



Complaints Policy

Embrace Multi Academy Trust strives to maintain and improve good provision and outcomes at each of its member schools. Based upon our shared ethos and our values of wisdom, collaboration, respect, integrity, inclusivity, and compassion, we aim to support the learning and development of every person within the trust and our policies are written from this perspective.

Version	Approval Level	Document History	Date	Review Period
V2	Trust Board	Reviewed & approved	13.05.2024	2 yearly

1. General outline of expectations

All schools within Embrace Multi Academy Trust are committed to working in close partnership with all members of their community. All schools place great value on the role which parents and carers can play in supporting children's learning. Members of staff and governors actively encourage a positive relationship between the school and the families of children who attend the school. We also wish to have good relations with our neighbours and the wider community.

Our policy is to:

- provide a fair complaints procedure which is clear and easy to use for anyone wishing to make a complaint
- publicise the existence of our complaints procedure so that people know how to contact us to make a complaint
- make sure everyone at each school knows what to do if a complaint is received
- make sure all complaints are investigated fairly and in a timely way
- make sure that complaints are, wherever possible, resolved and that relationships are repaired
- respect confidentiality
- gather information which helps us to improve what we do
- comply with part 7 of the Education (Independent School Standards) Regulations 2014.

Where any concerns are raised, we aim to resolve these as quickly and as efficiently as possible. Most concerns that are raised can be resolved very quickly through each school's day to day communication between parents and staff. However, for those situations where this is not the case, we have a more formal process to investigate and deal with complaints. Our complaints procedure is detailed within this document.

We will try to resolve every concern, difficulty, or complaint in a positive way with the aim of putting right a matter which may have gone wrong and, where necessary, reviewing the school's systems and procedures in the light of the matters raised.

This procedure will apply to most general complaints received by the school. It is not intended to cover those matters for which there is a specific statutory process to object, complain or appeal. Therefore, this policy does not apply to:

- school admissions
- exclusions
- safeguarding matters
- SEND statutory assessments.

For further information on complaints on these matters, please see the section titled, 'scope of this complaints procedure' below.

Should anyone wish to complain about a service from other providers who use a school site, then complaints should be directed to the specific provider.

2. Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at any of the Embrace schools. Any person, including members of the public, may make a

complaint to any Embrace school about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures, as detailed above, we will use this complaints procedure.

3. The difference between a concern and a complaint

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

A complaint may be defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action'*.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. Embrace and all schools within Embrace take concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the headteacher will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, then the headteacher will refer you to another staff member.

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

4. How to raise a concern or make a complaint

A concern or complaint can be made in person, in writing, by email or by telephone. They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so.

Complaints should be made to the relevant school's headteacher, unless they are directly about the headteacher, in which case they should be addressed to the chair of governors, via the school office and marked 'private and confidential'.

If your complaint is about the chair of governors, the whole governing board, the trust, trust leader or a trustee, they should be addressed to the governance manager of Embrace Multi Academy Trust via admin@embracemat.org or by post to Embrace Multi Academy Trust, The School Bungalow, Croft Primary School, Brookes Avenue, Croft, Leicestershire, LE9 3GJ, marked 'private and confidential'.

For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the school office. You can also ask a third-party organisation, for example Citizens Advice, to help you.

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

5. Anonymous complaints

We will not normally investigate anonymous complaints. However, the headteacher or chair of governors, if appropriate, will determine whether the complaint warrants an investigation.

6. Complaint campaigns

If we receive a large volume of complaints on the same subject, the matter will be investigated in line with the complaints procedure. At the conclusion of the process, complainants will be informed of the outcome via a single response. The school will consider the most appropriate method for communicating the response.

7. General Data Protection Regulation and Data Protection Complaints

These should be directed in the first instance to the headteacher to redirect to the Data Protection Compliance Manager / Data Protection Officer, who will be responsible for dealing with all such complaints in line with this procedure. This includes all Subject Access Request (SAR), or Freedom of Information Request (FOI) complaints. A template complaint form is included at the end of this procedure.

A written outcome will be provided.

