Diocese of Norwich Education and Academies Trust

Complaints Procedure

Policy Type:	**Trust Policy**
Date Issued by MAT:	**02/09/2024**
Approved By:	**Trust Executive**
Approval Date:	**19/08/2024**
Review Date:	**September 2025**
Person Responsible:	**Head of Governance**

Our Christian Ethos and Values
All policies within the Diocese of Norwich Education and Academies Trust (hereafter referred to as "the Trust"), whether relating to an individual academy or the whole Trust, will be written and implemented in line with our Christian ethos and values.

We have high ambition for all, and we truly value the wider educational experience.

We walk and talk our Christian values. We put people at the centre of the organisation and want to see them flourish and grow. Our schools are inclusive, welcoming those of all faiths and none.

Overall accountabilities and roles
The Trust has overall accountability for all its academies and staff. Through a Scheme of Delegation for each academy it sets out the responsibilities of the Trust, its Executive Officers, the Local Governing Body and the Principal / Head Teacher. The Principal / Head Teacher of each academy is responsible for the implementation of all policies of the Trust.
All employees of the Trust are subject to the Trust's policies.

Who can make a complaint?
This complaints procedure is for parents or carers of children that are registered at the academy. Complaints from other persons will be considered on an individual basis.

Complaints regarding third party suppliers using academy or Trust premises should be addressed to the supplier.

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

If you have difficulty discussing an issue 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 the matter, the Headteacher will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the matter objectively and impartially is more important.

We understand that there are occasions when people would like to raise their concerns formally. In this case, the academy will attempt to resolve the issue internally, through the stages outlined within this complaint's procedure. All complaints will be referred to the earliest appropriate stage in this procedure.

How to make a complaint
A complaint can be made in person, in writing on the form provided as appendix 1 of this procedure, or by telephone in the first instance. To raise a formal complaint, this must be on the form provided as appendix 1 of this procedure. Complaints may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.

Complaints against school staff (except the Headteacher) should be made in the first instance, to the Headteacher via the school office**.** If in writing, please mark the envelope as "Private and Confidential" or contact the school office for an appropriate email address.

Complaints about the Headteacher or local governors should be addressed to the Head of Governance, marked as "Private and Confidential" and either emailed to:
hannah.monk@donesc.org
or posted to:
Head of Governance, DoNESC,
Orchard House, Hall Lane,
East Tuddenham,
Norfolk,
NR20 3LR

Complaints about the Chief Executive Officer (CEO) or a Trustee of the Trust, should be addressed to the Chair of the Trustees, via the Head of Governance (as above). Please mark as "Private and Confidential".

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.

All complainants retain the right opportunity to complete the complaint's procedure in full.

Anonymous complaints
We will not normally investigate anonymous complaints. However, the Headteacher or Head of Governance as appropriate, will determine whether such a complaint warrants investigation.

Time scales
You must raise a 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 may consider complaints made outside of this time frame in exceptional circumstances.

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

Scope of this Complaints Procedure
This procedure covers all complaints about any provision of facilities or services by the academy, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
• Admissions to schools • Statutory assessments of Special Educational Needs • School re-organisation proposals	Concerns about admissions, statutory assessments of Special Educational Needs or school re-organisation proposals should be raised with: Norfolk: www.norfolk.gov.uk/children-and-families Suffolk: www.suffolk.gov.uk/children-families-and-learning
• Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled in accordance with our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have a concern about a child and want to speak to someone you may call: CADS (Norfolk) 0345 800 2020 Customer First (Suffolk) 0808 800 4005 If you have a concern that a person working with a child has behaved in a way that has harmed or may have harmed a child or possibly committed a criminal offense against children or related to a child you may wish to contact the local authority designated officer (LADO) LADO@Norfolk.gov.uk LADO@Suffolk.gov.uk If you consider the issue an emergency call 999

