



COMPLAINTS POLICY

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Trust and Schools' Websites

CEO

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1. INTRODUCTION

1.1 Extol Trust and its schools will deal with all complaints in compliance with guidance and regulations set out by the Department for Education, The Education & Skills Funding Agency (ESFA) and The Education (Independent Academy Standards) Regulations 2014, Schedule 1 Part 7. Reference has also been made to the EFA guidelines “Creating an Academy Complaints Procedure” January 2015 and “Best Practice Guidance for School Complaints Procedures 2019”.

1.2 Where relevant, this policy should be read in conjunction the Trust’s Staff Code of Conduct.

1.3 This policy complies with our funding agreement and articles of association.

1.4 In addition, our policy addresses duties set out in the Early Years Foundation Stage statutory framework with regards to dealing with complaints about the trust’s fulfilment of Early Years Foundation Stage requirements.

The Trust has adopted a three-stage process for dealing with complaints:

Stage 1 – INFORMAL (Concern/Complaint brought to the attention of member of staff)

Stage 2 – FORMAL (Complaint in writing and heard by Headteacher)

Stage 3 – PANEL HEARING (Complaint heard by Complaints Panel)

1.5 Who Can Make a Complaint?

- This complaints procedure is not limited to parents and carers of children that are registered at one of the schools in the Trust. Any person, including members of the public, may make a complaint to school about any provision of facilities or services that the school provides. Unless complaints are dealt with under separate statutory procedures (see the list under paragraph 1.6) we will use this policy.

1.6 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 the Headteacher. If the issue remains unresolved, the next step is to make a formal complaint.
- Complainants should not approach individual local 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 later stages of the procedure.
- Complaints against school staff (except the Headteacher) should be made in the first instance, to the Headteacher via the school office. Please mark correspondence 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 your envelope as Private and Confidential.
- Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to the CEO and delivered or posted to the CEO, Extol Trust, Hartlepool, TS26 9LY. Please mark your envelope as Private and Confidential.
- Complaints about Chair of Trustees, individual trustee or whole Trust Board should be addressed to Trust's Clerk to Governance who will arrange for Members of the Trust to consider complaint. Please mark your envelope as Private and Confidential.

For ease of use, template complaint forms are included at the end of the policy as Appendices 5a and 5b.

In accordance with equality law, consideration will be made to 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.

1.7 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. In cases where the complainant raises an issue under safeguarding an investigation will always take place.

1.8 Time Scales

A complaint must 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. Only where exceptional circumstances apply, will we consider complaints made outside of this time frame.

Complaints made outside of term time will be deemed to have been received on the first school day after the holiday period and deadlines will be counted from this 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 the policy or result in the procedure being suspended until those public bodies have completed their investigations.

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



2. SCOPE

2.1 This is a statutory policy which covers the procedures for all complaints against Extol Trust or any of its schools, employees or governors.

2.2 This policy applies to all employees, Trustees and Local Governors of Extol, including casual, agency staff, self-employed workers and volunteers of the Trust. For ease of reference the term “employee” is used throughout this policy to cover all of the above categories of personnel.

2.3 This policy will not be used for complaints where other procedures are in place.

Exceptions:	Who to Contact:
Admission to schools	Please refer to the individual school’s Admissions Policy for the appeals process.
Statutory assessments of Special Educational Needs	Concerns about assessment of Special Educational Needs should be made directly to the local authority in which the child resides.
School re-organisation proposals	Anyone wishing to raise a concern about school re-organisation should follow the procedures for the consultation of stakeholders set out as part of the proposals.
Matters likely to require a Child Protection investigation	Complaints about child protection matters are handled under our Safeguarding and Child Protection Policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibilities for safeguarding or the Multi-Agency Safeguarding Hub (MASH). Contact details available from school’s office.
Exclusion of children from school	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-disciplineexclusions/exclusions <i>*complaints about a school’s application of the Behaviour Policy can be made through this Complaints Policy.</i>
Whistleblowing	Employees, contractors working for the Trust on academy premises, suppliers and those providing services under a contract with the Trust who have a concern regarding malpractice or wrongdoing, should refer to the “Extol Whistleblowing Policy”.
Staff Grievances	Complaints from staff will be dealt with under the Trust’s internal grievance procedures.
Staff Conduct	Complaints about staff will be dealt with under the Trust’s internal disciplinary procedures or the Managing Allegations of Abuse against Staff Policy, if appropriate. <i>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.</i>
Complaints about services provided by other providers	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct
National Curriculum - content	Please contact the Department for Education at: www.education.gov.uk/contactus



3. DEFINITIONS

The difference between a Concern and a Complaint

The DfE guidance explains the difference between a concern and a complaint:

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

Extol will resolve concerns through day-to-day communication as far as possible.

A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”.

Extol intends to resolve complaints informally where possible, at the earliest possible stage.

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 Trust and its schools take concerns seriously and will make every effort to resolve the matter as quickly as possible.

4. AIMS

Extol Trust aims to meet its statutory obligations when responding to complaints.

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The Trust will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will ensure we publicise the existence of this policy and make it available on our website, and on the websites of our schools.

5 RESPONSIBILITIES

5.1 The Local Governing Body(LGB) must ensure that this policy is implemented in its school and that both current and new employees and governors have access to, and are made aware of, this policy.

5.2 Headteachers/Line Managers must be fully aware of this policy and ensure that they and all employees are aware of the policy and their own responsibilities.

5.3 A full table of roles and responsibilities has been sent out in Appendix 1.

6 GENERAL PRINCIPLES OF COMPLAINTS

6.1 Stage 1 – (Informal): Concern/Complaint heard by staff member

6.1a On occasions, a parent may raise a concern directly with school staff without any formality. At this stage, it may be unclear whether the parent is making a complaint, seeking information or is in possession of information requiring clarification. Schools need to be clear about the difference between a concern and a complaint. It would be helpful if staff were able to resolve issues on the spot, including offering an apology where necessary. Taking



informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints. Concern/complaint to be logged on CPOM system and shared via system to appropriate senior staff.

6.1b The underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally.

6.1c At this stage where the complaint concerns the Headteacher, the complaints can be referred to the Chair of the LGB.

6.1d Where the first approach is made to a governor, they should refer the complaint to the Headteacher and advise the complainant of the procedures. It is important that individual governors or the LGB do not become involved at this stage in case they are needed to sit on a panel at a later stage of the procedure.

6.2 Stage 2 – (Formal) Written complaint heard by Headteacher

6.2a If the concern is not resolved immediately and the parent confirms a complaint in writing, the opportunity to discuss the matter with an appropriate member of staff will be given e.g. Headteacher, Key Stage Leader, member of the Social Inclusion Team. At this stage the Headteacher may delegate the task of collating the information to another staff member but not the decision on the action to be taken. In the case of the complaint being against the Headteacher, this stage will always be heard directly by the Chair of the LGB.

6.3 Stage 3 (Panel Hearing): Complaint heard by Complaints Panel

6.3a The formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

7 FRAMEWORK of PRINCIPLES

7.1 Aim of the Complaints Procedure

7.1a Our procedure aims to:-

- encourage resolution of problems by informal means wherever possible
- be easily accessible and publicised
- be simple to understand and use
- be impartial
- be non-adversarial
- allow swift handling with established time-limits for action and keeping people informed of the progress
- ensure a full and fair investigation by an independent person where necessary
- respect people's desire for confidentiality
- address all the points at issue and provide an effective response and appropriate redress, where necessary



- provide information to the school's senior management team and the Trust so that services can be improved

7.2 Resolving Complaints

7.2a At each stage in the procedure we will keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology
- an explanation
- an admission that the situation could have been handled differently or better
- an explanation of the steps that have been taken to ensure that it will not happen again
- an undertaking to review school policies in light of the complaint

7.2b It would be useful if complainants were encouraged to state what actions/outcome they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence.

7.2c An effective procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

7.3 Dealing with Serial or Persistent Complainants

7.3a If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. The decision to stop responding to a complainant should never be taken lightly and the Trust/School needs to be sure that:

- The Trust/School has taken every reasonable step to address the complainant's concerns;
- The complainant has been given a clear statement of the Trust/School's position and their options (if any)

7.3b If the complainant tries to reopen the same issue, the Chair of the Board of Trustees or Chair of the LGB, as appropriate, is able to inform them in writing or via email that the procedure has been exhausted and that the matter is now closed.

7.3c The procedure for managing serial and unreasonable complaints is set out in Appendix 7

8 MANAGING AND RECORDING COMPLAINTS

8.1 Recording Complaints

8.1a Schools should record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, in writing (e-mail). An example of a complaint form is attached at Appendix 5a. At the end of a meeting or telephone call the member of staff



should ensure that the complainant and the School have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls can be kept and a copy of any written response on CPOMS added to the record.

