

# Complaints Policy

01/09/2020

## Version Control

Reviewer / owner (role)	Executive lead (role)	Approving body	Meeting date when the policy was approved
CEO	CEO	Trust Board	July 2021
DFO	CEO	Trust Board	January 2022
HGP	CEO and Executive Board	Trust Board	Email approval 13 March 2023

This policy is reviewed every two years. The next review is due by March 2025.

## Contents

1. Introduction
  - 1.1 Aims and Scope
  
2. Policy Statement
  - 2.1 Policy Terms
  
3. Procedure
  - 3.1 Time Limits
  - 3.2 Complaints against the Principal
  - 3.3 Complaints against the Chair of the Local Advisory Board
  - 3.4 Late Complaints
  - 3.5 Vexatious or Repeated Complaints
  - 3.6 Anonymous Complaints
  - 3.7 Data Protection Act 2018 and Freedom of Information Act 2000
  - 3.8 Resolution Principles
  - 3.9 Retention of Records
  - 3.10 Confidentiality
  - 3.11 Publication
  
4. Stages
  - 4.1 Stage 1: Concerns and Difficulties
    - 4.1.1 Concerns
    - 4.1.2 Notification
    - 4.1.3 Unresolved Concerns and Difficulties
    - 4.1.4 Record of Concerns and Difficulties
  
  - 4.2 Stage 2: Formal Complaint to the Principal
    - 4.2.1 Notification
    - 4.2.2 Acknowledgement

4.2.3 Investigation

4.2.4 Outcome

4.2.5 Delegation

4.3 Stage 3: Formal Complaint to the LAB

4.3.1 Notification

4.3.2 Acknowledgement

4.3.3 Investigation

4.3.4 Outcome

4.3.5 Delegation

4.4 Stage 4: Review by the CEO

4.4.1 Notification

4.4.2 Acknowledgement

4.4.3 Review

4.4.4 Outcome

4.4.5 Delegation

4.5 Stage 5: Complaint Panel Hearing

4.5.1 Notification

4.5.2 The Complaint Panel

4.5.3 Attendance

4.5.4 Convening the Complaint Panel Hearing and Acknowledging the Complaint

4.5.5 Documentation

4.5.6 Witnesses

4.5.7 Notification of the Complaint Panel's Decision

4.5.8 Referral to the Education and Skills Funding Agency

5. Formal Complaint Form

## 1. Introduction

The Trust intends and expects that all decisions, policies and procedures will be underpinned at all times by its vision and values:

### **Our aim:**

To create centres of educational excellence that inspire all pupils to turn their potential into performance.

### **To achieve this our schools will:**

- Provide a broad and balanced curriculum that allows pupils to develop their talents and ambitions.
- Deliver the highest quality learning opportunities facilitated by excellent teachers.
- Inspire our pupils to become confident, motivated and respectful individuals ready to make a positive contribution to society.

### **The Trust will support our schools by:**

- Maximising the resources and expertise available to individual schools.
- Providing a platform for the sharing of excellent practice.
- Challenging and developing staff to turn their potential into performance.

## 1.1 Aims and Scope

The Policy's aim is to ensure that a concern, difficulty or complaint is managed sympathetically, efficiently and at the appropriate level and resolved as soon as possible. Doing so is good practice, fair to those concerned and helps to promote parents' and pupils' confidence in the Academy's ability to safeguard and promote welfare. The Academy will try to resolve every concern, difficulty or complaint in a positive way with the aim of putting right a matter which may have gone wrong and, where necessary, reviewing the Academy's systems and procedures in the light of the matters raised.

The Academy needs to know as soon as possible if there is any cause for dissatisfaction. The Academy recognises that a concern or difficulty which is not resolved quickly and fairly can soon become a cause of resentment, which can be damaging to the relationship between the Academy and the parent and pupil, and can also have a detrimental effect upon the Academy's ethos and culture. Parents and pupils should never feel – or be made to feel – that raising a concern, difficulty or complaint will adversely affect the pupil's future at the Academy, or place the pupil at a disadvantage in any way.

## 2. Policy Statement

This Complaints Policy applies to all concerns and complaints of the parents of pupils at a Park Academies Trust school, other than those involving safeguarding and child protection issues, or relating to admissions, exclusions and SEND, for which there are separate statutory procedures. This policy may also be used by other members of the Academy / Trust community. Where a complaint is made against a member of staff, depending upon the nature and seriousness of the complaint, the matter may be dealt with under separate HR procedures which are strictly confidential, rather than under this Complaints Policy.

