



DIOCESE OF  
**ST ALBANS**  
MULTI-ACADEMY TRUST

# Complaints Policy & Procedure

## Trust Policy

<b>Policy type</b>	Trust Policy
<b>Review timeframe</b>	Annually
<b>Author/Responsible Officer</b>	COO
<b>Ratification body</b>	Trust Board
<b>Approved by</b>	J Jenkins
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<b>Date of next review</b>	Autumn Term (2) 2024

This policy is a mandatory policy for all Diocese of St Albans Multi-Academy Trust (DSAMAT) schools and must be implemented without any amendments.

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## 1. What is a Complaint?

The Diocese of St Albans Multi Academy Trust (DSAMAT) appreciates all feedback about our schools and organisation and encourages open dialogue within our communities. We take all concerns and complaints seriously, whether these are regarding education or other services we provide, or about the conduct of our staff. The Trust believes that, by tackling concerns at the earliest possible stage, it allows us to improve relationships, enhance learning, prevent issues escalating, and reduce the number of formal complaints received.

DSAMAT defines a concern as follows:

***"An expression of dissatisfaction made verbally about any aspect of the Academy or Trust".***

DSAMAT defines a complaint as follows:

***"An expression of dissatisfaction made in writing about the standard of service, actions, or lack of action by the Academy or Trust, affecting an individual or group".***

If a concern is expressed verbally, staff within DSAMAT will try to resolve it using the procedures set out below for dealing with concerns. If a complaint is made in writing, the formal complaints procedure will be used, also set out below.

## 2. DSAMAT's Principles for Dealing with Concerns and Complaints

DSAMAT will:

- take all concerns and complaints seriously;
- make every attempt to resolve concerns by informal means without the need to use formal procedures (for example, mediation may be offered);
- publish this complaints procedure, make it easily accessible and simple to understand and use;
- be fair, open and honest when dealing with any concern or complaint;
- give careful consideration to all concerns and complaints and deal with them as swiftly as possible, keeping people informed of progress;
- resolve any concern or complaint through dialogue and mutual understanding and, wherever possible, put the interests of the child above all others and provide sufficient opportunity for any concern or complaint to be resolved;
- deal with concerns or complaints in an impartial and non-adversarial manner;
- ensure a full and fair investigation of a complaint is undertaken by a person who has not been directly involved in the matter;
- address all the points at issue and provide an effective response and appropriate redress, where necessary;
- respect peoples' desire for confidentiality;
- use the outcome of a complaint to reflect on the services provided by the Academy/Trust so, if necessary, they can be improved.

## 3. Application of the Complaints Procedure

Complaints should be brought to the attention of the relevant Academy as soon as possible. A complaint made more than three months after the event has taken place will not be considered, save in exceptional circumstances.

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Legally, all schools, academies and Trusts must have a complaints procedure which deals with the handling of complaints from the parents or carers of pupils. This procedure is for the express use of parents and carers of our pupils.

The Complaints Procedure will be used to consider any complaints about one of our Academy's or DSAMAT as a Trust, except those which relate to the following areas, which have separate statutory procedures:

Exceptions	Policy / Who to contact
Admissions to schools	Concerns about admissions should be handled through a separate process – either through the appeals process or via the Local Authority.
School re-organisation proposals	Contact the Local Authority or diocese, as appropriate, in the first instance and then escalate to DSAMAT if dissatisfied.
Statutory assessments of special educational needs	Concerns about statutory assessments of special educational needs should be raised directly with local authorities.
Matters likely to require a Child Protection Investigation	<p>Complaints about child protection matters should be escalated to the Local Authority rather than the school.</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).</p> <p><u>Central Bedfordshire</u> LADO – 0300 300 4833 Childrens Services – 0300 300 8585 SOOHS (Out of Hours- Childrens Services) – 0300 3008123</p> <p><u>Bedfordshire Borough Council</u> LADO-01234 276693 <a href="mailto:lado@bedford.gov.uk">lado@bedford.gov.uk</a> MASH-- 01234 718700 <a href="mailto:multiagency@bedford.gov.uk">multiagency@bedford.gov.uk</a> MASH (Out of Hours) 0300 300 8123</p> <p><u>Hertfordshire County Council</u> LADO – 01992 555420 <a href="mailto:LADO.Referral@hertfordshire.gov.uk">LADO.Referral@hertfordshire.gov.uk</a> Childrens Services – 0300 1234043 SOOHS (Out of Hour children's services)- 0300 1234043</p> <p><u>Luton</u> LADO - 01582 548069 or via secure email <a href="mailto:LADO@luton.gov.uk">LADO@luton.gov.uk</a> MASH – 01582 547653 <a href="mailto:mash@luton.gov.uk">mash@luton.gov.uk</a> Out of Hours : 0300 3008123</p>
National curriculum content	This is the responsibility of the Department for Education at <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>