8.1b A written record of all complaints that are held at Stage 2 and 3 should be maintained by the School including how they were resolved and any action taken by the School as a result of the complaint, regardless of whether the complaint was upheld. (retention of documentation of complaint should be in line with the Trust's Disposal and Retention Policy)

8.1c All correspondence, statements and records relating to complaints must be kept confidential.

8.2 Trust and LGB - Review of Complaints

8.2a The LGB should monitor the level and nature of complaints a school receives and review the outcome on a regular basis to ensure the procedure is operating effectively and make any amendments where necessary. Complaints information shared with the LGB should not name individuals.

8.2b Any complaints that reach Stage 3 should be reported to the Board of Trustees via the CEO report to allow a decision to be made in advance of the Complaints Panel as to whether a Board member should be on the Panel. The Board should also receive notification of the nature and outcome of all Stage 3 complaints.

8.2c As well as addressing the individual's complaints, the process of listening to and resolving complaints will contribute to school improvement. When individual complaints are heard, schools may identify underlying issues that need to be addressed. The monitoring and review of complaints by the School and the LGB can be a useful tool in evaluating a School and/or the Trust's performance.

8.3 Publicising the Procedure

8.3a It is recommended practice for the complaints procedures to be published and as such details of the procedures could be included in:

- School prospectus
- Information given to new parents when their children join the school
- Home/School agreement
- Home/School bulletins or newsletters
- Documents supplied to community users including course information or letting agreements.
- Trust and School websites

8.4 Further Recourse

8.4a There is no further right of appeal to the LGB or Academy Trust. All complainants have the right, as a last resort, to contact the Education & Skills Funding Agency if they are not satisfied with the way in which their complaint has been considered. You can contact the ESFA via their complaints form on the following link:



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

8.5 The Role of the Education & Skills Funding Agency (ESFA)

8.5a The ESFA can support academies to achieve a compliant procedure but it is the responsibility of the Trust to make sure that their complaints procedure is fully compliant. The ESFA's responsibility is to ensure academies comply with their funding agreements.

8.5b The ESFA will check whether the complaint has been dealt with properly and whether it falls into any of the following three areas:

- Where there is undue delay or the Trust/School did not comply with its own complaints procedure when considering a complaint.
- Where the Trust/School is in breach of its funding agreement with the Secretary of State
- Where the Trust /School has failed to comply with any other legal obligation.

8.5c The ESFA will not overturn an academy's decision, however, if they find an academy did not deal with a complaint properly they will request the complaint is looked at again and procedures meet the requirements set out in the Regulations.

9 COMPLAINTS PROCEDURE

9.1 Stage 1 (Informal) – Complaint heard by staff member (or Headteacher)

9.1a It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. To that end, staff and governors should be made aware of the procedures so that they will know what to do when they receive a complaint.

9.1b It would assist the procedure if the school respected the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, another member of staff can hear the complainant. Where the complaint concerns the Headteacher the complainant should be referred to the Chair of the LGB.

9.1c Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the complaint could be referred to a senior staff member. The ability to consider the complaint objectively and impartially is crucial.

9.1d Where the first approach is made to a governor, the next step would be to refer the complainant to the Headteacher and advise them of the procedure. Governors should not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

9.1e The Headteacher's influence will already have shaped the way complaints are handled in the school and resolved the complaint at this stage. If though the informal process has



been exhausted, and no satisfactory solution has been found, the parent will be asked if they wish the complaint to be considered formally at stage two of this procedure.

9.1f If wishing to proceed with the complaint, the parent will be invited to put the complaint in writing to the Headteacher using the form attached at Appendix 5a. The form should be sent to the Headteacher within ten school days. If the complaint relates to the Headteacher the form should be sent to the Chair of the LGB within ten school days.

9.2 Stage 2 (Formal) – Written complaint heard by Headteacher

9.2a At this stage the complainant may be dissatisfied with the way the complaint was handled at stage 1 as well as pursuing their initial complaint. The Headteacher may delegate the task of collating the information to another staff member but not the decision on the action to be taken. Where the Headteacher has addressed the complaint at stage one, the Chair of the LGB will become involved at this stage. Where another staff member has addressed the complaint at stage one, the Headteacher will hear this stage.

9.2b The Headteacher will acknowledge the written complaint within five school days of receipt and provide an opportunity to meet the parent to discuss the complaint. At this point the Chair of the LGB and Headteacher may still seek to resolve the complaint informally.

9.2c The Headteacher (or designated person) will investigate the complaint and a written response will normally be made within ten school days of receipt of the complaint. If this is not possible, a letter will be sent explaining the reason for the delay and providing a revised target date.

9.2d The written response will include full reasons for the conclusions reached by the Headteacher and what action, if any, the school proposes to take to resolve the matter.

9.2e (The same process as set out above should be followed for any complaints against the Trust's Central Services employees, which should be put in writing to the Chief Executive Officer in the first instance. Anyone wishing to make a formal written complaint in this circumstance at Stage 2 should complete the complaints form found in Appendix 5b)

9.3 Stage 3 (Panel Hearing) Complaint Heard by Complaints Panel

9.3a If the complainant still remains dissatisfied, they must notify the Headteacher, or Chair of the LGB (if the complaint relates to the Headteacher) within ten school days of receiving the written response following Stage 2. They will, at this point, be advised that a meeting of the Complaints Panel will be convened. The Panel, is the last Trust based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions.

9.3b As the Chair of the LGB may have been involved at an earlier stage in the procedure (particularly where the complaint is about the Headteacher) it may be wise not to include the Chair as a member of the Panel to avoid any possible reference to the Chair being "impartial".

9.3c The Headteacher would be expected to attend the hearing to give evidence and may also choose to invite staff to attend who had been directly involved in matters raised by the complainant (Subject to the approval of the Chair of the Panel).



9.3d The Panel should consist of three members who are not directly involved in the matters detailed in the complaint and of whom at least one is an independent member who is not concerned in the management or running of the school. It is a matter for the school and the Trust to identify suitably independent individuals who can fulfil the role and responsibility of being the independent member. Schools should request a panel to be constituted through the Trust's Clerk to Governance .

9.3e The School must allow the parent(s) / complainant to attend the Panel and be accompanied if they wish. This can be a relative or a friend. Generally, we do not encourage either party to bring legal representatives to the meeting, however, there may be occasions when legal representation is appropriate, i.e. if a school employee is called as a witness in a complaint hearing, they may wish to be supported by a union and/or legal representative. (Note that complaints about staff conduct will not generally be handled under this complaints procedure).

9.3f Representatives from the media are not permitted to attend.

9.3g 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.

9.3h The Panel 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.

9.3j 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.

10 COMPLAINTS ABOUT a GOVERNOR, CHAIR of LGB, a HEADTEACHER, the CEO or MEMBER of the BOARD of TRUSTEES

10.1 Governor

10.1a Complaints against a Governor should be referred to the Chair of the LGB who will investigate and respond to the complainant. In dealing with this matter the Chair should seek advice from the Trust's CEO. A Complaints Panel would deal with any appeal against the Chair's response.

10.2 Chair of the LGB

10.2a Complaints against the Chair of the LGB must be referred to the Chief Executive Officer who will arrange for the complaint to be investigated and where other measures are exhausted, considered by a Complaints Panel comprised from Trustees of the Academy Trust.

10.3 Headteacher or Trust Central Services Employee

10.3a Complaints against a Headteacher (or Trust Central Services employee) that cannot be resolved at the Stage 2 level should be referred to the Chief Executive Officer who will arrange



for the complaint to be investigated and considered by a Complaints Panel comprised from Trustees of the Academy Trust.

10.4 Chief Executive Officer

10.4a Complaints against the Chief Executive Officer must be referred to the Chair of the Board of Trustees who will arrange for the complaint to be investigated and where other measures are exhausted, considered by a Complaints Panel comprised of Trustees from the Academy Trust Board, a Member of the Trust and including an independent person who is not concerned in the management or running of the Trust or any of its academies.

10.5 Trust Board or Individual Trustee

10.5a Complaints against the Board or an individual Trustee must be referred to the Trust's Clerk to Governance who will arrange for the complaint to be investigated and considered by a Complaints Panel comprised of a member of the Trust, other members of the Board of Trustees and an independent person who is not concerned in the management or running of the Trust or any of its academies.

11 BREACHES of the POLICY

11.1 Addressing complaints is a sensitive area and should be carried out with a view to reconciliation between all parties. It is therefore important that all those with responsibilities follow the steps set out within this policy to avoid confusion or misunderstanding, which may lead to unjust loss of reputation of an individual, the School or the Trust.

12 FURTHER GUIDANCE

- EFA "Creating an Academy Complaints Procedure" – January 2015
- DfE "How the ESFA Handles Complaints about Academies" – October 2018
- DfE "Best Practice Guidance for School Complaints Procedures" – January 2019

13 EQUALITY STATEMENT

13.1 Those within Extol Trust who have responsibilities defined within this policy will carry out their duties with regard to the Trust's Equality Statement and commitment to abide by the Equality Act 2010:

- accepting our legal duty to ban unfair treatment and achieve equal opportunities in the classroom, the workplace and in wider society.
- We have regard for our duty to:
 - Eliminate unlawful discrimination, harassment and victimisation
 - Advance equal opportunity
 - Foster good relations

14 LEGAL CONSIDERATIONS

14.1 Extol recognises its duty to publish a Complaints Policy and Procedure as set out in the Education (Independent School Standards) Regulations 2014, Schedule 1 Part 7.



15 RELATED POLICIES

- Whistleblowing Policy Dec 19
- Staff Code of Conduct Sep 19



Appendix 1 – Roles and Responsibilities

A The Role of the Complainant

The Complainant will receive a more effective response to the complaint if they:

- Explain the complaint in full as early as possible
- Co-operate with the School in seeking a solution 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

B The Role of the Investigator

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

- Providing a comprehensive, open, transparent and fair consideration of the complaint through:
 - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
 - Interviewing staff and children/young people and other people relevant to the complaint
 - Consideration of records and other relevant information
 - Analysing information
- Liaising with the Complainant and the Complaints Co-ordinator as appropriate to clarify what the Complainant feels would put things right

The Investigator should:

- establish what has happened so far, and who has been involved
- clarify the nature of the complaint and what remains unresolved
- meet with the complainant or contact them (if unsure or further information is necessary)
- clarify what the complainant feels would put things right
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- conduct the interview with an open mind and be prepared to persist in the questioning
- keep notes of the interview or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the headteacher or governor's panel that sets out the facts, identifies solutions and recommends courses of action to resolve problems.



C The Role of the Headteacher/Chair of the LGB

Where appropriate, the Investigator will present a report of their findings to the Headteacher or Chair of the LGB who will determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

Where an investigation is being carried out by the Chair of the LGB in relation to a complaint against the Headteacher, they should complete a full report and make their own determination regarding the outcome.

D The Role of the Complaints Co-ordinator

The School based Complaints Co-ordinator could be the Headteacher, designated complaints governor or other staff member providing administrative support. Where appropriate, this function will be carried out by the Trust Clerk to Governance.

The Complaints Co-ordinator should:

- Ensure that the Complainant is fully updated at each stage of the procedure
- Liaise with staff members, headteacher, Chair of Governors, Clerk (if appropriate) to ensure the smooth running of the complaints process
- Be aware of issues regarding:
 - Sharing third party information
 - Additional support. This may be needed by the complainants when making a complaint, including interpretation support or where the complainant is a child or young person
- Keep records

E The Remit of the Complaints Panel

The Panel can:

- Dismiss the complaint in whole or in part
- Uphold the complaint in whole or in part
- Decide on the appropriate action to be taken to resolve the complaint
- Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

There are several points, which any governor sitting on a Complaints Panel needs to remember.

- It is important that the panel is independent and impartial and that it is seen to be so. No Trustee or governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the Panel, the Trust needs to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation. If necessary, the Panel may be made up of independent governors from other academies and as a minimum one must be an independent member who is not concerned in the management or running of the school.



- The aim of the Complaints Panel, which needs to 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 the complainant might not be satisfied with the outcome if the Panel does not find 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 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 Panel will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial. (see Appendix 6)
- Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The Panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the Panel hearing if any the child needs to attend.
- The school must allow the parent(s) to attend the Panel and be accompanied if they wish.
- The governors sitting on the Panel need to be aware of the complaints procedure.

F The Role of the Clerk

Complaints Panels should be formally clerked. The clerk would then be the contact point for the complainant and be required to:

- Ensure a written acknowledgement of the complaint and the request for it to be heard by the Panel be sent to the parent within five school days.
- Set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible. This will be within twenty school days of receiving the complaint. It will also inform the parent of the right to submit any further documents other than the complaints form (see Appendix 5) and that these must be made available to the Clerk to the Governance within five school days of receipt of the acknowledgement letter.

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)

- The Clerk will inform all those concerned of their right to call witnesses to the meeting, subject to the approval of the Chair of the Panel, and their right to be accompanied by a companion of their choice (particularly parents).
- The Clerk will also ensure that the Headteacher or Chair of the Panel provides a written report in response to the complaint and advise them of their right to call witnesses and be accompanied by a supporter. Subject to the approval of the Chair.



- Collate any written material provided by the school or the parents and send it to the parties at least five school days prior to the meeting. This will also include the names of all parties and witnesses (if any) who will be attending the meeting.
- Meet and welcome the parties as they arrive at the hearing.
- Record the proceedings.
- Notify all parties of the Panel's decision.

G The Role of the Nominated Chair of the Complaints Panel

The Chair of the Panel has a key role, ensuring that:

- The correct procedure has been followed
- Both parties have been asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting.
- The remit of the Panel is explained to the parties and each party has the opportunity of putting their case without undue interruption and ask questions.
- The issues are addressed and only the issues identified in the complaint.
- Key findings of facts are made.
- Parents and others who may not be used to speaking at such a meeting are put at ease.
- The Panel is conducted in an informal manner, is not adversarial, with each party treating the other with respect and courtesy.
- The Panel is open minded and acting independently.
- No member of the Panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure.
- All parties see written material, providing it does not breach confidentiality or any individuals' rights to privacy under the Data Protection Act 2018 or General Data Protection Regulations. If a new issue arises, it would be useful to give all parties the opportunity to consider and comment on it.
- 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 meeting is minuted
- The Complainant is notified of the Panel's decision.

The Chair of the Panel needs to ensure that the complainant is notified of the Panel's decision, in writing, with the Panel's response. Any findings and recommendations from the Panel should be provided to the complainant and in addition to the person complained about, and should be made available for inspection on the school premises by the Headteacher.

H The Role of the Panel Member

Panel members should be aware that:

- The meeting must be independent and impartial, and should be seen to be so. No governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.



- The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. 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 and present during all or part of the meeting.
 - Careful consideration of the atmosphere and proceedings should ensure that the child does not feel intimidated.
 - The Panel should respect the views of the child and give them equal consideration to those of adults.
 - If the child is the complainant, the Panel should ask in advance if any support is needed to help them present their complaint. Where the child's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child needs to attend.
 - However, the parent should be advised that agreement might not always be possible if the parent wishes the child to attend a part of the meeting that the committee considers is not in the child's best interests.
 - The welfare of the child/young person is paramount.



Appendix 2 - Checklist for Complaints Panel

- The hearing is as informal as possible
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The Headteacher may question both the complainant and the witnesses after each has spoken.
- The Headteacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The Complainant may question both the Headteacher and the witnesses after each has spoken.
- The Panel may ask questions at any point 7 The complainant is then invited to sum up their complaint
- The Headteacher is then invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the Panel decides on the issue.
- The Chair explains that both parties will hear from the Panel within a set time scale.



Appendix 3 - Procedure for Complaints Panel Hearing

Introduction

The aim of the meeting is to resolve the complaint and achieve reconciliation between the school and the parent.

The Chair of the Panel will ensure that the meeting is properly minuted.

Although the meeting will follow the structured order below, given potential sensitivities and anxieties, the Chair will endeavour to ensure that the proceedings are as informal as possible and that all parties are put at their ease.

The introduction of new information or witnesses, previously not notified to all parties, would be reason to adjourn the meeting so that everyone has time to consider and respond to the new information.

Order of Meeting

1. The Chair welcomes the Parent/Carer (Complainant) and his/her companion and introduces everyone present.
 2. The Chair explains the purpose of the meeting, the procedure, and confirms that all written evidence has been made available to all parties.
 3. The Parent/Carer or Companion explains the complaint, calling in witnesses if appropriate.
 4. The members of the Panel and Headteacher may question the Complainant and witnesses.
 5. The Headteacher/Chair of the LGB are then invited to present a response to the complaint, including action taken to address the complaint at Stage 1 and 2 of the procedure and calling witnesses, if appropriate.
 6. The members of the Panel and Parent/Carer or Companion may question the Headteacher/Chair of the LGB.
 7. The members of the Panel may ask questions at any point.
 8. The Complainant summarises their case, highlighting evidence, including anything that has emerged in the questioning.
 9. The Headteacher/Chair of the LGB summarises the school's position, highlighting evidence, including anything that has emerged in the questioning.
- N.B. No new points should be added at stages 8 or 9.*
10. The Chair of the Panel checks that all parties feel that they have had a fair hearing and reminds everyone of the confidentiality of the case.
 11. The Chair of the Panel thanks both parties for attending and gives an indication of when they can expect to hear the outcome. All parties then leave the room together.



12. The Panel considers the complaint and reaches a unanimous or majority decision. The Panel also decides what action (if any) to take to resolve the complaint and, if appropriate, recommends changes to ensure similar complaints are not made in future.

13. When a decision has been made, the Chair informs both parties in writing of the outcome of the complaint.



Appendix 4 - Complaints Flowchart

CONCERN OR COMPLAINT RECEIVED

INFORMAL STAGE 1	SCHOOL ACTION
Informal discussion with the relevant class teacher or other relevant member of staff usually resulting in resolution to the issue. If the complaint is about the Headteacher – proceed to Stage 2	The person is informed of the action to be taken to resolve the issue. If they are not satisfied they should be provided with a copy of the Trust’s complaints procedure and information on how to proceed to stage 2.
FORMAL PROCEDURE- STAGE 2	SCHOOL ACTION
The complaint is submitted in writing to the Headteacher. (Appendix 5a)	The Headteacher acknowledges receipt within 5 school days and provides a full written response within 10 school days . Information is provided to the complainant on how to progress the complaint to stage 3. Complainant has 10 school days to lodge a request to escalate to Stage 3.
In the case of a complaint against the Headteacher the submission should be in writing to the Chair of Governors.	The Chair of Governors acknowledges receipt within 5 school days of receiving the complaint and provides a full written response within 10 school days . Information is provided to the complainant on how to progress the complaint to stage 3. Complainant has 10 school days to lodge a request to escalate to Stage 3.
PANEL HEARING – STAGE 3	SCHOOL ACTION
Complaints Panel convened.	Clerk arranges for Panel to meet within 20 school days from receipt of letter and informs the complainant of findings within 5 school days from the date of the hearing.
FURTHER RECOURSE	
Complainant referred to ESFA	The ESFA will not overturn an Academy/School’s decision, however, if they find an Academy/School did not deal with a complaint properly they will request the complaint is looked at again and procedures meet the requirements set out in the Regulations.



Appendix 5a – Model Complaint Form for Schools

If you are not satisfied or feel that you have been unfairly treated, we would like you to indicate the problem.

It is, however, very important that you seek to resolve any difficulties in the first instance by discussing your concerns/complaint with a member of staff at the school.

If you have tried this and are still not satisfied with the response, then please fill in all the sections of this form and return it to the Headteacher or Chair of the Local Governing Body.

Your Name:	
Child's Name:	
Class/Group:	
Your Address:	Mobile No.: Home No.:
Are we able to contact you at work? If so, please give the number Work No.:	
Details of Complaint: (Please be as specific as possible, e.g. giving dates, who was involved and where etc.) <i>Please attach a continuation sheet/additional information if you wish</i>	
When did you report the problem to the School?	
To whom at the School did you report the problem?	
What was the response? 	
Have you complained to the School/Trust about this before? (delete as appropriate) Yes / No	
If so, <ul style="list-style-type: none">▪ Who did you report the problem to?▪ When did you report the problem?	
What would you like to see done to resolve your complaint and bring the matter to an acceptable closure for yourself and the School? 	
Signed:	



FOR OFFICE USE ONLY

Date form sent to parent/carer:	Date form received:
Parent/Carer's Name:	Relationship to Child:
Parent/Carer's Address: (note additional addresses for correspondence)	
Contact Telephone Numbers:	
Child's Name:	
Child's DOB:	
Informal Complaint: Yes/No	Formal Complaint: Yes/No
Nature of Complaint:	
Outcome of Informal Complaint:	
Formal complaint forwarded to Headteacher /Chair of LGB for action:	
Any Other Comments:	
Formal Complaint forwarded to Local Governing Body for action:	



Appendix 5b – Complaint Form for the Trust

If you are not satisfied or feel that you have been unfairly treated, we would like you to indicate the problem.

It is, however, very important that you seek to resolve any difficulties in the first instance by discussing your concerns/complaint with a member of staff at the school.

If you have tried this and are still not satisfied with the response, then please fill in all the sections of this form and return it to Chair of the Board at Extol Trust

Name of School:	
Name of Complainant:	
Child's Name:	
Class/Group:	
Your Address:	Mobile No.: Home No.:
Are we able to contact you at work? If so, please give the number Work No.:	
Details of Complaint: (Please be as specific as possible, e.g. giving dates, who was involved and where etc.)	
<i>Please attach a continuation sheet/additional information if you wish</i>	
When did you report the problem to the School?	
To whom at the School did you report the problem?	
What was the response?	
Have you complained to the School/Trust about this before? (delete as appropriate) Yes / No	
If so, <ul style="list-style-type: none">Who did you report the problem to?When did you report the problem?	
What would you like to see done to resolve your complaint and bring the matter to an acceptable closure for yourself and the School?	
Signed:	Date

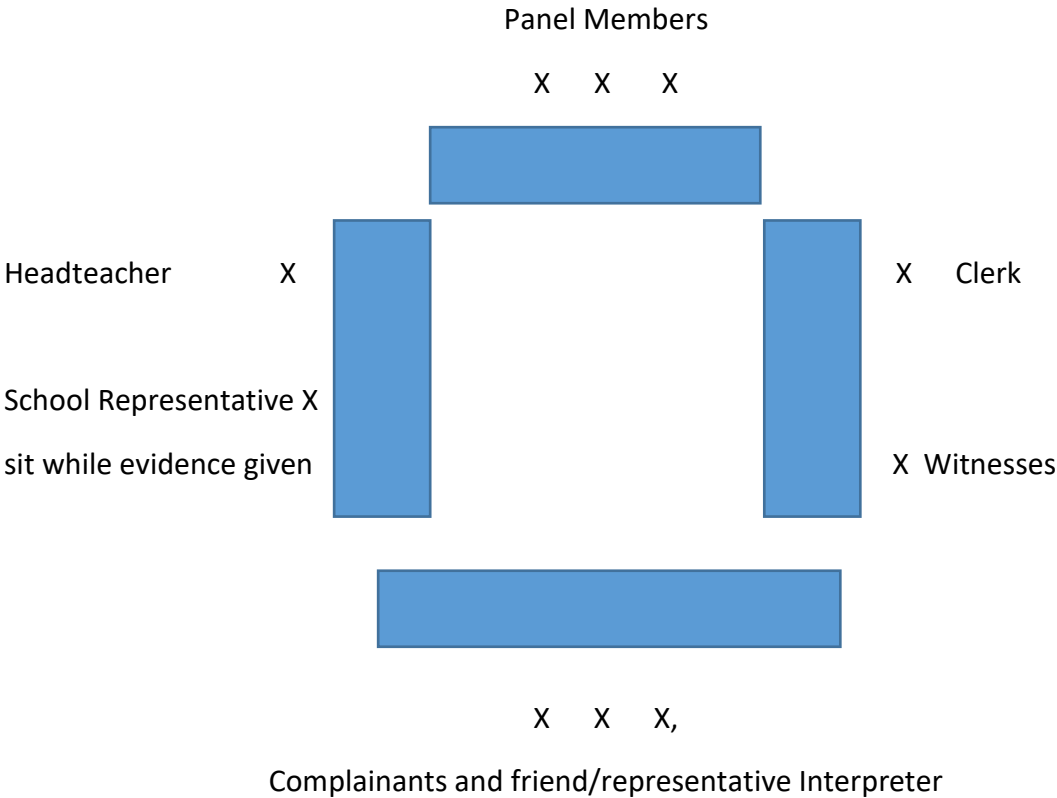


FOR OFFICE USE ONLY

School:	
Date form sent to parent/carer:	Date form received:
Parent/Carer's Name:	Relationship to Child:
Parent/Carer's Address: (note additional addresses for correspondence)	
Contact Telephone Numbers:	
Child's Name:	
Child's DOB:	
Informal Complaint: Yes/No	Formal Complaint: Yes/No
Nature of Complaint:	
Outcome of Initial Complaint:	
Formal complaint forwarded to Headteacher /Chair of LGB for action:	
Any Other Comments:	
Formal Complaint forwarded to Local Governing Body for action:	



Appendix 6 - Suggested Layout for a Complaints Panel Hearing



It is important that the Headteacher, staff and complainants are treated equally at all times, e.g. that the Headteacher is not in the room with the Panel members without the complainant and vice-vers



Appendix 7 – Managing Serial and Unreasonable Complaints Statement

Extol 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 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 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 Trust or 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 Trust or the School, in relation to their complaint, while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.



Whenever possible, the Headteacher, Chair of the Local Governing Body (LGB), Chief Executive Officer or Chair of the Trust Board will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues, the Headteacher, Chair of the LGB/IAB, Chief Executive Officer or Chair of the Trust Board (as appropriate) will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact the Trust or one of its schools 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 School or Trust premises.

This process will also be used to manage unreasonable or persistent contact not directly associated with, or resulting from, formal complaints.

