may have to be shared with others involved in the operation of the complaints procedure.

It is at the discretion of the Principal as to whether anonymous complaints warrant an investigation. It is usual to disregard anonymous complaints unless somebody is prepared to substantiate them.

#### Redress

If the outcome of the complaint shows the academy is at fault, it will be appropriate to offer one or more of: an apology, an explanation, a promise that the event complained of will not recur, an undertaking to review policy, or, in appropriate circumstances, financial compensation.

#### Record keeping

Recording stage 1 needs only be a basic record with the date, name and nature of the complaint. More detailed recording will begin at the point when a complaint has become an issue that cannot be resolved on the spot but needs investigation.



## How to listen to complaints

<b>Don't pass the buck</b>	Try not to keep transferring an angry person from one place to another. Make sure you know the contact person for anything you cannot deal with yourself.
<b>Don't be flippant</b>	First impressions count. You and the academy may be judged on your immediate reaction.
<b>Treat all complaints seriously</b>	However small or trivial it may seem to you, the complaint will be an important problem for anyone who takes the trouble to complain.
<b>Treat every complaint individually</b>	Even if you have received several complaints the same day, it is probably the person's first chance to have their say.
<b>Be courteous and patient</b>	Be sympathetic and helpful, but do not blame other colleagues.
<b>Say who you are</b>	If you are unknown to the person, introduce yourself.
<b>Ask for their name and use it</b>	Anonymous complaints are acceptable only where there are special circumstances.
<b>Take time to find out exactly what the problem is</b>	It is easy for someone to forget to tell you an important detail, particularly if they are upset or annoyed.
<b>Don't take the complaint personally</b>	To an angry or upset person, you are the academy and the only one who they can express their feelings to right now.
<b>Stay cool and calm</b>	Don't argue with the person. Be polite and try to find out exactly what the person thinks is going wrong or has gone wrong.
<b>Check you are being understood</b>	Make sure that the person understands what you are saying. Don't use jargon: it can cause confusion and annoyance to someone 'not in the know'.
<b>Don't rush</b>	Take your time. Let people have their say and let off steam if they need to. Listen carefully and sympathetically to their problems before replying and attempting to find a solution or offer a next step.



## Roles and Responsibilities

### Complainant

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

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

### Investigator

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

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
  - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
  - interviewing staff and children / young people and other people relevant to the complaint
  - consideration of records and other relevant information
  - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right

The investigator should:

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

### Complaints Co-ordinator

The complaints co-ordinator should:

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

### Clerk to the Governing Body / Trust Board

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

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision



## **Committee Chair**

The committee's chair, who is nominated in advance of the complaint meeting, should ensure 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 conducted in an information manner, is not adversarial and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child / young person
- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under The Data Protection Act 2018 or the UK 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 meeting
- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submission ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- the key findings of facts are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk (and complaints co-ordinator if the academy has one)

## **Committee Member**

Committee members should be aware that:

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



## Appendix 1 - Checklist for a panel hearing

The panel needs to take the following points into account:

- the hearing is as informal as possible
- witnesses are only required to attend for the part of the hearing in which they give their evidence
- after introductions, the complainant is invited to explain their complaint, and be followed by their witnesses
- the academy may question both the complainant and the witnesses after each has spoken
- the academy is then invited to explain its actions and be followed by the academy's witnesses
- the complainant may question both the academy representative and the witnesses after each has spoken
- the panel may ask questions at any point
- the complainant is then invited to sum up their complaint
- the academy is then invited to sum up the academy's actions and response to the complaint
- both parties leave together while the panel decides on the issues
- the chair explains that both parties will hear from the panel within a set time scale



## Appendix 2 - Complaint form

Please complete and return to the Principal\* who will acknowledge receipt and explain what action will be taken.

Your name:			
Name of student:			
Your relationship to the student:			
Address:			Postcode
Daytime telephone No.		Evening telephone No.	
Please give details of your complaint. (use a separate sheet if required)			
What action, if any, have you already taken to try and resolve your complaint? (Who did you speak to and what was the response?)			
Signature:			
Print name:		Date:	

\*If your complaint relates to the Principal you should return this form to the Chair of Governors