If you feel that the school / trust has not dealt with your matter satisfactorily you can complain to the Information Commissioners Office by post:

Customer Contact
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
SK9 5AF

Or by email: casework@ico.org.uk

More information is on the ICO website www.ico.org.uk

8. Time scales

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

9. Complaints received outside of term time

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

10. Scope of this complaints procedure

This procedure covers all complaints about any provision of community facilities or services by each school and the trust, other than complaints that are dealt with under other statutory procedures, including those listed below:

Exceptions	Who to contact
<ul style="list-style-type: none"> Admissions to schools 	<p>Concerns about admissions should be handled through the admission appeals process.</p>
<ul style="list-style-type: none"> Statutory assessments of Special Educational Needs 	<p>Concerns about statutory assessments of Special Educational Needs should be raised with Leicestershire County Council SEN Assessment Service (SENA) on senaservice@leics.gov.uk or 0116 3056600.</p>
<ul style="list-style-type: none"> Matters likely to require a child protection investigation 	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding: Email: CFS-LADO@leics.gov.uk or the Multi-Agency Safeguarding Hub (MASH): https://www.leicestershire.gov.uk/leisure-and-community/community-safety/report-abuse-or-neglect-of-a-child</p>
<ul style="list-style-type: none"> Suspension or permanent exclusion of children from school 	<p>Further information about raising concerns related to suspensions or permanent exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions</p>
<ul style="list-style-type: none"> Whistleblowing 	<p>There is an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The secretary of state for education is the prescribed person for matters relating to education and for whistleblowers in education who do not want to raise matters directly with their employer. Referrals can be made at: www.education.gov.uk/contactus.</p> <p>Volunteer staff who have concerns about an Embrace school should complain through the school's complaints procedure. You may also be able to complain directly to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p>
<ul style="list-style-type: none"> Staff grievances 	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>
<ul style="list-style-type: none"> Staff conduct 	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>

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

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

11. Resolving complaints

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

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

12. Withdrawal of a complaint

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

13. COMPLAINTS – SCHOOL LEVEL

Stage 1: Informal concerns

Concerns should be raised with the most appropriate person. This may be the class teacher, phase leader, year head, subject head or, for whole-school matters, the headteacher. Complainants must not approach individual governors to raise concerns or complaints. Governors have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 3 of the procedure.

At the conclusion of any investigation at this stage, the appropriate person will provide informal verbal or written feedback, within five school days of the date of receipt of the complaint.

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

Stage 2: Formal complaint to the headteacher

Formal complaints must be made to the headteacher in person or preferably in writing, using the complaints form within this policy.

If the complaint is about the headteacher or a member of the governing board, then the complainant should go to Stage 3 of the process.

The headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing within two school days.

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

The headteacher may delegate any investigation to another senior member of school, but not the decision to be taken.

During the investigation, the headteacher (or investigator) will:

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

At the conclusion of their investigation, the headteacher will provide a formal written response within ten school days of the date of receipt of the complaint.

If the headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

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 school will take to resolve the complaint.

The headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

Stage 3: Formal complaint to the chair of governors

If you are dissatisfied with the headteacher's stage 2 response, or if your complaint concerns the conduct of the headteacher or a member of the governing board (other than the chair), then you can make a formal complaint to the chair of governors (via the clerk to governors).

If the complaint is about the chair of governors, the majority of the governing board, or the entire governing board then you should make a formal complaint to the trust leader (see section 14, 'complaints to Embrace Multi Academy Trust'). Such complaints should be sent to the governance manager (see section 4, 'how to raise a concern or make a complaint').

Your complaint should be made in writing to the chair of governors, via the school, within 10 school days of the date of the headteacher's response to you. Please provide a copy of the original written complaint, a copy of the headteacher's letter concluding stage 2 and give details in writing of why you are not satisfied with the outcome and what you hope to see as an outcome.

At this stage, the chair of governors will generally handle the complaint, but can delegate this to a nominated governor. In exceptional circumstances, the chair of governors may commission an independent investigator to undertake an investigation on behalf of the school.

You will receive an acknowledgment of receipt of your complaint within five school days and an indicative timescale for response.

The chair/investigator will investigate the complaint and make every effort to resolve the issue. They may meet with you if they need clarification or if further information is necessary.

On conclusion of the investigation, you will receive a written response of the outcome reached and information on how to request a complaints panel hearing if still dissatisfied.

Stage 4: Panel hearing

If the complainant is dissatisfied with the outcome at stage 3 and wishes to take the matter further, they can escalate the complaint to stage 4, a panel hearing consisting of at least three people who were not directly involved in the matters detailed in the complaint, with one panel member who is independent of the management and running of the school. This is the final stage of the complaints procedure.

A request to escalate to stage 4 must be made to the clerk, via the school office, within ten school days of receipt of the stage 3 response. Requests received outside of this timeframe will only be considered if exceptional circumstances apply.

