

# Complaints Procedure

## **Approval Arrangements**

All statutory policies in the Trust are ultimately the responsibility of the Trust Board. To enable it to discharge this responsibility appropriately and in collaboration with the constituent schools, the Trust Board will

1. set a full Trust wide policy which applies in the same way to all schools,
2. require individual schools to set a policy (in most cases with Trust-provided guidance) appropriate to the needs and circumstances of an individual school

This is a level 1 policy which was approved by the Board of Trustees for implementation in the Tenax Schools Trust and supersedes any previous complaints procedure.

<b>Review Body:</b>	<b>Board of Trustees</b>
<b>Date Approved:</b>	<b>18/03/2024</b>
<b>Author:</b>	<b>Company Secretary</b>
<b>Next review:</b>	<b>Spring 2025</b>
<b>Review period:</b>	<b>1 year</b>

## Introduction

The Tenax Schools Trust aims to provide a high quality educational experience for every student, which not only provides good teaching, but also a rounded school experience with particular emphasis on personal development, inspired by Christian belief and values. We also recognise that, despite these aspirations and a strong record of success, occasionally things can go wrong and parents or members of the public may need to raise concerns or to make a complaint.

This procedure is based on the Government's latest best practice guidance and model complaints procedure for multi-academy trusts, published 12 March 2021.

## Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

## Complaints should be directed as follows:

1. **Complaints against school staff (except the Headteacher)** should be made, in the first instance, to the Headteacher (via the school office).
2. **Complaints that involve or are about the Headteacher** should be addressed to the Chair of Governors (via the Clerk to Governors).
3. **Complaints about the Chair of Governors, any individual governor(s) or the whole governing body** should be addressed to the CEO, Tenax Schools Trust (via the Clerk to the Board of Trustees).
4. **Complaints about the CEO or any individual Trustee(s)** should be addressed to the Chair of the Board of Trustees (via the Clerk to the Board of Trustees).
5. **Complaints about the Tenax Schools Trust or Kent Teaching School Hub (including Teach Kent & Sussex SCITT)** should be addressed to the CEO, Tenax Schools Trust (via the Clerk to the Board of Trustees).
6. Should it be felt necessary by the complainant to escalate a complaint, complaints should be addressed to the CEO, Tenax Schools Trust (via the Clerk to the Board of Trustees).

Where complaints are not directed in line with the procedure outlined above, the person who receives the complaint will acknowledge receipt and will forward it to the appropriate person. They will then handle the complaint in line with the applicable complaints procedure. However, where complaints are not directed in line with the procedure set out above, this may extend the length of time required for the complaint to be resolved.

Where it is not clear whether a matter is being raised as a formal complaint; against whom the complaint is being made, or the precise details of the complaint are not clear, clarification will be sought prior to investigation of the complaint.

### **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. We 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, you will be referred to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, you will be referred to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

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

### **How to raise a concern or make a complaint**

A concern or complaint can be made in person, in writing 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.

Concerns should be raised with the person who might be best resolve the concern, for example, the class teacher, year manager, Deputy or Assistant Headteacher or the Headteacher. If the issue remains unresolved, the next step is to make a formal complaint. The process for this is set out below, under the heading "Complaints – Formal Stages".

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 2 of the procedure.

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

## Anonymous complaints

We will not normally investigate anonymous complaints. However, the Headteacher, Chair of Governors, or CEO, if appropriate, will determine whether the complaint warrants an investigation.

## Timescales

Complaints should 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 if exceptional circumstances apply.

## Complaints received outside of term time

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

## Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services that we provide, other than complaints that are dealt with under other specific procedures, including those listed below.