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Exclusion of children from school*	Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a> .  <i>*Complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i>
Whistleblowing	The Trust has an internal whistleblowing procedure for all its employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers 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> . Volunteer staff who have concerns about a 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.
Staff grievances	Complaints from staff will be dealt with under the Trust's Grievance Policy.
Staff conduct	Complaints about staff will be dealt with under the Trust's Disciplinary Policy. 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.

The Complaints Policy will also not cover complaints which are, or have been, the subject of legal proceedings, or complaints being considered by the Secretary of State for Education under any statutory power.

If a complainant commences legal action in relation to their complaint, we will consider whether to suspend the complaints process until the legal proceedings have concluded. An investigation would only go ahead in these circumstances if those proceedings did not address the issue(s) at the heart of the complaint.

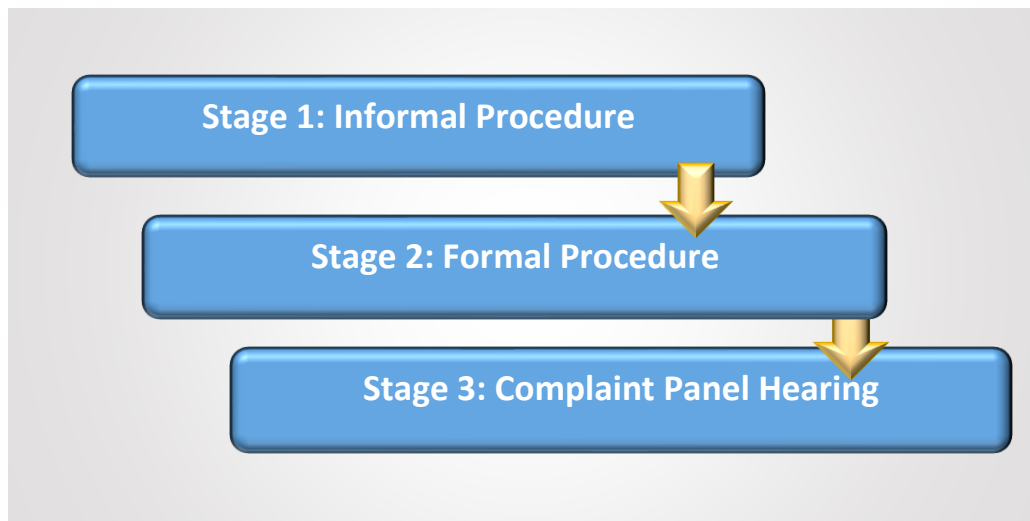
Anonymous complaints will not normally be investigated, save in exceptional circumstances, as DSAMAT would be unable to respond to the complainant. These circumstances would include serious concerns such as child protection issues or bullying allegations, where the Academy is either required to involve appropriate external agencies or might conduct an internal review to test whether there is any corroborative evidence which might trigger a formal investigation.

Evidence in the form of recordings of conversations that were obtained covertly and without the informed consent of all parties being obtained will not normally be accepted by the Academy or DSAMAT – doing so may well contravene its obligations under the UK-GDPR and Data Protection Act 2018.

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## 4. The Stages of Handling a Complaint



**Please note - If the complaint relates to the professional conduct of the Headteacher or is about the Diocese of St Albans Multi Academy Trust, only stages 2 and 3 will be used.**

**Stage 1** – the complaint will be investigated by the Headteacher or appropriate member of staff in accordance with the table in section 5. The complaint will be investigated and, if resolved satisfactorily at this stage, the procedure is completed.

**Stage 2** – if the complaint is not resolved at stage 1 or is submitted to the Trust Leadership Team in accordance with the table in section 5, the Trust Leadership Team will arrange for the complaint to be investigated, and, if resolved satisfactorily at this stage, the procedure is completed.