The clerk will record the date the complaint is received. They will acknowledge receipt of the complaint in writing, outline the process for the panel hearing and request any further information that the complainant wishes to supply, within five school days.

The clerk will also contact the headteacher to inform them of the request for a panel hearing and the need for the headteacher or chosen representative to prepare a written statement. This statement should include a review of the process undertaken and the outcome(s) at all previous stages of the complaints process. The statement must be provided within ten school days of notification by the clerk.

The clerk will write to all parties to inform them of the date and time for the meeting, enclosing any written material submitted by the complainant and the school. This will be undertaken at least five school days before the date of the meeting. The committee will not normally accept as evidence recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The aim is to convene the panel hearing within 25 school days of receipt of the request for a stage 4 panel hearing. 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.

A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

Representatives from the media are not permitted to attend.

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

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or needs require it. If this is the case, the consent of all parties attending must be sought before meetings or conversations take place. Consent will then be recorded in any minutes taken.

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

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

If the complaint is upheld in whole or in part, the panel 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 panel committee will provide the complainant and the school with a full explanation of the panel's decision and the reason(s) for it, in writing, within seven school days.

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

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 recommended actions for the school to take to resolve the complaint.

The panel will ensure that those findings and recommendations are sent by electronic mail or are otherwise provided to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the school premises by the trust board (proprietor), trust leader and headteacher.

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

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

14. COMPLAINTS – TRUST LEVEL

NB: Complaints should only be made to Embrace Multi Academy Trust if they are about a school's chair of governors, the majority or entirety of the local governing board, the trust, the trust leader or a trustee. Such complaints must be made to the governance manager (see section 4, 'how to raise a concern or make a complaint').

Trust Complaints - Stage 3: Formal complaint to the trust leader

The governance manager will record the date the complaint is received and acknowledge receipt of the complaint in writing within five school days and provide an indicative timescale for response.

The trust leader or representative will investigate the complaint and make every effort to resolve the issue within ten school days of the date that the complaint was received. They may contact or meet with the complainant if they need clarification or if further information is necessary. If the timescale cannot be met, the trust leader will write to the complainant explaining the reason for the delay and providing a revised date.

If the complaint is about the trust leader or a trustee, the complaint will be investigated by the chair of the trust board or their chosen representative.

If the complaint is about the chair of the trust board, the complaint will be referred to the vice chair or their chosen representative for investigation.

On conclusion of the investigation, the relevant investigator will write to the complainant informing them of the outcome and will include information on how to request a complaints panel hearing if the complainant remains dissatisfied.

Trust Complaints - Stage 4: Panel hearing

If the complainant is not satisfied with the outcome, the complainant should write to the governance manager within ten school days, asking for the complaint to be heard before a stage 4 complaints panel. Requests received outside of this timeframe will only be considered if exceptional circumstances apply.

Stage 4 panel hearings will be heard by two trustees and a panel member who is independent of the management and running of the trust. This is the final stage of the complaints procedure.

The governance manager will record the date the complaint is received. The governance manager will acknowledge receipt of the complaint in writing, outline the process for the panel hearing and request any further information that the complainant wishes to supply, within five school days.

The governance manager will also contact the trust leader or chair of trustees (depending on the complaint) to inform them of the request for a panel hearing and the need to prepare a written statement. This statement should include a review of the process undertaken and the outcome(s) at all previous stages of the complaints process. The statement must be provided within ten school days of notification by the governance manager.

The governance manager will write to all parties to inform them of the date and time for the meeting, enclosing any written material submitted by the complainant and the trust. This will be undertaken at least five 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.

The aim is to convene the panel hearing within 25 school days of receipt of the request for a stage 4 panel hearing. If this is not possible, the governance manager will provide an anticipated date and keep the complainant informed.

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

A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the panel meeting. However, there may be occasions when legal representation is appropriate, for instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

Representatives from the media are not permitted to attend.

The 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 the start of the complaints 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. If this is the case the consent of all parties attending must be sought before meetings or conversations take place. Consent will then be recorded in any minutes taken.

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

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

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

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

The chair of the panel will provide the complainant and the trust with a full explanation of their decision and the reason(s) for it, in writing, within seven school days.

The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by 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 are otherwise provided to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the trust premises by the trust board (proprietor) and trust leader.