• Exclusion of children from school*	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions. **complaints about the application of the behaviour policy can be made through the school's complaints procedure.*
• Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. The NSPCC has a Whistleblowing Helpline, commissioned by the Home Office. It is a direct response to the recommendation for 'a new whistleblowing portal' is a direct response to the recommendation for "a new whistleblowing national portal for child abuse related reports" set out in the Government's Tackling child sexual exploitation report (HM Government 2015). https://www.nspcc.org.uk/keeping-children-safe/reporting-abuse/dedicated-helplines/whistleblowing-advice-line/ Volunteers who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education depending on the substance of your complaint. https://www.gov.uk/government/organisations/department-for-education/about/complaints-procedure
• Staff grievances	Complaints from staff will be dealt with under the Trust's internal grievance procedures.
• Staff conduct	Complaints about staff conduct will not generally be handled under this complaint's procedure. Complainants will be advised that any staff conduct complaints will be considered under Human Resources procedures, if appropriate, but outcomes will not be shared with them.
• Complaints about services provided by other providers who may use school premises or facilities	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
• Withdrawal from the curriculum	Parents and carers can withdraw their child from any aspect of Religious Education (RE), including the Daily Act of Collective Worship (DACW). They do not have to explain why. The right of withdrawal does not apply to other areas of the curriculum where religious matters may be spontaneously raised by pupils or arise in other subjects such as history or citizenship.
• National Curriculum - content	Please contact the Department for Education at: www.education.gov.uk/contactus

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 the delay and a proposed new timescale if possible.

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

Resolving complaints

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

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

Withdrawal of a complaint

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

Stage 1 – Informal complaints

It is to be hoped that most complaints can be expressed and resolved on an informal basis.

Your first step should be to make an appointment to speak to the class teacher/year head/subject head or Headteacher about your complaint. Complainants should not approach individual governors to raise 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.

A class teacher/year head/subject head or Headteacher should offer an appointment to discuss the issue as quickly as possible, as this will give both parties time to talk about it calmly and politely without being interrupted. The parties involved should be encouraged to offer their view of what would be a realistic resolution to the problem.

At the conclusion of the discussion, or following any agreed upon investigation, the complainant will be provided with an informal written response. The response will be provided within 20 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 complaints

Formal complaints must be made to the Headteacher (unless they are about the Headteacher), via the school office and must be in writing on the form provided with this procedure.

The Headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing by letter or email within 10 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 is seeking. The Headteacher can consider whether a face-to-face meeting is the most appropriate way of doing this.

The Headteacher may delegate the investigation to another member of the school's senior leadership team 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 or investigator will provide a formal written response within 20 school days of the date of receipt of the complaint.

If the Headteacher or investigator 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 academy 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.

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

Complaints about the Headteacher or member of the governing body must be made to the Head of Governance (see contact details above).

If the complaint is about more than one governor (this may include the Chair or Vice Chair or not), Stage 2 will be escalated to the CEO of the Trust.

Stage 3 – Panel meeting

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3 – a panel meeting 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 complaint's procedure.

The aim of the panel meeting will be:

- reconciliation.
- to put right things that may have gone wrong.

A request to escalate to Stage 3 must be made to the Head of Governance, within 10 school days of the date of the Stage 2 response.

The Head of Governance will record the date the request is received and acknowledge receipt of the request in writing email within 5 school days.

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

The Head of Governance will make all reasonable endeavours to arrange a mutually convenient date and time for the meeting. They will aim to convene a meeting within 15 school days of receipt of the Stage 3 request. If this is not possible, the Head of Governance will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Head of Governance will decide when to hold the meeting. The meeting will then proceed in the complainant's absence with written submissions from both parties.

If the complaint is about more than one governor (this may include the Chair or Vice Chair or not), Stage 3 will be heard by a panel of Trustees and an independent panel member.

A complainant may bring someone to the panel meeting to provide support. If the complaint is brought jointly, for example by two people with joint parental responsibility, only one representative can attend on behalf of the joint complainants. This can be a relative or friend. Legal representatives are not permitted to attend the meeting; these meetings are not a form of legal proceeding.

There may be occasions when legal representation is appropriate. For instance, if a school or Trust 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 Stage 3 panel will consist of:

- at least three Trustees or governors with no prior involvement or knowledge of the complaint.
- at least one of the governors should be a Trust Appointed Governor.
- one panel member must be independent of the management and running of the academy.
- No members of the panel should have any prior knowledge of the complaint. It is, therefore, unlikely that staff governors from the academy will be members of the panel.
- Prior to the meeting, the Head of Governance will agree with the panel who will act as the Chair at the meeting.
- The Head of Governance will appoint a clerk to the Stage 3 panel meeting.

At least 7 school days before the meeting, the Head of Governance will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible.
- request copies of any further written material to be submitted to the panel at least 5 school days before the meeting.

Any written material will be circulated to all parties at least 5 school days before the date of the meeting. The 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 panel will also 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 special needs require it. Prior knowledge and consent to recording from all parties attending must be sought before meetings or conversations take place. Consent will be recorded in the minutes. The Trust will make the recording and share it with those present.