**Stage 3** – if not resolved at Stage 2, the complaint will be considered by a panel of three consisting of at least 1 member of the Trust leadership team and one of whom will be independent of the management and running of the individual Academy. The Panel will not investigate any new complaints or consider evidence unrelated to the initial complaint. New complaints will be dealt with separately, and the full complaints procedure followed. The Trust Compliance Manager will liaise with the Trust Governance Manager to put the panel together and notify the complainant. The complainant will be notified in 5 school days.

Guidance for the panel hearing procedure is set out in Appendix D. The parent or carer may attend the panel hearing and be accompanied if they wish. The panel will review the complaint and consider the Stage 2 investigation and check the process has been followed. The panel may still consider the complaint even if the complainant does not attend the hearing. If the complaint relates to the CEO, the Stage 3 panel will be constituted by the Trust Governance Manager in association with the chair of the board. This is the final stage of the Trust's complaints process.

At the end of Stages 1 and 2, if the complainant chooses to escalate their complaint to the next stage of the policy, they should notify the Headteacher/DSAMAT within 10 school days in writing otherwise the complaint will be closed.

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At stage 2 the complaint will be investigated and stage 3 the complaint considered with endeavours for a resolution made, and a written response provided stating whether each aspect of the complaint has been upheld, not upheld or partially upheld.

If a complainant is still not satisfied with the outcome when the complaint has been all three stages, the complainant may complain directly to the Education and Skills Funding Agency via gov.uk website. The link to the form is below:

[https://form.education.gov.uk/en/AchieveForms/?form\\_uri=sandbox-publish://AF- Process- Department of Education - Forms a8d7- Department of Education - Forms](https://form.education.gov.uk/en/AchieveForms/?form_uri=sandbox-publish://AF-Process-Department of Education - Forms a8d7- Department of Education - Forms)

## 5. Where to Send Your Complaint

Complaints should be sent in accordance with the following table:

Complaints Relating to:	Send Complaint to:	Stage 1 (informal) investigation to be led by:	Stage 2 (formal) investigation to be led by:
Progress, behavior or welfare of a child	Academy Office marking 'Private & Confidential'	Teacher, Tutor or Head of Year	Headteacher or appropriate senior Leader
Individual academy	Headteacher	Headteacher or appropriate senior leader as set out under section 6 below	Headteacher
Member of the LGB	Trust Governance Manager <a href="mailto:complaints@stalbandsm.at.co.uk">complaints@stalbandsm.at.co.uk</a>	Trust Governance Manager	Trust Compliance Manager
Chair of the LGB	Trust Leadership Team via <a href="mailto:complaints@stalbandsm.at.co.uk">complaints@stalbandsm.at.co.uk</a>	Trust Governance Manager	Chair of the Trust Board
Professional conduct of the Headteacher	Trust Leadership Team via <a href="mailto:complaints@stalbandsm.at.co.uk">complaints@stalbandsm.at.co.uk</a>	N/A	Member of Trust Leadership Team
Work of the Trust	Trust Leadership Team via <a href="mailto:complaints@stalbandsm.at.co.uk">complaints@stalbandsm.at.co.uk</a>	N/A	Member of the Trust Leadership Team
Chief Executive Officer (CEO) or Executive Leadership team	Chair of the Trust Board via <a href="mailto:complaints@stalbandsm.at.co.uk">complaints@stalbandsm.at.co.uk</a>	N/A	Trust Governance Manager in association with the Chair of the Board

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## 6. Stage 1: Making an informal complaint about an Academy

The Trust recognises that parents and carers will, from time to time, have reasonable and legitimate concerns about the progress, achievement, behaviour or welfare of their child, or about other matters connected with the Academy.

The Trust encourages parents and carers to make those concerns known to the relevant member of staff so that they can be addressed in partnership with the Academy. Almost invariably, the sooner such concerns are raised, the easier it is for an appropriate resolution to be found.

A concern may be raised as an informal complaint with any member of staff in accordance with the table below. For parents/carers, this would typically be your child's tutor, teacher, or Head of Year (or equivalent) and for others, this would normally be the Headteacher. If parents/carers have a concern with the operation of the Local Governing Body, it should be raised with the Trust Governance Manager.