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

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

15. Next Steps

If the complainant believes that their complaint was not handled in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the ESFA after they have completed Stage 4, other than for a complaint relating to data protection (see below).

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

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

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

Data protection complaints: Following stage 4, if the complainant believes that the school or trust has not dealt with their matter satisfactorily, they should complain to the Information Commissioners Office by post:

Customer Contact
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
SK9 5AF

Or by email: casework@ico.org.uk

More information is on the ICO website www.ico.org.uk

16. Duplicate Complaints

If a duplicate complaint is received at the end of the complaints procedure, we will inform the new complainant that the matter has already been considered and that the process is complete. We will advise the new complainant to contact the Education and Skills Funding Agency, if they are dissatisfied with the handling of the original complaint.

17. Managing Serial and Unreasonable Complaints

All Embrace schools and the trust are 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 our school. However, we do not expect our staff to tolerate unacceptable behaviour and will act to protect staff from that behaviour, including that which is abusive, offensive or threatening.

We define unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- refuses to articulate their complaint or specify the grounds of a complaint or explain the outcomes they are seeking by raising the complaint, despite offers of assistance
- refuses to co-operate with the complaint investigation process
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introduces trivial or irrelevant information which they expect to be considered and commented on
- raises large numbers of detailed, but unimportant, questions and insists they are fully answered, often immediately and to their own timescales
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- changes the basis of the complaint as the investigation proceeds
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- refuses to accept the findings of the investigation into the complaint where the school's complaints procedure has been fully and properly implemented and completed including referral to the Education and Skills Funding Agency
- seeks an unrealistic outcome
- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email or by telephone while the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive, or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the school in relation to their complaint while the 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 to the complaint.

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

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from the school.

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

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 when 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 headteacher or complaints panel that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

Complaints Co-ordinator

This role involves oversight of the complaints process. At stage 1 and stage 2, this will involve the headteacher; at stage 3 and stage 4 this will involve the trust leader or chair of trustees, depending on the nature of the complaint, in liaison with the governance manager and relevant school clerk.

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, headteacher, trust leader, chair of governors, chair of trustees or the clerk 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 complainants when making a complaint, including interpretation support, where the complainant is a child or young person or venue access.
- keep records.

Clerk to the Governing Board/Trust Board

The clerk is the contact point for the complainant and the panel 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 and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example: stage 1 paperwork, school, and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- minute meetings
- notify all parties of the panel's decision.

Panel Chair

The panel chair, who is nominated in advance of the complaint meeting, should ensure that:

- no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- both parties have had the opportunity (via the clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- written material has been received by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or UK GDPR