Complaints relating to the Trust central team / executive where their actions / the complaint is not specific to an individual Academy will be handled on a case by case basis by the appropriate members of the executive and the Trust Board with any complaint being made to the Clerk to the Trust Board.

This Complaints Policy distinguishes between a concern or difficulty, which can usually be resolved informally, and a formal complaint which will require further investigation.

The Academy will ensure that all concerns, difficulties or complaints are dealt with in accordance with the following principles:

- When establishing the facts in relation to a complaint, all persons investigating and making decisions in relation to the matters raised must apply the civil standard of proof, ie 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt'.
- All persons investigating and making decisions in relation to the matters raised will be impartial and will do so without bias to any party involved.
- All decisions made will be made on a balanced and considered assessment of the information before him or her only.
- All decisions made will be based upon logical conclusions, and not based on mere speculation or suspicion.
- All decisions made will be supported by detailed reasons which will be disclosed to all parties involved.

### Equality Act 2010

The Academy will deal with concerns, difficulties and complaints in accordance with its duty under the Equality Act 2010.

## 2.1 Policy Terms

For the purpose of this Complaints Policy

- a 'parent' includes the natural or adoptive parent or guardian of a pupil, irrespective of whether they are or ever have been married, whether they are separated or divorced
- Principal refers to the Head Teacher of the Academy and is interchangeable with Head, Head Teacher, Head of School

## 3. Procedure

The Academy's complaints procedure consists of five stages:

Stage 1	• Concerns and difficulties, dealt with informally by the relevant member of Academy staff
Stage 2	• Complaint formally investigated by the Academy Principal (or designate)
Stage 3	• Complaint formally investigated by the Local Advisory Board Chair / Vice Chair
Stage 4	• Complaint formally reviewed by the CEO (or designate)
Stage 5	• Complaint Panel Hearing

### 3.1 Time Limits

The Academy aims to resolve concerns, difficulties and complaints in a timely manner. Time limits for each stage of the procedure are set out under each individual stage.

Although every effort will be made by the Academy to comply with the time limits specified under each stage of the procedure, it may not always be possible to do so, for example due to the complexity or number of matters raised, or due to the unavailability of the Complainant or a panel to attend a meeting.

### **3.2 Complaints against the Principal**

If a complaint is about the conduct of the Principal, the Chair of the Local Advisory Board (LAB) will investigate the complaint under Stage 3 of the policy.

### **3.3 Complaints against the Chair of the Local Advisory Board**

If a complaint is about the conduct of the Chair of the LAB, the Vice Chair will investigate the complaint under Stage 3 of the policy and they shall not be involved in forming a panel if the complaint reaches Stage 5. Complaints about LAB members including the Chair should be sent to the Clerk to the LAB. Complaints about the CEO or the Trust Board should be sent to the Clerk to the Trust Board. The most appropriate course of action will be determined depending on the nature of the complaint.

### **3.4 Late Complaints**

Where a complaint is submitted more than three months after the incident or event (or where the complaint relates to a series of incidents or events, more than three months from the date of the latest incident or event), the Academy reserves the right to refuse to investigate the complaint under this Complaints Policy if it appears reasonable and fair to do so. This decision will be made by the Principal and Chair of the LAB.

Where the Academy decides that a complaint which was submitted late will not be investigated, the Academy will write to the Complainant notifying them of the decision within seven Academy days of the complaint being received.

If the Complainant is unhappy with the decision not to investigate a complaint which was submitted late, the Complainant may write to the CEO at the Trust asking for the decision to be reviewed. The CEO will be provided with all documentation relating to the complaint, together with the letter from the Academy to the Complainant, and will review the decision not to investigate the complaint. The CEO will not investigate the complaint itself during this review.

The CEO will write to the Complainant with the outcome of the review within ten Academy days of the date that the letter from the Complainant seeking the review was received, and provide the Academy with a copy of the letter.

If the CEO quashes the decision not to investigate the complaint, it will be referred to the Academy to be dealt with under this Complaints Policy in the usual way.

If the CEO upholds the decision not to investigate the complaint, the Complainant may refer the concern or complaint to the Education and Skills Funding Agency (ESFA) using the procedure stated towards the end of this Complaints Policy.