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 Academy or Trust systems or procedures to prevent similar issues in the future.

The Chair of the Stage 3 panel meeting will provide the complainant, the Academy and the Trust with a full explanation of their decision and the reason(s) for it, in writing, and a copy of the minutes of the Stage 3 panel meeting within 10 school days. 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 Academy or Trust will take to resolve the complaint.

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 in which their complaint has been handled.

A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel meeting, 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. Information generated by a complaint may not form part of a pupil record and therefore will be kept separately.

Complaints escalated to / about the Trust, CEO or Trustee

If a complaint is escalated to the Trust or if a complainant wishes to complain directly about the Trust, then the complaint should be sent to the CEO via the Head of Governance to be investigated.

The Head of Governance, on behalf of the CEO, will write to the complainant acknowledging the complaint within 10 school days of the date that the written request was received. The acknowledgement will confirm that the complaint will now be investigated under Stage 2 of the complaint's procedure 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 20 school days of the date that the written complaint was received. If this time limit cannot be met, the CEO will write to the complainant within 15 school days of the date that the written complaint was received**,** explaining the reason for the delay and providing a revised date by which a response will be provided.

If the complaint concerns the CEO or a Trustee, the complaint should be investigated by the Chair of the Trust Board (or an independent investigator of their choosing). If a formal complaint is received about the Chair of the Trust Board, the complaint will be referred to the Head of Governance for investigation.

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.

Where a complaint about the Chair of the Trust Board has been referred to the Head of Governance for investigation either they, or a suitable investigating officer engaged by them, will write the letter of outcome to the complainant and provide a copy to the CEO and Chair of the Trust Board.

If the complainant is not satisfied with the outcome they should write to the Head of Governance, within 10 school days of the date of the Stage 2 response asking for the complaint to be heard before a Stage 3 panel.

The Head of Governance will record the date the complaint is received and acknowledge receipt of the complaint in writing by letter or email within 5 school days.

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

The Head of Governance will make all reasonable endeavours to arrange a mutually convenient date and time for the meeting. They will aim to convene a meeting within 15 school days of receipt of the panel meeting request. If this is not possible, the Head of Governance will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates without good reason the Head of Governance will decide when to hold the meeting. It will then proceed in the complainant's absence with written submissions from both parties.

If the complaint is about more than one member of the Trust Board (this may include the Chair or Vice Chair or not), the complaint will be heard by a completely independent panel.

The Stage 3 panel will consist of three members. None of the 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 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 to the panel meeting to provide support. If the complaint is brought jointly, for example by two people with joint parental responsibility, only one representative can attend on behalf of the joint complainants. This can be a relative or friend. Legal representatives are not permitted to attend the meeting; these meetings are not a form of legal proceeding.

There may be occasions when legal representation is appropriate. For instance, if a school or Trust 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.

At least 7 school days before the meeting, the Head of Governance 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 panel at least 5 school days before the meeting.

Any written material will be circulated to all parties at least 5 school days before the date of the meeting.

The 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 panel will also 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 special needs require it. Prior knowledge and consent to recording from all parties attending must be sought before meetings or conversations take place. Consent will be recorded in the minutes.

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 and the minutes of the meeting within 10 school days.

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

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.

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 Education and Skills Act 2008 requests access to them.

Next Steps

If the complainant believes the academy 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 Education and Skills Funding Agency (ESFA) after they have completed Stage 3.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by the Academy or Trust. They will consider whether the Academy 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

The Role of the ESFA (Education and Skills Funding Agency)

Anyone can raise a complaint about a school or a member of the school's staff to the ESFA. Before escalating a school or Trust complaint, the ESFA expects that complainants will have completed local complaints procedures first.
The exceptions to this include when:

- children are at risk of harm
- children are missing education

The ESFA cannot overturn the decision about a complaint. Their role is to make sure the complaint is handled properly by following a published procedure that complies with part 7 of the Education (Independent School Standards) Regulations 2014.

The ESFA will only consider the complaint if the complainant can provide evidence that the school or Trust:

- does not have a complaints procedure.
- did not provide a copy of its complaints procedure when requested.
- does not have a procedure that complies with statutory regulations.
- has not followed its published complaints procedure.
- has not allowed its complaints procedure to be completed.

The ESFA are not able to:

- overturn a panel's decision.
- re-investigate the original complaint.
- review the accuracy of minutes taken or documents provided.
- order that compensation is paid.
- direct the school to discipline/exclude pupils.
- force the school to discipline/dismiss staff.
- instruct the school to apologise.