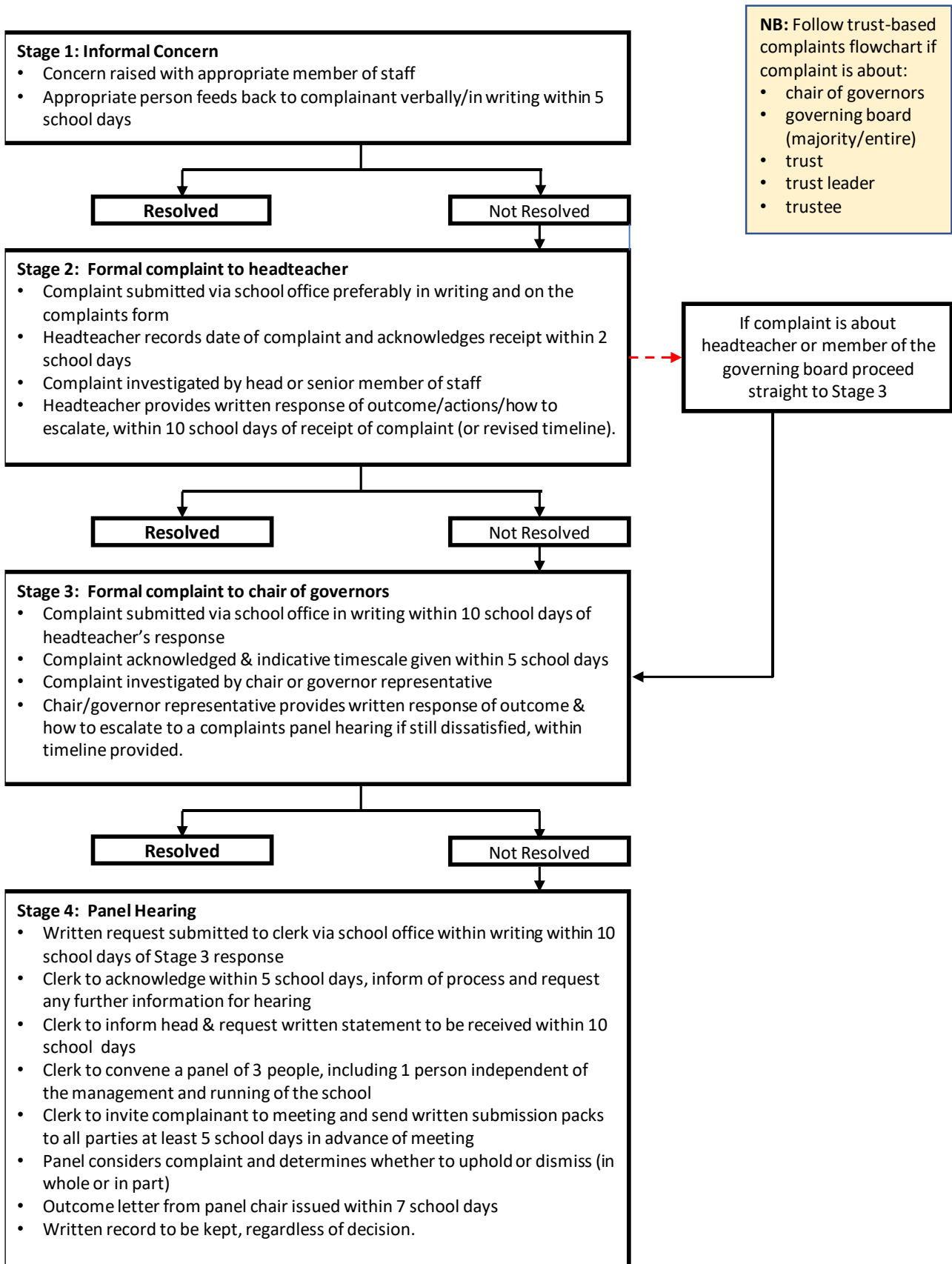
- the meeting is conducted in an informal manner, is not adversarial, and that all parties invited to attend are treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the panel is explained to the complainant
- both the complainant and the school are given the opportunity to make their case and seek clarity, through written submissions ahead of the meeting and verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the panel is open-minded and acts independently
- 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
- the meeting is minuted
- deliberations take place with panel members immediately at the end of the hearing in order to determine an outcome and the content of the outcome letter.
- they liaise with the clerk following the meeting to provide the complainant and the school with a full explanation of the panel's decision and the reason(s) for it, in writing, within seven school days.

Panel Member

Panel members should be aware that:

- the meeting must be independent and impartial and should be seen to be so. No governor/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 school and the complainant
- the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- many complainants will feel nervous and inhibited in a formal setting. Parents/carers often feel emotional when discussing an issue that affects their child.
- extra care needs to be taken when the complainant is a child/young person and 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 panel 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 panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the 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 panel considers is not in the child/young person's best interests
- the welfare of the child/young person is paramount.

