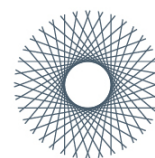


# Complaints policy



AGORA  
LEARNING  
PARTNERSHIP

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|--------------------|-------------------|
| DATE ISSUED:       | September 2017    |
| DATE LAST REVIEWED | October 2020      |
| NEXT REVIEW DATE:  | October 2023      |
| APPROVED BY:       | Board of Trustees |
| APPROVAL DATE:     | October 2020      |

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## 1 INTRODUCTION

- 1.1 This policy sets out the way in which the Agora Learning Partnership aims to address concerns and complaints. The Agora Learning Partnership recognises that there may be times when a parent/carer, academy staff member/governor or other stakeholder, wishes to raise a concern or complaint about a particular aspect of the work of one of the academies in the Trust or the central team. The Agora Learning Partnership wants to know as soon as possible about such concerns or cause for dissatisfaction so that the issue can be dealt with appropriately and resolved as soon as possible. This complaints policy is informed by the *ISS (Independent Academy Standards) Regulations (2014)*, and the ESFA's *Setting up an academies complaints procedure and Best practice guidance for academies complaints procedures (July 2020)*.
- 1.2 This policy may be used by:
- a parent whose child attends or who has recently left an Agora Learning Partnership school
  - members of the public or other organisations
  - a Governor, Trustee or Member about a member of staff at an academy or in the central team
  - a member of staff against an individual staff member, Governor, Trustee or Member
  - stakeholders for Data Protection and Freedom of Information related matters
- 1.3 This policy is not intended to apply to concerns or complaints related to the following aspects of the Trust's work as these are covered under separate policies and procedures:
- Child protection matters and procedures.

- Appeals about admissions
- Complaints about fixed-term or permanent exclusions from school (further information about raising concerns about exclusion can be found at [www.gov.uk/school-discipline-exclusions/exclusions](http://www.gov.uk/school-discipline-exclusions/exclusions) ).
- Complaints about services provided by other providers who may use the school premises or facilities.
- Staff grievances (please see the Trust's [Grievance Policy](#))
- Staff conduct (please see the Trust's [Code of Conduct – employees](#))
- Disciplinary procedures (please see the Trust's [Disciplinary Policy](#))
- Whistleblowing (please see the [Trust's Whistleblowing Policy](#))
- Collective worship (these should be addressed to the local authority or Standing Council on Religious Education)
- National Curriculum content
- Complaints about pupil behaviour outside of school hours, e.g. weekends and holiday periods – such issues are not the school's responsibility.

1.4 Complaints from parents of children with SEN about the school's support are within the scope of this complaints procedure with the following proviso. Where parents have specific complaints about the Education Health and Care (EHC) plan procedures, or about the content of their child's EHC plan (or Statement of Special Educational Needs), they should contact Hertfordshire County Council via their website. This is in accordance with the SEND Code of Practice.

## 2 OUR AIMS

- Complaints will be dealt with honestly, politely and in confidence
- Complaints will be looked into thoroughly and fairly and every effort will be made to resolve the issue
- The timescales for dealing with complaints are specified below
- We will provide updates on the progress of complaints at each stage
- We will apologise if we have made a mistake
- A full and clear written reply to formal complaints will be issued within 28 school working days (5½ weeks) of the complaint being received

## 3 HOW TO MAKE A COMPLAINT

- 3.1 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.
- 3.2 All personal information or records relating to complaints will be treated in confidence and in accordance with the requirements of the Data Protection Act 2018. Information will only be disclosed to those who need to know, so they can investigate the complaint.

- 3.3 We will not normally investigate anonymous complaints. However, the headteacher or Academy Governing Board (AGB) Chair, if appropriate, will determine whether the complaint warrants an investigation.
- 3.4 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
- 3.5 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.
- 3.6 We will consider complaints made outside of term time to have been received on the first school day after the holiday period.
- 3.7 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.
- 3.8 If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.
- 3.9 Please note: if a complainant commences legal action against the Agora Learning Partnership in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded

## 4 RESOLVING COMPLAINTS

The Agora Learning Partnership takes concerns seriously and will make every effort to resolve the matter as quickly as possible. At each stage in the procedure, the school/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 decide to 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 about 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