The ESFA will intervene if a school or Trust has:

- breached a clause in its funding agreement.
- failed to act in accordance with its duties under education law.
- acted (or is proposing to act) unreasonably when exercising related education functions.

When considering a complaint, the ESFA will review all the evidence provided to it, including the school's published policies, to determine whether it is appropriate to take any action. Action taken, where appropriate, typically involves explaining the legislative framework and what it means in practice at the Trust level or recommending improvements to statutory policies.

In some instances it may be appropriate to issue a warning notice (where leadership and governance has broken down or safety is threatened) and then issue a Notice to Improve (NtI). The NtI would set out the conditions that would need to be fulfilled for the NtI to be lifted.

If serious failings are identified, the ESFA may share information about the complaint and their findings with relevant bodies, such as local authorities and Ofsted, to make sure that appropriate safeguarding, remedial or preventative action is taken.

If an immediate safeguarding concern is raised, the ESFA will always refer this immediately to the LADO (Local Authority Designated Officer).

Managing Serial and Unreasonable Complaints

The Academy and Trust will always do our best to be helpful to people who contact us with:

- a complaint
- a request for information

There may be occasions when, despite all stages of the complaint's procedure having been followed, the complainant remains dissatisfied. If a complainant tries to re-open the same issue, the Trust may inform them that the procedure has been completed and that the matter is now closed.

If the complainant continues to contact the Academy or Trust on the same issue, once the complaint's procedure has been completed, the correspondence may then be viewed as 'serial' or 'persistent' and we may choose not to respond.

Under no circumstances will a complaint be considered 'serial' should the complainant exercise their right to refer their complaint to their MP, regardless of which stage the complaint has reached.

It may be that the Trust will consider complaints as vexatious. The characteristics of a 'frivolous' or 'vexatious' complaint are:

- complaints which are obsessive, persistent, harassing, prolific, repetitious.
- insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason.
- insistence upon pursuing meritorious complaints in an unreasonable manner.
- complaints which are designed to cause disruption or annoyance.
- demands for redress that lack any serious purpose or value.

The Trust will not refuse to accept further correspondence or complaints from an individual they have had repeat or excessive contact with. Only the subject or content of the complaint may be considered 'serial', 'persistent' or 'vexatious'.

The decision to stop responding will never be taken lightly. The Academy and Trust will ensure the following before deciding to stop responding:

- we have taken every reasonable step to address the complainant's concerns.
- the complainant has been given a clear statement of our position and their options.
- the complainant contacts the Trust or Academy repeatedly, making substantially the same points each time.
- the complainant's letters, emails, or telephone calls are often or always abusive or aggressive.
- the complainant makes insulting personal comments about or threats towards staff.
- we have reason to believe the individual is contacting us with the intention of causing disruption or inconvenience.

The Academy or Trust would not stop responding just because an individual is difficult to deal with or asks complex questions.

If the decision is taken to stop responding to an individual, they will be informed of this decision.

If an individual's behaviour is causing a significant level of disruption, regardless of whether or not they have raised a complaint, the Academy or Trust may implement a tailored communication strategy. For example, we may:

- restrict an individual to a single point of contact via an email address.
- limit the number of times they can make contact, such as a fixed number of contacts per term.

Regardless of the application of any communication strategy, we will provide parents and carers with the information they are entitled to under The Education (Pupil Information) (England) Regulations 2005, within the statutory time frame.

Different procedures apply to freedom of information (FOI) and data protection (DP) correspondence.

If an individual persists to the point that may constitute harassment, the Academy or Trust may seek legal advice.

Barring from school premises

Although fulfilling a public function, the Academy is a private place. The public has no automatic right of entry. The Academy may, therefore, need to act to ensure they remain a safe place for pupils, staff and other members of their community.

If an individual's behaviour is a cause for concern, a Headteacher can ask them to leave the Academy premises. In some cases, individuals can be barred from entering school premises.

The Headteacher's request to bar will be reviewed by the Trust CEO with the Head of Estates (for Health and Safety considerations), the Head of HR and/or the Head of Safeguarding as needed. They will take into account any representations made by the individual and decide whether to either confirm or lift the bar. If the decision is confirmed, the individual should be notified in writing, explaining:

- how long the bar will be in place.
- when the decision will be reviewed.

Policy Review

This policy will be reviewed annually, in line with Department for Education guidance, or sooner if necessary.