Exceptions	Which Policy or Procedure/Who to contact
<ul style="list-style-type: none"><li>• Admissions to schools</li></ul>	Concerns about admissions should be handled through the appeals process
<ul style="list-style-type: none"><li>• Matters likely to require a Child Protection Investigation</li></ul>	Complaints about child protection matters are handled under the school's child protection and safeguarding policy and in accordance with relevant statutory guidance.  If you have serious concerns, you may wish to contact the Local Authority Designated Officer (LADO):  Kent's LADO contact details - 03000 41 08 88 or kentchildrenslado@kent.gov.uk  East Sussex's LADO contact details - 01273 481950 or <a href="https://www.eastsussex.gov.uk/children-families/professional-resources/allegations/lado">https://www.eastsussex.gov.uk/children-families/professional-resources/allegations/lado</a>
<ul style="list-style-type: none"><li>• Exclusion of children from school*</li></ul>	Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a> .  <i>*complaints about the application of the school's behaviour policy can be made through the complaints procedure.</i>
<ul style="list-style-type: none"><li>• Whistleblowing</li></ul>	We have a Whistleblowing Policy for employees to raise any concerns about the practice of anyone who works for or on

	behalf The Trust.
<ul style="list-style-type: none"> <li>• Staff grievances</li> </ul>	Complaints from staff will be dealt with under the internal grievance procedures.
<ul style="list-style-type: none"> <li>• Staff conduct</li> </ul>	<p>Complaints about staff conduct will be dealt with under the 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>
<ul style="list-style-type: none"> <li>• Information rights</li> </ul>	<p>If you have any questions or any concern about our data processing, handling of subject access requests or freedom of information requests please raise this with our Data Protection Officer in the first instance via email at <a href="mailto:DPO@tenaxschoolstrust.co.uk">DPO@tenaxschoolstrust.co.uk</a> or write to Data Protection Officer, Tenax Schools Trust c/o Bennett Memorial Diocesan School, Culverden Down, Tunbridge Wells, TN4 9SH.</p> <p>You can also contact the Information Commissioner's Office at <a href="https://ico.org.uk/concerns/">https://ico.org.uk/concerns/</a> or by telephone on 03031 231113</p>
<ul style="list-style-type: none"> <li>• Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
<ul style="list-style-type: none"> <li>• Complaints from Teach Kent &amp; Sussex Trainees about their award of QTS</li> </ul>	Should a trainee with Teach Kent & Sussex SCITT choose to appeal a decision related to the award of Qualified Teacher Status (QTS) they should follow the separate appeal procedure.

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 us 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, we 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 recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology.

## Withdrawal of a complaint

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

## Formal complaints

### Stage 1

Formal complaints may be made in person, by phone, or in writing (preferably on the Complaint Form, a template for which is included at the end of this procedure). If you require help in completing the form, please contact the school office. All complaints submitted in writing should be marked as Private & Confidential.

### Complaints at Stage 1 should be directed as follows:

1. **Complaints against school staff (except the Headteacher)** should be made, in the first instance, to the Headteacher (via the school office).
2. **Complaints that involve or are about the Headteacher** should be addressed to the Chair of Governors (via the Clerk to Governors).
3. **Complaints about the Chair of Governors, any individual governor(s) or the whole governing body** should be addressed to the CEO, Tenax Schools Trust (via the Clerk to the Board of Trustees).
4. **Complaints about the CEO or any individual Trustee(s)** should be addressed to the Chair of the Board of Trustees (via the Clerk to the Board of Trustees).
5. **Complaints about the Tenax Schools Trust or Kent Teaching School Hub or Kent Teaching School Hub (including Teach Kent & Sussex SCITT)** should be addressed to the CEO, Tenax Schools Trust (via the Clerk to the Board of Trustees).

6. Should it be felt necessary by the complainant to escalate a complaint, the complaint should be addressed to the CEO, Tenax Schools Trust (via the Clerk to the Board of Trustees).

Where complaints are not directed in line with the procedure outlined above, the person who receives the complaint will acknowledge receipt and will forward the complaint to the appropriate person, who will then handle the complaint in line with the applicable complaints procedure. However, where complaints are not directed in line with the procedure set out above, this may extend the length of time required for the complaint to be resolved.