COMPLAINTS PROCEDURE FLOWCHART FOR DEALING WITH SCHOOL-BASED COMPLAINTS

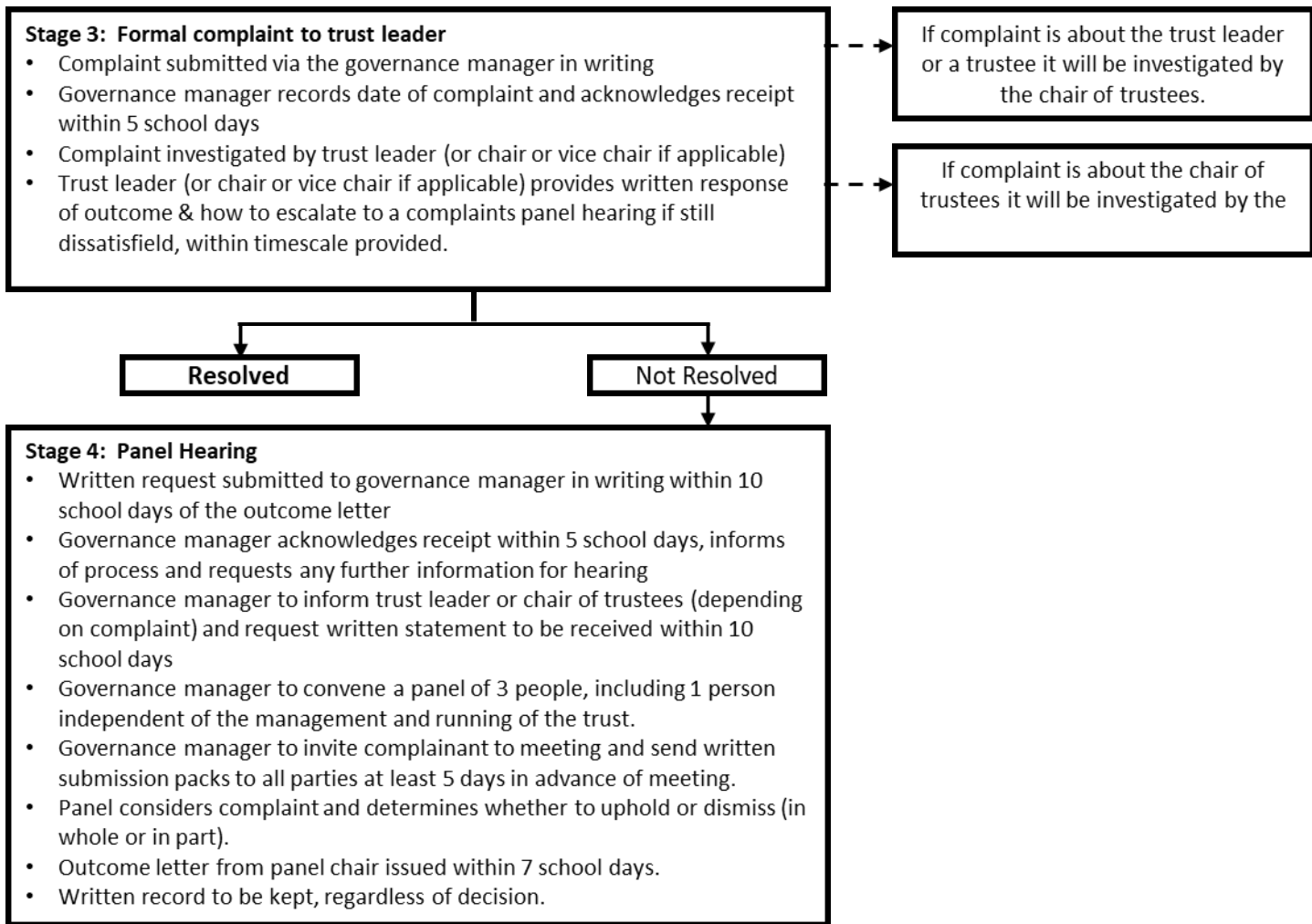


COMPLAINTS PROCEDURE FLOWCHART FOR DEALING WITH TRUST-BASED COMPLAINTS

FOR STAGE 3 AND 4 COMPLAINTS REGARDING:

- chair of governors
- governing board (majority/entire)
- trust
- trust leader
- a trustee

Use school-based complaints flowchart for all other types of complaint



19. Complaint Form

Please complete and return this form to the appropriate person (see policy above) who will acknowledge receipt and explain what action will be taken.

Your name:
Pupil's name (if applicable):
Your relationship to the pupil (if applicable):
Address:
Postcode:
Preferred telephone no: Alternative telephone no:
Email address:
Details of the complaint, including whether you have spoken to anybody at the school about it and any action taken by the school.

Actions/outcomes you feel might resolve the problem at this stage

Paperwork attached: YES / NO

If YES, details of paperwork provided:

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Action taken:

Date:

20. Data Protection Complaint Form

Please use this form if you consider that your personal data, or that of a child for who you hold parental responsibility, is not being correctly stored, processed, used or shared.

It may be necessary to confirm your identity.

You have a right to request details of how personal data is used or not used, if you feel that it should be erased or deleted, if you think that the details and data held is wrong or if it should not have been collected in the first place.

Your name:
Pupil's name (if applicable):
Your relationship to the pupil (if applicable):
Address:
Postcode:
Preferred telephone no: Alternative telephone no:
Email address:
Please give details of your personal data management query or complaint.
What action, if any, have you already taken to try and resolve this?

What would you like to happen?

Paperwork attached: YES / NO

If YES, details of paperwork provided:

Authority to share information.

Declaration

I, [INSERT NAME:] confirm that I give consent to share personal data that is relevant to the complaint with the investigator and with any panel that may be convened to deal with the complaint.

Signature:

Date: