



**BERLESDUNA**  
ACADEMY TRUST

# COMPLAINTS POLICY

This policy was reviewed by Trustees:	<b>May 2024</b>
This policy will be reviewed:	<b>2 years</b>
This policy is due for renewal:	<b>May 2026</b>

## 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 to the school 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.

## 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. The school takes 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, 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 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, the school 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 on a complainant, as long as they have appropriate consent to do so.

Concerns should be raised with either the class teacher or Phase Leader then the Deputy then the Headteacher. If the matter is brought to the attention of the Headteacher, they may decide to delegate the matter or deal with it themselves, depending on the circumstances. If the issue remains unresolved, the next step is to make a formal complaint.

## **Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 3 of the procedure.**

Formal complaints against school staff (except the Headteacher) should be made in the first instance, to the Headteacher via the school office. Please mark them as Private and Confidential.

Complaints that involve or are about the Headteacher should be addressed to the Chair of Governors, via the school office. Please mark them as Private and Confidential.

Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to the Clerk to the Governing Body via the school office. Please mark them as Private and Confidential.

Complaints that involve the CEO, should be addressed to the Chair of Trustees, via the Trust Head Office. Please mark them as Private and Confidential.

For ease of use, a 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 third party organisations like the 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.

### **Vexatious or repeated complaints**

There may be occasions when, despite a complaint being considered under all stages in this Complaints Policy, the Complainant persists in making the same complaint to the School. There may also be occasions when a Complainant raises unreasonable persistent complaints or raises complaints about matters which do not affect them. There may also be occasions when a complaint is made about a matter which is clearly so trivial that it would be a waste of the School's resources to deal with it under the formal stages of the procedure.

In all of these cases, the School reserves the right to regard the complaint as vexatious and/or repeated and to refuse to investigate it under the procedure in this Complaints Policy, if it appears reasonable and fair to do so, having regard to the circumstances surrounding the complaint.

Where the School decides that a complaint is vexatious and/or repeated and will not be investigated, the School will write to the Complainant within ten school days of the complaint being raised to notify them of the decision. Please refer to the Trust Persistent Complaints/Harassment and Unacceptable Behaviour Policy.

If the Complainant is unhappy with the decision not to investigate a vexatious and/or repeated complaint, they may write to the Chair of Local Governors to ask for the decision to be reviewed. The Chair of Local Governors will be provided with all documentation relating to the current complaint and any previous complaints which were relevant to the decision, together with the letter from the School to the Complainant, and will review the decision not to investigate the complaint. The Chair of Local Governors will not investigate the complaint itself during this review. The Chair of Local Governors will write to the Complainant with the outcome of the review within fifteen school days of the date that the letter from the Complainant seeking the review was received. If the Chair of Local Governors quashes the decision not to investigate the concern or complaint, it will be referred to the School to be dealt with under the procedure in this Complaints Policy in the usual way.

If the Chair of Local Governors upholds the decision not to investigate the concern or complaint, the Complainant may refer the concern or complaint to the Education Funding Agency using the procedure stated towards the end of this Complaints Policy. In exceptional circumstances, the Chair of Local Governors can delegate the responsibility for the review to the Vice-Chair of Local Governors.

### **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. If we can find out enough information to take the complaint further, or if the complaint is serious, we will follow this policy as closely as we can. If we can't find out any other information or the complaint isn't serious, we will take no further steps, although the complaint will be logged.

### **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 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.

### **Confidentiality**

When participating in the complaints procedure each party automatically agrees to undertake to not at any time disclose to any person (or more widely on social media) any confidential information concerning any part of the complaint's procedure, including but not limited to any personal information regarding any party to the complaint (including any personal information which may be used to identify the complainant or the person subject to the complaint), the content of the complaint, and the timeline and result of the complaint, except as permitted by the following clause:

Each party may disclose the other party's confidential information to any professional or volunteer who are required to know such information for the purposes of carrying out the complaint's procedure or as may be required by law, a court of competent jurisdiction or any governmental or regulatory authority.

## Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services provided by the school 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"> <li>• Admissions to schools</li> <li>• Statutory assessments of Special Educational Needs</li> <li>• School re-organisation proposals</li> </ul>	<p>Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Essex County Council.</p>
<ul style="list-style-type: none"> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	<p>Complaints about child protection matters are handled under our Safeguarding and Child Protection 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 or the Multi-Agency Safeguarding Hub (MASH. The LADO can be contacted using: 03330 139 797</p>
<ul style="list-style-type: none"> <li>• Exclusion of children from school*</li> </ul>	<p>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>.</p> <p>*complaints about the application of the behaviour policy can be made through the school's complaints procedure. Please refer to our Behaviour and Anti-Bullying Policy on the school website.</p>
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	<p>We have 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 for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>Volunteer staff 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 (see link above), depending on the substance of your complaint.</p>
<ul style="list-style-type: none"> <li>• Staff grievances</li> </ul>	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>
<ul style="list-style-type: none"> <li>• Staff conduct</li> </ul>	<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>
<ul style="list-style-type: none"> <li>• Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them directly.</p>
<ul style="list-style-type: none"> <li>• National Curriculum - content</li> </ul>	<p>Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a></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 a complainant commences legal action against the school 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 school 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 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.

## Dealing with your concern or complaint

The majority of concerns from parents, carers and others are managed under the following general procedure. It's in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to follow formal procedures. We take informal concerns seriously and make every effort to resolve the matter as quickly as possible.

The procedure is divided into four stages:

**Stage 1** aims to resolve the concern through informal contact at the appropriate level in school, as described above.

**Stage 2** is the first formal stage, when complaints are considered by the Headteacher.

Usually, concerns and complaints are resolved either at Stage 1 or Stage 2. If following these stages, the complaint is not resolved to your satisfaction, the Governors will become involved and take your complaint to Stage 3.

**Stage 3** involves a complaints review panel of governors, who will review how your complaint has been handled and the outcome and decisions so far.

**Stage 4** If the Complainant is unsatisfied with the outcome of the review under Stage 3 of this Complaints Policy, the Complainant may write to the Clerk to Trustees requesting a Complaint Panel Hearing.

Please note that this procedure doesn't include complaints about the personal conduct of members of the school staff, teaching or non-teaching, as these are handled under confidential arrangements in line with employment law. If you're concerned about the conduct of any member of staff other than the Headteacher, you should write to the Headteacher. If your concern is about the personal conduct of the Headteacher, please write to the Chair of Governors c/o the school.

If the school has completed its procedures but you remain dissatisfied with the outcome, you have a right to refer your complaint to the ESFA.

## Stage 1 – Concerns and Difficulties

The School expects that most concerns and difficulties, where a parent or pupil seeks intervention, reconsideration or some other action to be taken, can be resolved informally. Examples might include dissatisfaction about some aspect of teaching or pastoral care, allocation of privileges or responsibilities, disagreement between pupils, a timetable clash, an issue with the School's systems or equipment, or a billing error.

The concern or difficulty should be raised as follows:

- education issues – if the matter relates to the classroom, the curriculum or special educational needs, the Complainant should speak to the class teacher, as appropriate
- pastoral care – for concerns relating to matters outside the classroom, the Complainant should speak to the Deputy Headteacher, Assistant Headteacher, Pastoral Leader or SENCo as appropriate
- disciplinary matters – a problem over any disciplinary action taken or a sanction imposed should be raised with the member of staff who imposed it in the first instance. If not resolved, the Complainant should speak to the Assistant Headteacher or Deputy Headteacher
- financial and administrative matters – a query relating to fees, extras or other administrative matters should be raised by the Complainant with the Finance Officer or the School Office Manager

- an issue with a specific member of staff. We consider the best way to resolve an issue with a specific member of staff is to raise it with that member of staff directly, so that they are given the opportunity to address and resolve the concern or difficulty before it becomes a formal complaint. If the Complainant feels uncomfortable doing this, however, the issue should be raised with the Assistant Headteacher or Deputy Headteacher

Should a member of staff with whom the concern or difficulty has been raised, feel that they are not the best person to be dealing with it, they will refer it to the Deputy Headteacher or other designated member of staff as appropriate.

The School will aim to resolve a concern or difficulty within fifteen school days of the date that it was raised. Where a concern or difficulty has not been resolved by informal means within this time limit from the date that it was raised, the complainant can submit the matters raised as a formal complaint under Stage 2 of this Complaints Policy.

The member of staff dealing with a concern or difficulty will make a written record of the issues raised, the action taken and, if applicable, the resolution reached, which will be retained in a central record.

## **Stage 2 – First Formal Stage**

Formal complaints must be made to the Headteacher (unless they are about the Headteacher), via the school office. This can be done in person, by telephone or in writing. A complaint form is attached to this policy for you to use.

The Headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within three 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.

Note: 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 will provide a formal written response within fifteen 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 (first formal stage).

If the complaint is about the Headteacher, or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled governor 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 Clerk, via the school office.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body.

## **Stage 3 – Complaints Review Panel**

If the complainant is dissatisfied with the outcome at Stage 2 (first formal stage) and wishes to take the matter further, they can escalate the complaint to Stage 3 – a meeting with members of the governing body's complaints panel. The panel will consist of at least three members, who have had no prior connection with the complaint and at least one of these must be an independent panel member. This is to ensure that the panel has the benefit of an external source of

scrutiny and challenge in its consideration of the complaint. The independent panel member will not be a member, trustee or employee of the school. This is the final stage of the complaints procedure.

A request to escalate to Stage 3 must be made to the Clerk, via the school office, within ten school days of receipt of the Stage 2 response. The form to complete is attached to this policy.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within five 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 twenty school days of receipt of the Stage 3 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

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

The complaints committee will consist of at least three governors with no prior involvement or knowledge of the complaint, one of whom will be an independent panel member. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee. If there are fewer than two governors from the school available, the Clerk will source any additional, independent governors through another local school or through their LA's Governor Services team, in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 3.

The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.

If the complainant is invited to attend 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 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.

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 five 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 to the committee at least three school days before the meeting.

Any written material will be circulated to all parties at least two 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 to be included. 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 meetings or conversations take place. Consent will be recorded in any minutes taken.

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

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

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

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

future.

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

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

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 3 will be heard by a committee of independent governors.

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 response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

#### **Stage 4 – independent complaint panel hearing**

If the Complainant is unsatisfied with the outcome of the review under Stage 3 of this Complaints Policy, the Complainant may write to the Clerk to Trustees requesting a Complaint Panel Hearing. The Complainant should write to the Clerk within ten school days of receiving the letter confirming the outcome following Stage 3.

The Complainant should not repeat the matters raised in their original letter or attach documentation already provided, but should clearly set out how and why the Complainant does not accept the findings made under Stages 2 and 3.

The Complaint Panel will consist of three persons appointed by the Clerk to the Trust, on behalf of the Trust. None of the three Complaint Panel members will have been involved in the matters which gave rise to the complaint, have been involved in dealing with the complaint previously or have any detailed prior knowledge of the complaint. Two of the Complaint Panel members may be members of the Trust Board. The third Complaint Panel member will be independent of the management and running of the School.

The Complainant may attend the Complaint Panel Hearing, and may be accompanied by another person. For the avoidance of doubt, the Complainant's supporter will be present for moral support only and will not play any part in the proceedings, unless invited to do so by the Chair of the Complaint Panel, entirely at his or her discretion and for a good reason. The Complaint Panel Hearing is not a legal hearing and it is not appropriate for either the Complainant or the School to be legally represented.

The School will be represented at the Complaint Panel Hearing by the person who dealt with the complaint under Stage 3. This person will be referred to as the 'School's Representative' for the purposes of Stage 4. The Complaint Panel Hearing will be minuted by the Clerk to the Complaint Panel.

After selecting the Complaint Panel members, the Trust Clerk will write to the Complainant within ten school days acknowledging receipt of their request and informing them of the names of the Complaint Panel members. If the Complainant objects to any of the named persons being appointed to the Complaint Panel, they should notify the Trust Clerk within three school days of receipt of the letter. Fair consideration will be given to any bona fide objection to a particular member of the Complaint Panel.

The Trust Clerk will liaise with the Complaint Panel, the Complainant and the School's Representative to agree a mutually convenient date for the Complaint Panel Hearing, which will usually take place within twenty school days of receipt of the Complainant's request, unless there are exceptional circumstances.

The Trust Clerk will write to the Complainant confirming the date of the Complaint Panel Hearing within ten school days of the date that the acknowledgement letter was sent (or the date that the new Complaint Panel member was selected, if an objection was received and upheld). If the Complaint Panel Hearing does not take place within twenty school days of receipt of the Complainant's request, the letter will set out the exceptional circumstances involved.

The Clerk to the Trust will forward a copy of all paperwork relating to the complaint (consisting of the record of the Stage 1 informal procedure (if applicable), the original letter of complaint or Complaint Form, any documentation provided by the Complainant with their complaint, all investigation records under Stage 2 with the letter of outcome, all



review records under Stage 3 with the letter of outcome, and the Complainant's letter requesting a Complaint Panel Hearing and accompanying documents) to the Complainant, the School's Representative and the three Complaint Panel members. The names of individuals other than the Complainant, the Complainant's family, members of the School's staff and Governors, will be redacted and replaced with a letter relevant to that particular individual unless they have provided their written consent for their name to be disclosed. If the Complainant wishes the Complaint Panel to consider any additional information, they should forward this documentation to the Clerk to the Trust to arrive at least five school days before the Complaint Panel Hearing, to enable the Clerk to the Trust to forward it to the School's Representative and the Complaint Panel members.

The Chair of the Complaint Panel will decide, at his or her absolute discretion, which witnesses will be permitted to attend the Complaint Panel Hearing to give a verbal statement rather than relying on a written statement or record of meeting which have been signed by the witness.

If the Complainant wishes to rely on the account of a witness, they should ask the witness to write down, sign and date their account and forward it to the Clerk to the Trust at least five school days before the Complaint Panel Hearing, to enable the Clerk to the Trust to forward it to the School's Representative and the Complaint Panel members.

Witnesses under the age of eighteen other than the Complainant's own family will only be allowed to attend the Complaint Panel Hearing at the discretion of the Chair of the Complaint Panel, and then only if they are accompanied by one of their parents. Any written accounts provided by the Complainant related to the witnesses under the age of eighteen must be signed and dated by the witness and one of the witness' parents.

Members of staff of the School involved in the matters which gave rise to the complaint will usually have provided a signed written account or have signed a note of a meeting during the previous stages, which will be forwarded to all parties with the other complaint documentation in the usual way. Members of staff will not usually be required to attend the Complaint Panel Hearing to give a verbal statement unless their conduct is in issue or their account is contentious and the rules of natural justice dictate that the Complainant should be allowed to ask that member of staff questions.

### **Procedure at the Complaint Panel Hearing**

The Complaint Panel Hearing will be conducted as follows:

- the Clerk to the Complaint Panel will greet the Complainant, the Complainant's supporter and the School's Representative and welcome them into the room where the Complaint Panel has convened (any witnesses will remain outside of the room until they are called in to give their account)
- the Complainant will be invited by the Complaint Panel to give an account of their complaint
- the School's Representative will be invited to ask the Complainant questions, if any
- the Complaint Panel will ask the Complainant questions, if any
- at the discretion of the Chair of the Complaint Panel, the Complainant's first witness will be invited into the room to give an account of what they saw or know
- the School's Representative will be invited to ask the Complainant's witness questions, if any
- the Complaint Panel will ask the Complainant's witness questions, if any
- the Complainant's witness will be asked to leave the room
- if the Complainant has any further relevant witnesses, at the discretion of the Chair of the Complaint Panel, they will be invited into the room individually to provide their accounts and be questioned as outlined above
- the School's Representative will be invited by the Complaint Panel to respond to the complaint and make representations on behalf of the School
- the Complainant will be invited to ask the School's Representative questions, if any
- the Complaint Panel will ask the School's Representative questions, if any
- at the discretion of the Chair of the Complaint Panel, the School's relevant first witness will be invited into the room to give an account or what they saw or know
- the Complainant will be invited to ask the School's witness questions, if any
- the Complaint Panel will ask the School's witness questions, if any
- the School's witness will be asked to leave the room
- if the School has any further relevant witnesses, at the discretion of the Chair of the Complaint Panel, they will be invited into the room individually to provide their accounts and be questioned, as outlined above
- the Complainant will be invited by the Complaint Panel to summarise their complaint
- the School's Representative will be invited by the Complaint Panel to summarise their response to the complaint and the School's stance
- the Complaint Panel Hearing will conclude and the Complainant and the School's Representative will be asked to leave.

## **The Complaint Panel's Decision**

The Complaint Panel will convene in private, either immediately after the Complaint Panel Hearing or on a subsequent date, and will consider all of the documentation and everything that they have heard at the Complainant Panel Hearing and make:

### ***Findings of Fact***

The Complaint Panel will decide which facts are established to be true, on a balance of probabilities (i.e. more likely than not). If a fact is not deemed relevant, the Complaint Panel will not consider it further. The Complaint Panel will make a written record of the facts that have been established, those which have not been established and those which are not relevant, with their reasons for making these findings.

### ***Recommendations***

The Complaint Panel will consider the facts which they have established and will make recommendations based upon them. These recommendations may be aimed at achieving reconciliation between the parties, improving procedures or preventing a recurrence in the future. The Complaint Panel will keep a written record of their recommendations, with reasons.

## **Notification of the Complaint Panel's Decision**

The Clerk will write within fifteen school days of the Complaint Panel Hearing to the Complainant, the School's Representative and any person who is the subject of the complaint. The letter will identify each of the issues complained about, summarise how the Complaint Panel Hearing proceeded, and confirm each of the Complaint Panel's findings of fact and recommendations, if any, with reasons. The letter will also confirm that, if the Complainant believes that this Complaints Policy does not comply with the Regulations, or that the School has not followed the procedure outlined in this Complaints Policy, the Complainant may refer their complaint to the Education Funding Agency for further consideration.

The Clerk will also ensure that a copy of the Complaint Panel's findings and recommendations are made available on the School's premises for inspection by the CEO of the Trust, the Local Governing Body and Trustees.

## **Factors for the Complaint Panel to Consider**

- it is important that the Complaint Panel Hearing is independent and impartial, and that it is seen to be so. No person may sit on the Complaint Panel if they have had a prior involvement in the matters which gave rise to the complaint, in dealing with the complaint in the previous stages, or have a prior detailed knowledge of the complaint
- the aim of the Complaint Panel Hearing, which must be held in private, will always be to resolve the complaint and achieve reconciliation between the School and the Complainant. However, it has to be recognised that the Complainant may not be satisfied with the outcome if the Complaint Panel does not find wholly in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the Complainant that his or her complaint has been taken seriously
- an effective Complaint Panel will acknowledge that many Complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The Chair of the Complaint Panel will ensure that the Complaint Panel Hearing is as welcoming as possible, while ensuring that it is procedurally fair to all parties
- extra care needs to be taken when the Complainant is a child, or there are child witnesses present. Care should be taken to ensure that the child does not feel intimidated. The Complaint Panel should be aware of the views of the child and give them equal consideration to those of the adults present. Where the child's parent is the Complainant, it would be helpful to give the parent the opportunity to suggest which parts of the hearing, if any, the child should attend, with the Chair retaining discretion
- the Complaint Panel should ensure that they are familiar with the complaints procedure in advance of the Complaint Panel Hearing

The Chair of the Complaint Panel will play a key part at the Complaint Panel Hearing, ensuring that:

- the remit of the Complaint Panel is explained to the parties and each party has the opportunity of making representations without undue interruption
- all of the issues raised in the complaint are addressed
- each party treats the other with respect and courtesy
- the Complaint Panel is open minded and acts independently of the School
- no member of the Complaint Panel has a vested interest in the outcome of the proceedings
- each side is given the opportunity to state their case and ask questions

- all written material is seen by all parties. If a new issue arises during the course of the Complaint Panel Hearing, it would be useful to give all parties the opportunity to consider and comment on it.

## **What happens if you're not happy with the outcome?**

If a complaint has completed the local procedures and the person making the complaint remains dissatisfied, they have a right to refer their complaint to the ESFA. They may only be able to help if you are unable to complain, or are not satisfied with how the academy handles your complaint, because the academy:

- 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 cannot change an academy's decision about a complaint. Their role is to make sure the academy handles your complaint properly by following a published process. The ESFA will not normally consider complaints received more than 12 months after a decision or the academy's last action.

If you think your concerns are within ESFA's remit, please contact them using the online form at

<https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy>

The Local Authority (Essex County Council) has no powers to intervene in complaints against schools. You can complain to Ofsted if you think a school isn't run properly and needs inspecting. However, they won't look into problems with individual pupils, e.g. exclusions or not getting a place at the school.

**Complaint form:**

Name of School:

*Please complete this form and return it the school office for the attention of the Headteacher, Chair of Governors or Clerk.*

Your name:

Relationship with school (e.g. parent):

Pupil's name (if relevant to your complaint):

Your address:

Telephone number:

Email address:

Please give concise details of your complaint (including dates, names of witnesses, etc) to allow the matter to be fully investigated:

What action, if any, have you already taken to resolve your complaint?

What actions do you feel might resolve the complaint at this stage?

Please continue on a separate sheet, or attach additional documents if you wish.

Number of additional pages attached =

Signature:

Date:

**Complaint review request form** (must be sent within 10 school days of receiving outcome notice):

Name of School:

*Please complete this form and return it the school office for the attention of the Headteacher or the clerk for the attention of Chair of Governors.*

Your name:

Relationship with school (e.g. parent):

Pupil's name (if relevant to your complaint):

Your address:

Telephone number:

Signature:

Date:

Dear Sir/Madam,

I submitted a formal complaint to the school on ....., and I am dissatisfied by the procedure that has been followed.

My complaint was submitted to ..... and I received a response from  
..... on .....

I have attached copies of my formal complaint and the response(s) from the school. I am dissatisfied with the way in which the procedure was carried out, because

You may continue on separate paper, or attach additional documents if you wish.

Number of additional pages attached =

What actions do you feel might resolve the complaint at this stage?

## How we manage serial and unreasonable complaints

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

The school defines 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 the outcomes sought by raising the complaint, despite offers of assistance
- refuses to co-operate with the complaints 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 taken into account 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 that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education
- 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 and 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 that relates 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.

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 the school 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.

For more information on unreasonable behaviour and harassment, please see the Trusts Persistent Complaints, Harassment and Unreasonable Behaviour Policy.