Where it is not clear whether a matter is being raised as a formal complaint; against whom the complaint is being made, or the precise details of the complaint are not clear, clarification will be sought prior to investigation of the complaint.

### **Procedure and timescales for handling complaints at Stage 1**

At Stage 1, all complaints will be dealt with according to the process and timescales below.

The person dealing with the complaint will record the date on which the complaint was received and will acknowledge receipt in writing (either by letter or email) within 5 school days.

Within this response, the person dealing with the complaint will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The person dealing with the complaint can consider the most appropriate way of doing this, which could be through a conversation or a face to face meeting. Where the person dealing with the complaint meets or speaks with the parent or other complainant, the matters discussed should be written down so there is no misunderstanding. This will normally be done in the form of a letter to the complainant following the meeting or other conversations and may be included as part of the letter sent to the complainant at the conclusion of the complaint investigation. The person dealing with the complaint may ask for a trusted individual to be present to act as note-taker.

The person dealing with the complaint will investigate the complaint.

*Note: The person dealing with the complaint may delegate the investigation to but not the decision to be taken.*

During the investigation, the person dealing with the complaint (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 (to be retained in line with the Trust's records management policy).

At the conclusion of the investigation, the person dealing with the complaint will provide a formal written response within 10 school days of the date of receipt of the complaint.

If the person dealing with the complaint 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 which will be taken to resolve the complaint.

The person dealing with the complaint will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

## **Stage 2**

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2 – a panel hearing. This is the final stage of the complaints procedure.

1. Where the complaint concerns a **member of school staff or a Headteacher**, a request to escalate to Stage 2 must be made to the **Clerk to Governors**, via the school office, within 10 school days of receipt of the Stage 1 response.
2. Where a complaint concerns the **Chair of Governors, an individual governor, the whole LGB, the CEO or Trustee or the Tenax Schools Trust or Kent Teaching School Hub (including Teach Kent & Sussex SCITT)**, a request to escalate to Stage 2 must be made to the **Clerk to the Board of Trustees** within 10 school days of receipt of the Stage 1 response.

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

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

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 20 school days of receipt of the Stage 2 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions. The panel hearing will consist of two governors and one member who is suitably independent of the management and running of the school, with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the panel hearing. If there are fewer than two governors available, the Clerk will source any additional, independent governors or Trustees from the Tenax Schools Trust in order to make up the panel. Alternatively, an entirely independent panel may be convened to hear the complaint at Stage 2. It is a matter for the Trust to identify suitably independent individuals who can fulfil the role and responsibility of being the independent member.

If the complainant attends the meeting, they may bring someone along to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the panel hearing. 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.

*Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.*

Representatives from the media are not permitted to attend.

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

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted by the complainant to the panel at least 7 school days before the meeting.

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

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

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before the recording of meetings or conversations takes place. Consent will 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, or Trust's systems or procedures to prevent similar issues in the future.

The Chair of the Panel will provide the complainant with a full explanation of their decision and the reason(s) for it, in writing, within 5 school days.

The letter to the complainant will include details of how to contact the Department of Education (DfE) if they are dissatisfied with the way their complaint has been handled.

If the complaint is about the Chair of Governors, any individual governor(s) or the whole governing body, the CEO, a Trustee of the Tenax Schools Trust or Kent Teaching School Hub (including Teach Kent & Sussex SCITT), Stage 2 will be heard by a panel of two non-executive Trustees and one member who is suitably independent of the management and running of the Trust. It is a matter for the Trust to identify suitably independent individuals who can fulfil the role and responsibility of being the independent member.

If the complaint is jointly about the Chair and Vice Chair, or the entire Trust Board, or the majority of the Trust Board, Stage 2 will be heard by a completely independent panel.

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 which will be taken to resolve the complaint.

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about.