That person will try and resolve the matter in accordance with the guidance set out in Appendix C or will refer you to the appropriate person who will do the same. Many concerns will be possible to respond to immediately. If this is not possible, a member of staff will endeavour to respond to you in writing within fifteen school days, unless the nature of the investigation is such that the complaint cannot be resolved within these timescales in which case a holding response will be sent giving an indication of the date on which a response will be made.

Concern relating to:	Raise concern with:
Progress, achievement, behaviour or welfare of child	Teacher / tutor or Head of Year
Operation of the Academy	Headteacher
Local Governing Board or a member there of	Trust Governance Manager
Professional conduct of the Headteacher	Trust Leadership Team via <a href="mailto:complaints@stalbandsmat.co.uk">complaints@stalbandsmat.co.uk</a>

The member of staff will make a written record of the concern that was raised and the date on which it was received. If you are not satisfied, you will be advised to proceed to make a formal complaint.

We will not consider concerns/complaints about the following;

Examples	
Concerns/complaints about internal management decisions of the school/academy e.g. Class and teacher allocations, school session time changes	These decisions have been made with the full consideration and support of Local Governing Board /Trust leadership team if required.

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Concerns/complaints about the school/academy carrying out a statutory duty e.g. making a child protection referral	Our complaints process cannot be invoked to stop schools from doing something they have a duty to do.
Concerns/complaints about pupil behaviour outside of school hours such as weekends or school holidays	Such issues are not in the Trust's control however they will work with pupils, families and other agencies to ensure that this type of behaviour doesn't occur again.

## 7. Stage 2: Making a Formal Complaint

Should a complainant feel that their concern has not been resolved through the informal complaints stage, they can escalate that complaint to a formal complaint. This should be done within ten school days of the response having been received from the member of staff investigating it at Stage 1, otherwise the complaint will be closed.

The formal complaint can be made in writing by letter, email or by using the Complaint form (Appendix A) available on the Academy/DSAMAT website, or in person, if written notes are made and countersigned as a formal complaint by the complainant. Anonymous complaints will not normally be investigated, save in exceptional circumstances, as DSAMAT would be unable to respond to the complainant. These circumstances would include serious concerns such as child protection issues or bullying allegations, where the Academy is either required to involve appropriate external agencies or might conduct an internal review to test whether there is any corroborative evidence which might trigger a formal investigation.

All Formal stage 2 complaints sent to the Academy/DSAMAT will be acknowledged in writing within five school days.

Any complaints received outside of term time will be acknowledged within five school days of the term recommencing.

The Academy reserves the right not to consider certain unreasonable or persistent complaints (section 14) but will confirm in writing their reason for not investigating the complaint within 5 school days.

A written response which sets out the Academy's/DSAMAT's findings and recommendations will be sent to the complainant within a target period of 15 school days. Where the nature of the investigation is such that the complaint cannot be resolved within these timescales, a holding response will be sent giving an indication of the date on which a response will be made.

## 8. Stage 3: Complaints panel hearing

Should a complainant feel that their concern has not been resolved through Stage 2, the formal complaints stage, they can escalate that complaint to a stage 3 review. This should be done within ten school days of the Stage 2 response having been received, otherwise the complaint will be closed.

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The request for escalation should be made in writing, or in person, if written notes are made and countersigned as a formal complaint by the complainant, and the complainant should identify what aspects of their complaint remain unresolved and why, and what steps would resolve this. The request should be addressed to the Headteacher marked Private & Confidential, via the School office, or in the case of a complaint against the professional conduct of the Headteacher or Governor(s), to the Trust Leadership team via [complaints@stalbandsmat.co.uk](mailto:complaints@stalbandsmat.co.uk).

All stage 3 complaints will be acknowledged in writing within five school days.

Any complaints received outside of term time will be acknowledged within five school days of the term recommencing.

The Academy reserves the right not to consider certain unreasonable or persistent complaints (section 13) but will confirm in writing their reason for not investigating the complaint within 5 school days.

We aim to convene a panel hearing meeting within 28 school days of receipt of the stage 3 request, if this is not possible the complainant will be advised in writing and will be provided with an anticipated date. Confirmation of the date, time and venue of the hearing will be sent to all parties at least 10 school days before the meeting.

All evidence should be received at least 7 school days before the meeting and the papers circulated to all parties 5 school days before the meeting.

The complainant and, where relevant, the person complained about will be notified of the Panel's findings and recommendations, in writing within 10 school days.

Further information about the Panel hearing is contained in Appendix D.

## **9. Making a Complaint About the Trust**

Complaints about the Trust should be brought to the attention of DSAMAT as soon as possible via [complaints@stalbandsmat.co.uk](mailto:complaints@stalbandsmat.co.uk). The complaint will start at Stage 2 (Appendix B) of the process. A complaint made more than three months after the event complained of will not be considered, save in exceptional circumstances.

The complaint can be made in writing by letter, email or by using the Complaint form available on the Trust website (Appendix A) and sent via email to [complaints@stalbandsmat.co.uk](mailto:complaints@stalbandsmat.co.uk). Anonymous complaints will not normally be investigated, save in exceptional circumstances, as the Trust are unable to respond to the complainant. (These circumstances would not include serious concerns such as child protection issues or bullying allegations, where the Trust is either required to involve appropriate external agencies or might conduct an internal review to test whether there is any corroborative evidence which might trigger a formal investigation). DSAMAT reserves the right not to consider certain unreasonable or persistent complaints (section 15) but will confirm in writing their reason for not investigating the complaint within 5 school days.

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## 10. Confidentiality

All complaints are to be treated as confidential and are only to be shared with those directly involved. Complainants should not share the content and nature of the complaint outside of those directly involved whether verbally, in writing or via social media. If they do so, then the complaint may be dealt with under s. 14 below.

The Academy/DSAMAT will keep a written record of all formal complaints, which indicates at which stage they were resolved. The written record will include action taken by the Academy/DSAMAT as a result of the complaint (regardless of whether they are upheld).

Correspondence, statements, and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008 requests access to them.

However, it should be noted that if any action taken by a member of staff is the subject of a complaint, the employee should be advised of the complaint made against them, and they should be given the opportunity to respond to the complaint as part of the investigation process. Any HR processes or procedures followed as a result of the complaint will be confidential.

All confidential information will be securely maintained by the Academy/DSAMAT on its premises in line with the Trust's Data Protection Policy, Privacy Notices, Data Retention Schedule, and in line with the requirements of current Data Protection Legislation.

## 11. Investigating the Complaint

The individuals leading each of the stages of the Complaint Procedure may delegate the investigation to an appropriate senior member of staff who has no connection with the complaint or in some circumstances they may commission an external investigating officer. The resolution of the complaint and a decision about any action to be taken rests with the individuals identified as responsible for each stage (as per section 6 above).

The person(s) investigating the complaint must make sure that they:

- clarify the nature of the complaint and what remains unresolved;
- establish what has happened so far, and who has been involved;
- meet with the complainant or contact them (if clarification or further information is necessary);
- ascertain what the complainant feels would put things right;
- maintain an open mind;
- conduct the investigation, analysing any relevant documents and interviewing those who may be involved;
- in the event an employee is responding to a complaint, they are entitled to be accompanied by a work colleague or trade union representative;
- keep written records of the investigation.

The Academy/DSAMAT will retain written records of all the parts of the investigation at each stage, including notes of all meetings, interviews, discussions, and telephone calls, in case the complaint is taken further.

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## 12. Resolving the Complaint

At each stage in the procedure, the Academy/Trust will keep in mind ways in which a complaint can be resolved. It may be sufficient to acknowledge that the complaint is upheld in whole or in part. Alternatively, the complaint may not be upheld. This may be because there is insufficient evidence to substantiate the complaint. To support the resolution, it will usually be appropriate to offer one or more of the following:

- an apology (which does not imply liability);
- an explanation (for example, where the complaint is not upheld);
- an admission that the situation could have been handled differently;
- an explanation of the steps that have been taken to ensure that it will not recur;
- an undertaking, if necessary, to review policies or procedures in light of the complaint.

Where, as a result of the complaint, the Academy/DSAMAT takes actions that are themselves confidential, it may be necessary to inform the complainant that the matter has been fully investigated and that the appropriate procedures are being followed (for example where staff disciplinary procedures are being followed).

## 13. Unreasonably Persistent Complainants and Unreasonable Complainant Behaviour

There are rare circumstances where the Academy/DSAMAT will deviate from the Complaints Procedure. These include, but are not necessarily limited to:

- where the complainant's behaviour towards staff, members of the Academy Local Governing Board or Trust Board is unacceptable, for example, is abusive, offensive or threatening;
- where, because of the frequency of their contact with the Academy, the complainant is hindering the consideration of their or other people's complaints, and/or the proper running of the Academy;
- where the complainant's complaint is clearly vexatious and/or has patently insufficient grounds;
- where the complainant's complaint is the same, similar to, or based on the same facts of a complaint which has already been considered in full by the Academy or Trust;
- Pursues a valid complaint, but in an unreasonable manner e.g., refuses to articulate the complaint, refuses to co-operate with the complaint procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and time frames set out;
- Seeks unrealistic outcomes, or a solution that lacks purpose or value.

In these circumstances, the Academy/DSAMAT may:

- inform the complainant that their behaviour is unacceptable or unreasonably persistent and ask them to change it;
- restrict the complainant's access to the Academy, e.g. requesting contact in a

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particular form (for example, letters only), requiring contact to take place with a named person only, restricting telephone calls to specified days and times, or banning the complainant from the Academy's premises;

- conduct the Complaints Panel on the papers only, i.e. not hold a hearing;
- refuse to consider the complaint and refer the complainant directly to the Education and Skills Funding Agency (ESFA).

In all cases, the Academy/Trust will write to advise the complainant why their behaviour is believed to be unacceptable or unreasonably persistent, what action the Academy/Trust are taking, and the duration of that action.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of staff the Headteacher/Trust Executive Leadership team members will consider other options, for example, reporting the matter to the police or taking legal action. In such cases, the Trust may not give the complainant prior warning of that action.

## **14. Next Steps**

If the complainant believes the Trust did not handle their complaint in accordance with the published complaints procedure, or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 3.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Diocese of St Albans Multi Academy Trust. They will consider whether the Trust/Academy has adhered to education legislation and any statutory policies connected with the complaint. The complainant can refer their complaint to the Department for Education online at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus).

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## Appendix A. Complaint Form

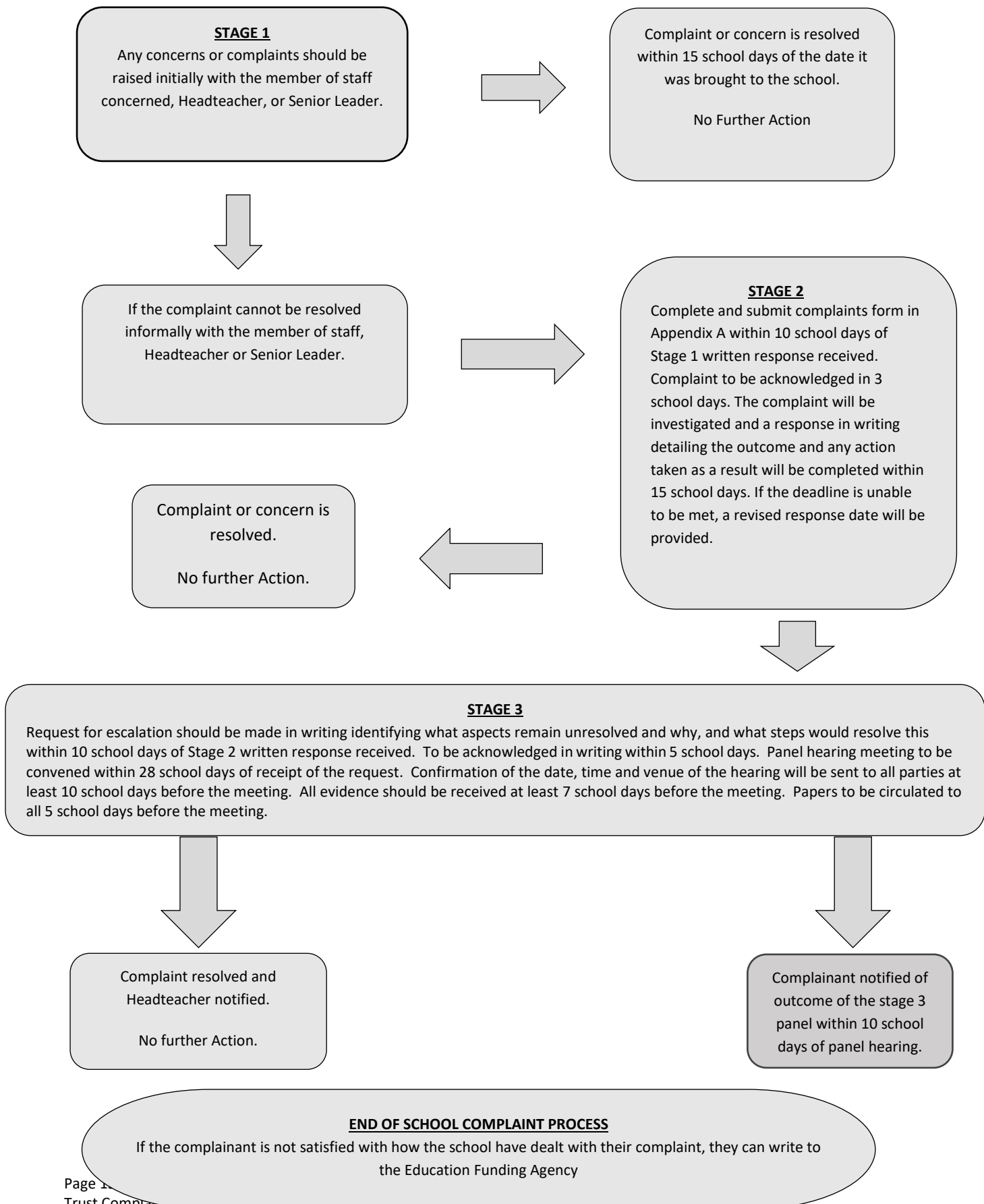
Please complete and return to the school office, Headteacher, or send to [complaints@stalbandsmat.co.uk](mailto:complaints@stalbandsmat.co.uk)

<b>Your Full name:</b>
<b>Pupils Full name (if relevant):</b>
<b>Pupils School:</b>
<b>Your relationship to the pupil (if relevant)</b>
<b>Address:</b>
<b>Postcode:</b>
<b>Contact Telephone number:</b>
<b>Please give details of your complaints, including whether you have spoken to anyone at the school about it.</b>
<b>What actions do you feel might resolve the problem at this stage?</b>
<b>Are you attaching any paperwork? If so, please give details.</b>
<b>Signature:</b>
<b>Date:</b>
<b>Official Use</b>
<b>Date Acknowledgement sent:</b>
<b>By whom:</b>
<b>Complaint referred to:</b>
<b>Date:</b>

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## Appendix B Stages of our Complaints Policy





## **Appendix C – Guidance for Staff for Dealing with Concerns/Complaints at Stage 1**

Staff who are approached by parents or carers, students or others with matters of concern must assess the seriousness of the issue and if subject to specific Academy policies (for example over a child protection issue), follow those policies.

If a parent or carer of a child or someone else expresses a concern that is within the remit of that member of staff, the member of staff should deal with the concern, resolving it where possible. If the member of staff feels unable to deal with the concern, they should listen to the concern, note it down and refer it to the relevant senior member of staff, indicating to the complainant that this is what will happen.

Each situation will be different and staff members should do all they can to:

- allay the other persons' fears;
- take the concerns seriously;
- remain calm and composed at all times;
- be fair, open and honest when dealing with any concern or questions;
- give careful consideration to all concerns and deal with them as swiftly as possible;
- enter into dialogue that encourages mutual understanding and, wherever possible, puts the interests of any child above all other issues;
- respect peoples' desire for confidentiality.

Written confirmation should be sent of the outcome to the complainant as soon as possible but not later than 15 school days (should this not be possible due to the complexity of the complaint, the complainant should be notified of a revised timeframe within which they should be able to expect a response).

If the matter has not been resolved amicably by these means, the member of staff should advise the complainant to make a formal complaint.

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## **Appendix D: Stage 3 Panel Hearing Guidance**

The Panel will not investigate any new complaints or consider evidence unrelated to the initial complaint. New complaints will be dealt with separately, and the full complaints procedure followed starting with Stage 1 of the procedure.

The Trust will appoint a clerk to support the panel.

The Panel will consist of three members. One of these will be independent of the management and running of the Trust i.e., not be a director or an employee of the Trust. None of the Panel members will have been involved in the incidents or events which led to the complaint or have been involved in dealing with the complaint at Stage 2 or have any detailed prior knowledge of the complaint. The panel will appoint a Chair from amongst their members.

The clerk, on behalf of the panel, will contact the person who investigated the complaint at stage 2 to establish who will need to be invited to the Hearing in advance, and with enough notice to invite support or representation as appropriate. We will aim to convene a panel hearing meeting within 28 school days of receipt of the stage 3 request, if this is not possible the complainant will be advised in writing and will be provided with an anticipated date. Confirmation of the date, time and venue of the hearing will be sent to all parties at least 10 school days before the meeting. Remote access is a possibility and any request will be considered by the panel, but this must not compromise fairness and transparency.

If the complainant rejects three proposed dates, without good reason, the Clerk will decide the date of the hearing. It will then proceed in the complainant's absence, if necessary, on the basis of written submissions from all parties.

### **Preparation for, and attendance at, the panel hearing**

The complainant may ask for the complaint to be heard in their absence. If a meeting is convened in the absence of the complainant, the panel will proceed on the basis of written submissions from both parties to ensure fairness.

Any material additional to that relevant to Stage 2 should be provided to the Clerk no later than seven school days before the panel hearing for distribution to relevant parties. The papers for the Hearing will be circulated by the Clerk at least five school days prior to the Panel Hearing. These papers will include, where appropriate, an agenda, a list of attendees and all relevant records such as the original complaint, witness statements, decisions made with rationales at previous stages and correspondence between the complainant and the school.

A complainant may bring someone along to the panel hearing to provide support. This can be a relative or friend (or in the case of a staff witness, a Union representative). Generally, we do not encourage either party to bring legal representatives to the Panel hearing although exceptionally there may be occasions when legal representation is appropriate. The Panel may seek legal

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representation depending on the subject matter of the complaint.

Representatives from the media are not permitted to attend

Parties who are the subject of the complaint can also attend but are not required to (this is a matter for them to decide). Where they do not attend, the panel should consider how they could contribute effectively, for example by using a written statement, ensuring they still respond to any questions the complainant wishes to ask them.

The panel may also invite any persons who could provide relevant information relating to the complaint and/or its handling at the previous stage of the procedure (notably the person who investigated it).

Where the complaint relates to a pupil at the school and their attendance is requested by the panel, parental permission must be sought if they are under the age of 18. The panel will consider how the pupil could be supported to attend, for example by being accompanied by an unconnected staff member.

### **Procedure for the hearing**

The panel's role is to give fresh scrutiny of the complaint and the previous stages of the process. This will lead to the panel deciding whether the complaint should be upheld, upheld in part or dismissed, as well as recommending remedial action as appropriate.

The hearing provides the panel with the opportunity to look at the evidence, establish facts and hear from relevant parties through the following procedure:

1. Complainant and school's representative enter the room together, chair introduces all parties and outlines the process.
2. Complainant explains their complaint and answers questions from the panel, including any further questions from the school's representative (usually the headteacher).
3. Any witnesses for the complaint give their account and answer questions.
4. School's representative makes their case and answers questions from the panel, including any further questions from the complainant.
5. Any witnesses for the school give their account and answer questions.
6. Complainant sums up their case.
7. School's representative sums up their case.
8. Parties leave for the panel to deliberate and make its decision. The clerk remains with the panel during its deliberations to clarify any issues and to take notes that will be used to draft the decision letter.

While the procedure is structured to ensure fairness, the approach taken will be informal and

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non-adversarial. Sufficient time will be given for all parties to speak. However, it is reasonable for the chair to intervene and move the meeting on if they feel this is necessary and in the interests of all concerned.

During deliberation, (point 8 above) the panel will revisit what was discussed and the responses to questions asked, where appropriate referring back to the notes taken by the clerk to reach conclusions and inform their decision.

Having reached a decision, the panel will consider carefully and seek the advice of the clerk on the wording of the letter to the complainant and relevant parties, notifying them of the decision and the basis upon which it was reached. If the complaint is upheld in whole or in part, then the letter should set appropriate action/s recommended by the panel to resolve the complaint and or prevent similar issues in the future – for example, changes to relevant policies or practices. Note that recognising issues and apologising is not an admission of liability in a legal sense and panels are not required to engage with legal arguments.

The final decision letter will also include details of how the complainant can contact the ESFA if they are unhappy with the way their complaint has been handled.

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