## 5 STAGE 1: INFORMAL STAGE

- 5.1 If a parent or carer has a concern about any aspect of the provision for their child, they should, in the first instance, discuss it with the relevant member of staff, for example the child's class teacher or the SENCo. The Agora Learning Partnership anticipates that most issues can be dealt with informally through discussion. All teachers work very hard to ensure that each child is happy and making good progress. They will always want to know if there is a problem and will seek to resolve the issue.
- 5.2 Concerns should be communicated directly to the class teacher. This may be by letter, by telephone, by email or in person with an appointment, which can be made via the school office. Concerns can also be raised by a third party acting on behalf of the complainant with their consent. Information will only be disclosed to a third party with the complainant's written consent. 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.
- 5.3 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 or 3 of the formal complaints process. In the event that a Governor is approached by a complainant, they should signpost the complainant back to the most appropriate person.
- 5.4 Where a parent/carer feels that a situation has not been resolved through discussion with the member of staff, or where there is a generic concern or complaint about the school, an appointment to discuss this should be made with the headteacher. The headteacher takes all concerns very seriously. S/he will investigate each case thoroughly. If a complaint cannot be dealt with immediately, the headteacher will endeavour to provide you with a full response within five school working days.
- 5.5 Many concerns can be resolved through discussion, clarification and/or the provision of information. The Agora Learning Partnership anticipates that most complaints will be resolved at this informal stage.
- 5.6 If your child has a Statement of Special Educational Needs (SEN) or an Education, Health and Care Plan (EHCP), you might find it helpful to talk to the school's Special Educational Needs Co-ordinator (SENCo) or your child's named Special Needs Officer at the Local Authority. The [SEND Information Advice and Support Service](#) (SENDIASS – formerly Parent Partnership) may also be able to help you.

## 6 STAGE 2: FORMAL INVESTIGATION BY HEADTEACHER

- 6.1 If the concern or complaint is not resolved at the informal stage, the complaint should be put in writing (preferably on the form in Appendix 1, either by post or email) and addressed to the headteacher, marked private and confidential. Should you require support with submitting your complaint, for example the use of a recording device to enable you to send in a verbal account of your complaint, please contact the headteacher. You can also ask a third-party organisation, for example Citizens Advice or an independent advocate, to help you. The headteacher will be responsible for ensuring that the complaint is investigated properly. There is a complaints form at the end of this policy for use if required.
- 6.2 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.
- 6.3 If the complaint is about the headteacher or a governor, it should be addressed to the chair of the school's Academy Governing Board (marked private and confidential), who will determine who is best placed to deal with the complaint.
- 6.4 The headteacher or chair of the Academy Governing Board, will respond formally in writing to acknowledge the complaint within five school working days. Within this response, the headteacher will explain how the complaint will be dealt with, seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The head teacher can consider whether a face to face meeting is the most appropriate way of doing this.
- 6.5 The headteacher may delegate the investigation to another member of the school's senior leadership team but all decisions about the complaint will be taken by the headteacher.
- 6.6 During the investigation, the head teacher (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
- 6.7 The headteacher or chair of the Academy Governing Board will aim to inform you of the outcome within 10 school working days. If the headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date. 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.

6.8 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/Trust will take to resolve the complaint.

## **7 STAGE 3: FORMAL INVESTIGATION BY ACADEMY GOVERNING BOARD/TRUST**

7.1 If you remain dissatisfied following Stage 2 and wish to take the complaint further, you will be asked to put the complaint in writing (either by letter or email), addressed to the chair of the school's Academy Governing Board. A request to escalate to Stage 3 must be made within 15 school days of receipt of the Stage 2 response. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

7.2 The written complaint should:

- state clearly the reason for the complaint
- explain clearly what steps have been taken to resolve the complaint so far by the school and why this has not been satisfactory
- outline the desired outcome from the complaint

7.3 The Chair of the Academy Governing Board 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. The Chair will then arrange for your complaint to be considered and investigated under the arrangements approved by the Trust. This is likely to involve a panel of governors/independent individuals. The panel will consist 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. A governor from a local governing body at a different school within the Trust, who has no conflict of interest or prior knowledge of the complaint, can be an independent panel member.

7.4 The governor in charge of investigating the complaint may ask you to come to a meeting to discuss the concerns. They will aim to convene a meeting within 15 school days of receipt of the Stage 2 request. If this is not possible, they will provide an anticipated date and keep the complainant informed. Parents will be given reasonable notice of the panel hearing date, with any papers circulated 5 working days in advance. The governor will ensure that the venue and proceedings are accessible to the complainant. If the complainant rejects the offer of three proposed dates, without good reason, the governor 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. Similarly, if either party elects to leave the panel hearing before it has finished, it is permitted to continue in their absence.

7.5 As part of the formal stage, you must make sure that members of the governors' complaints panel are provided with any written information and/or evidence that you will use in a formal hearing at least 7 school days

before the panel hearing date. 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 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.

- 7.6 You may bring a friend, representative or interpreter to any meeting. The chair of the panel may invite any person who could help establish the facts of the complaint. The chair will tell you who this person is before the meeting. Generally, we do not encourage either party to bring legal representatives to the panel meeting. However, there may be occasions when legal representation is appropriate, for instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation. Representatives from the media are not permitted to attend.
- 7.7 If any member of staff is required by the Academy Governing Board or the governors' complaint panel to attend a meeting, they will have the opportunity to be accompanied or represented as they wish. A member of staff named in a complaint may also choose to attend a meeting, even if not required to do so by the Governors or they may be represented. If this happens, all parties will be informed in advance.
- 7.8 The hearing may take place with both parties present or attending separately at different times. Once again, this will depend on the circumstances of the complaint
- 7.9 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.
- 7.10 When the panel has fully investigated your complaint, the chair of the panel or the governor in charge of the investigation will write to you to tell you the findings and recommendations. 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
  - make a finding of 'no judgement' if there is insufficient evidence to reach a definitive conclusion
- 7.11 If the complaint is upheld in whole or in part, the panel will:
- decide on the appropriate action to be taken to resolve the complaint
  - where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future
- These findings will be reported to the Academy Governing Board. The chair of the AGB will then write to you (by email or otherwise), and where relevant,

the person who is the subject of the complaint, confirming the outcome of your complaint, any agreed actions and the minutes of the meeting. The findings will also be made available for inspection on the school premises by the Chief Executive Officer and the headteacher. The AGB will aim to deal with your complaint and inform you of the outcome within 28 school working days (5½ weeks).

## 8 COMPLAINTS WHERE A CHILD NO LONGER ATTENDS THE SCHOOL AND IS NO LONGER ON ROLL

8.1 The purpose of this complaints process is to ensure that if an error has been made, or an injustice has occurred, action can be taken to try and provide a remedy. Where the complainant has removed their child from the school, it is impossible for the school to provide a remedy that will directly benefit them or their child.

However, as the Academy Governing Board has a duty of care to pupils who remain on roll, where a child has left the school it will ensure that the circumstances of any complaint made are reviewed so that the AGB is satisfied that the school had acted appropriately and that the relevant policies and procedures had been followed correctly.

8.2 Under this policy and procedure, where a child no longer attends the school and their name has been removed from the school roll, the Chair of Academy Governing Board has the discretion to commission a Stage 3 Governor Review instead of a Stage 3 Complaints Panel. The Chair of the AGB will choose one of the two options, to ensure that the complaint is investigated appropriately and that the complaints process can be concluded, however, the final decision as to which option they choose is entirely at their discretion.

8.3 If a decision is taken to commission a Stage 3 Governor Review instead of a Stage 3 Complaints Panel Hearing, the Chair of the Academy Governing Board will appoint a governor who has had no prior involvement in the complaint to undertake this. If a governor cannot be appointed from the school's own AGB (for example due to sickness or other prior commitments), the Chair of the AGB will appoint an independent governor from another school in the Trust.

8.4 Once a governor has been appointed, they will review the original complaint, the Stage 2 Investigation and response, the complainant's reply to the Stage 2 response (including their escalation request) and any further evidence the complainant has submitted (this must relate to the complaint and cannot be in relation to new matters).

8.5 When the review is complete, either the Chair of the Academy Governing Board or the governor who conducted the review will write to the complainant to inform them whether the complaint has been upheld or rejected, in full or in part, and of any changes to practice and procedures which have been agreed by the AGB.



## 9 ALTERNATIVE CONTACTS FOR SPECIFIC CIRCUMSTANCES

9.1 There are additional levels of governance who assume responsibility under specific circumstances for Stage 2 and Stage 3.

Specifically:

- Where the complaint relates to the Chief Executive Officer (CEO), or a Trustee or a Member, the Chair of the Board of Trustees assumes responsibility at Stage 2.
- Where the complaint relates to a governor, the chair of the Academy Governing Board assumes responsibility at stage 2.
- Where the complaint relates to the chair of the Academy Governing Board (AGB), the vice chair of the AGB, the entire AGB or the majority of the AGB the Chair of the Board of Trustees assumes responsibility at stage 2.
- Where the complaint relates to the Chair of the Board of Trustees or the whole Board of Trustees or the majority of the Board, please address the complaint to the Company Secretary. In these circumstances Stage 2 will not apply and the Stage 3 complaint will be heard by a completely independent panel. None of the three members of the Complaint Panel will have been involved in the incidents or events which led to the complaint, or have been involved in dealing with the complaint in the previous stages, or have any detailed prior knowledge of the complaint. 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.

9.2 For complaints to be addressed to the Chair of the Board of Trustees or the Company Secretary, please contact the Company Secretary and mark as private and confidential:

Via email: [Jackie.Goodhall@agoralearning.co.uk](mailto:Jackie.Goodhall@agoralearning.co.uk)

Via post: Jackie Goodhall, Company Secretary, Agora Learning Partnership, The Orchard Primary School, Gammons Lane, Watford, WD24 5JW

## 10 RECORDING COMPLAINTS

10.1 A written record will be kept of all complaints made at stages 2 and 3, detailing:

- (i) whether they are resolved at stage 2, or proceed to a stage 3 panel hearing; and
- (ii) action taken by the school as a result of those complaints (regardless of whether they are upheld);

All correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or (or someone acting on his or her behalf) requests access to them.

- 10.2 Records of stage 3 complaints will be retained on file by the school for a minimum of 6 years from the date of the resolution of the complaint. They will then be reviewed for further retention in case of contentious disputes before being disposed of securely.

## 11 FURTHER RECOURSE

- 11.1 The Agora Learning Partnership anticipates that most complaints will be resolved by the internal processes outlined in this policy. However, academies operate independently of the Local Authority and, as such, the Local Authority is unable to investigate complaints regarding academies even if the complaint relates to special educational needs provision. Therefore, anyone wishing to escalate a complaint about an academy, which has not been satisfactorily resolved through the Agora Learning Partnership's complaints procedure, should contact the Department for Education and request that the complaint be passed to the Education and Skills Funding Agency (ESFA).
- 11.2 The complainant can refer their complaint to the ESFA online at: [www.education.gov.uk/contactus](http://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 Complainant should be aware that the ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by the Agora Learning Partnership. They will consider whether the 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.

## 12 REVIEW

- 12.1 The Academy Governing Board of each school will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure. The AGB will report the outcomes of their monitoring to the central team in order to inform any necessary changes or improvements to this policy.
- 12.2 Information on the number of complaints a school has received under the formal complaints procedure is available on request from the school office.
- 12.3 Information on the number of complaints the Trust has received under the formal complaints procedure is available on request from [info@agoralearning.co.uk](mailto:info@agoralearning.co.uk)



APPENDIX 1 COMPLAINT FORM

|  |
|--|
| Your name:   |
| Academy/School:  |
| Pupil's name and class (if relevant):  |
| Your relationship to the pupil (if relevant):  |
| Address:<br><br>Postcode:<br>Day time telephone number:<br>Evening telephone number:<br>Email address: |
| If you are making complaint on behalf of someone else, please provide their details below:             |
| Please give details of your complaint:   |

What action, if any, have you already taken to try to resolve your complaint. (Who did you speak to and what was the response)?

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 Only

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

Action taken:

Date:

## APPENDIX 2 SERIAL/UNREASONABLE COMPLAINTS

The Agora Learning Partnership 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 schools/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.

The Trust 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/Trust, 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
- persistently approaches various individuals at the school, as well as the Trust, Ofsted, the ESFA/the Department for Education, etc., through different routes about the same issue(s) in the hope of eliciting different responses

Complainants should try to limit their communication with the school/Trust 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, Chair of the Academy Governing Board or other member of the Trust dealing with the complaint, 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/Trust causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from the Trust's premises. Should the school deem this necessary, it will ensure that it adheres to the guidance issued by the Department for Education (DFE) entitled [Controlling access to school premises](#).



## APPENDIX 3 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/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
- Refrain from making allegations and threats

### Investigator

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

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
  - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
  - interviewing staff and children/young people and other people relevant to the complaint
  - consideration of records and other relevant information
  - analysing information
  - referring to any relevant Trust or school policies and procedures that apply
- 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 head teacher or complaints panel that sets out the facts, identifies solutions and recommends courses of action to resolve problems

The head teacher or complaints panel will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

### Complaints Co-ordinator

(this could be the headteacher, CEO, designated complaints governor, clerk, trustee or other staff member providing administrative support)

The complaints co-ordinator should:

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

### **Clerk to the Academy Governing Board / Company Secretary of the Trust Board**

The Clerk is the contact point for the complainant and the panel (this may be the same person as the Complaints Coordinator) and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example: stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the panel'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 an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the panel is explained to both parties

- 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 (and complaints co-ordinator, if the school has one)

## Panel Member

Panel members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so
- no governor / trustee may sit on the 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
- 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 panel considers is not in the child/young person's best interests.
- the welfare of the child/young person is paramount

The Trust recognises 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.