A written record will be kept of all complaints, and of whether they are resolved at Stage 1 or proceed to Stage 2, 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 body conducting an inspection under section 109 of the 2008 Act requests access to them.

### **Next Steps**

If the complainant believes the school or 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 DfE after Stage 2 has been completed.

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

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 by writing to:

Department for Education  
School complaints compliance unit  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

## **Unreasonable Complaints**

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

### **Examples: A complaint may be regarded as unreasonable when the person making the complaint:**

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or 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 that complaint where the complaints procedure has been fully and properly implemented and completed including referral to the DfE;
- seeks an unrealistic outcome;
- makes excessive demands on school or Trust time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

### **A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:**

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with the school or Trust while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the Headteacher or Chair of Governors or relevant member of staff will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Headteacher or CEO will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the school causing a significant level of disruption, the school may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from school premises.

### **Barring from the School Premises**

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

If a parent's behaviour is a cause for concern, a school can ask them to leave school premises. In serious cases, the Headteacher or the CEO can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. Schools should always give the parent the opportunity to formally express their views on the decision to bar in writing. The decision to bar should then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent should be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the Headteacher or CEO. However, complaints about barring cannot be escalated to the DfE. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

## Complaint Form

<b>Your name:</b>
<b>Pupil's name (if relevant):</b>
<b>Your relationship to the pupil (if relevant):</b>
<b>Address:</b>
<b>Postcode:</b>
<b>Day time telephone number:</b>
<b>Email address:</b>
<b>Please give details of your complaint, including whether you have spoken to anybody at the school/Trust about it.</b>
<b>What actions do you feel might resolve the problem at this stage?</b>
<b>Are you attaching any paperwork? If so, please give details.</b>
<b>Signature:</b>
<b>Date:</b>
<b>Official use</b>
<b>Date acknowledgement sent:</b>
<b>By who:</b>
<b>Complaint referred to:</b>
<b>Action taken:</b>

## **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 and Trust 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:
  - meeting or speaking with the complainant, if the Investigator deems this to be appropriate to establish what has happened and who has been involved
  - interviewing staff and children/young people and other people relevant to the complaint, if the Investigator deems this to be appropriate
  - 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 any conversations and meetings sensitively, with an open mind and be prepared to persist in the questioning
- keep notes of any conversations and meetings or arrange for an independent note taker to attend to record minutes
- 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 that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The Headteacher (or relevant decision-maker as directed above) will determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

Complaints Co-ordinator (*this would normally be the Clerk to Governors unless the complaint is about the Chair of Governors, any individual governor(s) or the whole governing body, or the CEO in which case it would normally be the Clerk to the Board of Trustees*)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each formal stage of the procedure
- liaise with the Headteacher, Chair of Governors, Clerk and the Trust School's Trust Executive group as appropriate 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 or where the complainant is a child or young person
- keep records in line with the Trust's record management policy.

#### Clerk

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

- ensure that all people involved in the complaints 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 (for example; stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- take minutes of the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

#### Panel Chair

The panel'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 a manner that 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 DPA 2018 or GDPR.
- if a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting
- both the complainant and the school 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 clerk
- communicate the decision of the Panel to the complainant, providing the appropriate escalation details

#### Panel Member

Panel 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 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 school and the complainant
- we recognise that 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 should respect the views of the child/young person and give them equal consideration to those of adults
- if the child/young person is the complainant, the panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the panel should give the parent the opportunity to say which parts of the 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.

### **Monitoring and review**

The Trust Board monitors the complaints procedure, in order to ensure that all complaints are handled properly. All complaints received should be recorded and details of how they were resolved. These should be presented to Local Governing Bodies as part of the Headteacher's report.

The Trust Board can take into account any local or national decisions that affect the complaints procedure, and make any modifications necessary to this procedure. This procedure is made available to all parents, so that they can be properly informed about the complaints procedure. This procedure is reviewed as necessary at meetings of the Board of Trustees.