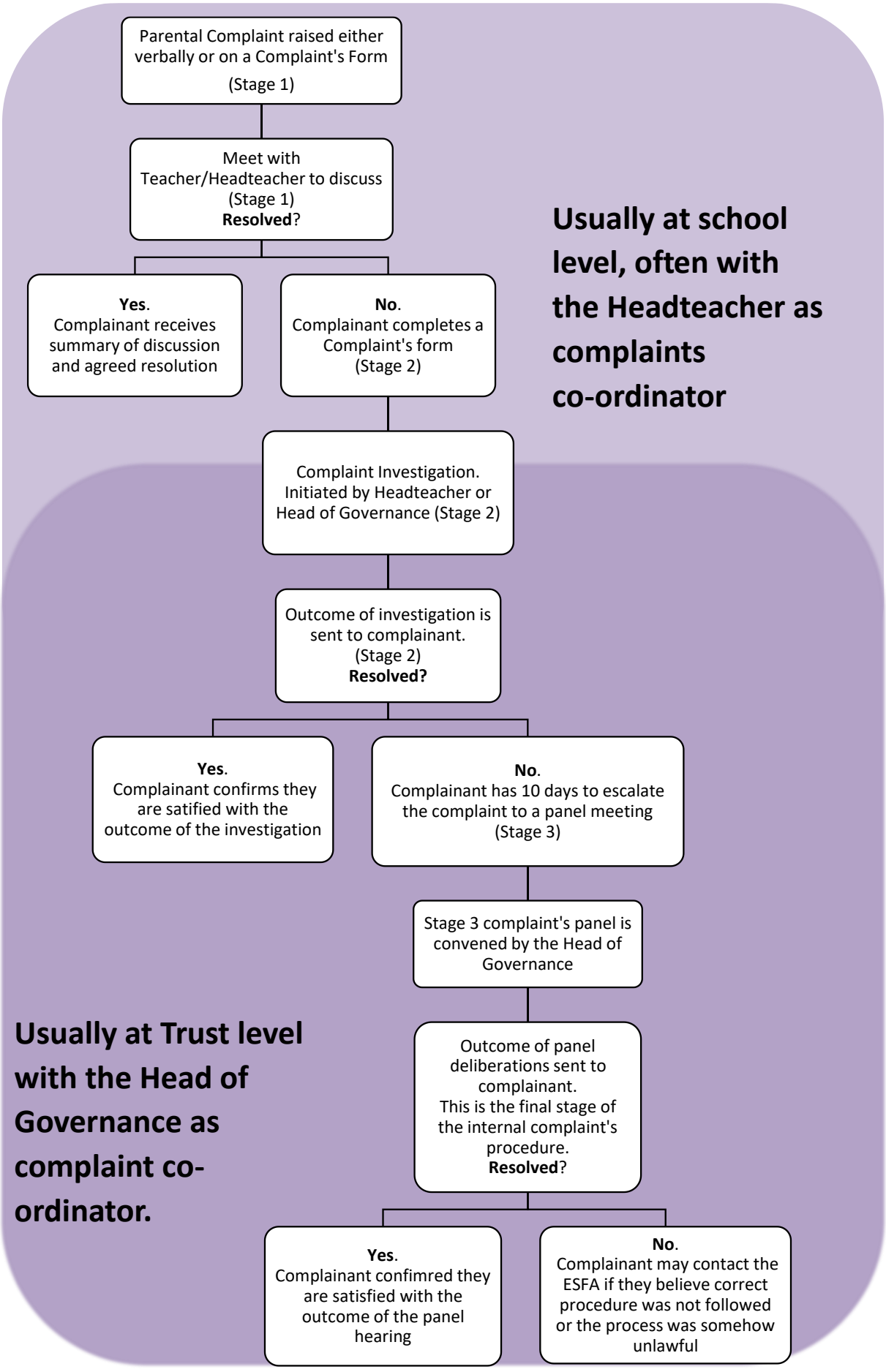
Appendix 1: Complaint Form

Please complete and return to either the Headteacher via the Academy office or the Head of Governance as indicated above who will acknowledge receipt and explain what action will be taken.

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address: **Postcode:** **Day time telephone number:** **Evening telephone number:** **Email address:**
Please give details of your complaint, including whether you have spoken to anybody at the Academy about it.

What actions do you feel might resolve the problem at this stage?
Are you attaching any paperwork? If so, please give details.
Signature: **Date:**
Official use
Date acknowledgement sent:
By who:
Complaint referred to:
Action taken:
Date:

Appendix 2: Procedure Flowchart



Appendix 3: Roles and Responsibilities

Complainant

This procedure is aimed at parents, or those with parental responsibility for children attending our academies.

We respectfully request that all complainants -

- explain the complaint in full as early as possible.
- explain the resolution they are seeking as fully as possible.
- 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.

Complainants should be aware that if a complaint is raised and they do not engage with subsequent correspondence or requests for information, an investigation may be carried out and completed in their absence.

Complaints Co-ordinator

This could be the Headteacher, Head of Governance, or other staff member providing administrative support.

The complaints co-ordinator will:

- act as the main point of contact for the complainant and the subject of the complaint.
- ensure that the complainant is fully updated at each stage of the procedure.
- liaise with staff members, Headteacher, Chair of Governors, Head of Governance, Head of HR and Trust to ensure the smooth running of the complaint's 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 or where the complainant is a child or young person.
- keep records.

Head of Governance

The Head of Governance is the contact point for the complainant and the panel at Stage 3 and will:

- ensure that all people involved in the complaint's procedure are aware of their legal rights and duties, including any under relevant legislation.
- set the date, time and venue of the stage 3 panel 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 (for example, stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within the agreed timescale.
- arrange for the proceedings to be clerked.
- circulate the minutes of the meeting.
- notify all parties of the committee's decision.

Head of HR

The Head of HR will:

- either act as or appoint a suitable HR adviser for the subject of the complaint.
- appoint a suitable member of the HR team to act as Investigator for complaints related to a Headteacher at Stage 2.

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 and subject of the complaint 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 Headteacher or complaints co-ordinator that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The Headteacher or complaints co-ordinator will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

Stage 3 Panel Chair

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

- both parties have been asked to provide any additional information relating to the complaint by a specified date in advance of the meeting.
- the meeting is conducted in an informal manner, is not adversarial, and that 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 panel is explained to the complainant.
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy.
- 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 subject of the complaint are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself.
- the issues are addressed.
- key findings of fact are made.

- the panel is open-minded and acts independently.
- no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure.
- the meeting is minuted.
- they liaise with the Head of Governance.

Stage 3 Panel Members

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 panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the subject of the complaint 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 views of the child/young person must be respected and given equal consideration to those of adults.
- if the child/young person is the complainant, the panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the panel should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.
- 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.

Appendix 4: Stage 3 Meeting Procedure

During the meeting:

- Everyone attending should be in the room at the same time to ensure an open and transparent meeting for all parties.
- The complainant and investigator should provide all the relevant information they wish and the stage 3 panel members should clarify any points. After the complainant and investigator have provided all the information they wish, the chair will ask all parties to leave except the committee members and the clerk.
- Although this is a formal meeting, every effort should be made to make it as informal as possible for all concerned.
- Consideration may need to be given to the seating arrangements to make everyone feel equal and comfortable.
- The clerk should take notes of the meeting, listing who is present:
  Members of the panel, stating who is the chair of the panel,
  Investigator
  Parents/third party members and anyone accompanying them e.g. friend,
  Clerk
- The chair of the panel should open the meeting stating the purpose and the format of the meeting to clarify this to all in attendance.
- People present should introduce themselves stating their reason for being at the meeting.
- The chair of the panel should request a verbal statement from the complainant in support of their written letter of complaint and why they feel the issue has not been resolved. The panel members can ask questions to make sure they understand the issue from the complainant's point of view.
- The chair of the panel should request a verbal statement from the investigator in support of their written account of the complaint and the steps taken to resolve the issue. The panel members can ask questions to make sure they understand the issue from the academy or Trust's point of view.
- The members of the panel should make sure they fully understand the issues and ask any further questions to clarify any points that are still not clear to them.
- The chair of the panel must ask the complainant and the investigator if they are satisfied that they have provided all the information they wanted to or if there is something they wish to add and if they feel they have had a fair hearing.
- When the Panel members understand all the issues, the chair will ask all parties to leave except the panel members and the clerk.

After the meeting:

- The panel members then discuss the issues in private and the clerk remains to record the decision. The clerk will not record the panel's discussion.
- The panel will need to consider the information then come to a decision and suggest a way to resolve the issue, taking into account the best interests of the child or children.
- When the panel has reached a decision, the clerk will inform everyone concerned in writing as soon as possible, but in any event, within 10 working days of the meeting via the complaint's co-ordinator, usually the Head of Governance at this stage.
- The decision of the Stage 3 panel is final and there is no right of appeal.