### **3.5 Vexatious or Repeated Complaints**

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

In all of these cases, the Academy reserves the right to regard the complaint as vexatious and / or repeated and to refuse to investigate it under the procedure in this Complaints Policy, if it appears reasonable and fair to do so, having regard to the circumstances surrounding the complaint. This decision will be made by the Chair of the LAB.

Where the Academy decides that a complaint is vexatious and / or repeated and will not be investigated, the Academy will write to the Complainant within seven Academy days of the complaint being raised to notify them of the decision.

If the Complainant is unhappy with the decision not to investigate a vexatious and / or repeated complaint, they may write to the CEO to ask for the decision to be reviewed.

The CEO will be provided with all documentation relating to the current complaint and any previous complaints which were relevant to the decision, together with the letter from the Academy to the Complainant, and will review the decision not to investigate the complaint. The CEO will not investigate the complaint itself during this review.

The CEO will write to the Complainant with the outcome of the review within ten Academy days of the date that the letter from the Complainant seeking the review was received.

If the CEO quashes the decision not to investigate the concern or complaint, it will be referred to the Academy to be dealt with under the procedure in this Complaints Policy in the usual way.

If the CEO upholds the decision not to investigate the concern or complaint, the Complainant may refer the concern or complaint to the ESFA using the procedure stated towards the end of this Complaints Policy.

In exceptional circumstances, the CEO can delegate the responsibility for the review to the Vice Chair of the LAB or another member of the Trust executive team.

### **3.6 Anonymous Complaints**

The Academy will not investigate anonymous complaints under the procedure in this Complaints Policy. Anonymous complaints will be referred to the Principal who will decide what, if any, action should be taken.



For complaint campaigns where there are large volumes of complaints on the same subject from Complainants unconnected with the Academy, the Trust will consider a template response and publication of a single response on the Academy's website.

### **3.7 Data Protection Act 2018 and Freedom of Information Act 2000**

Complaints sometimes include requests for information or documentation. Such requests will be directed to the Academy's Data Protection Policy and Freedom of Information Policy.

### **3.8 Resolution Principles**

It is in everyone's interest that concerns, difficulties and complaints are resolved to the satisfaction of all parties at the earliest possible stage. The way in which the concern, difficulty or complaint is dealt with after the matter is first raised by the Complainant can be crucial in determining whether the complaint will escalate. To that end, members of staff will be periodically made aware of the procedure in this Complaints Policy, so that they will know what to do when a concern, difficulty or complaint is raised with them.

At each stage of the complaints procedure, the investigator will consider how the complaint may be resolved. In considering how a complaint may be resolved, the investigator will give due regard to the seriousness of the complaint. It may be appropriate in order to bring the complaint to a resolution for the investigator to offer:

- An explanation
- Reassurance that steps have been taken to prevent a recurrence of events which led to the complaint
- Reassurance that the Academy will undertake a review of its policies and procedures in light of the complaint.

None of the above will constitute an admission of negligence or an acceptance of liability on behalf of the Academy.

### **3.9 Retention of Records**

A full written record will be maintained centrally at the Academy of all concerns, difficulties and complaints, whether they are resolved informally under Stage 1, or dealt with formally under Stages 2 to 5. The Head of HR will maintain the Trust formal complaints log, and Principals must advise the Head of HR of all formal complaints under Stages 2 to 5.

Records will be maintained as per the Trust Retention Schedule.

There may be occasions where complaints are made or continue to be escalated

after a pupil has left the Academy. On changing schools, the pupil's educational record is transferred to the new school and no copies are retained.

An Academy can consider holding records of complaints separate to their pupil records while a complaint is ongoing so that access to them can be maintained. Personal data should only be kept for as long as necessary for immediate purposes of processing. The data should be stored securely and, where appropriate, encrypted to maximise security.

### **3.10 Confidentiality**

All correspondence, statements and records relating to individual concerns, difficulties or complaints will be kept confidential except where access is requested by the Secretary of State, an Academy inspector, or under another legal authority.

### **3.11 Publication**

This Complaints Policy has been ratified by the Board of Trustees, and will be reviewed every two years. It will be published on the Academy's website and provided to parents and pupils on request by the Academy. A copy of this Complaints Policy will be provided to a Complainant when a concern, difficulty or complaint is first raised.

## **4. Stages**

### **4.1 Stage 1: Concerns and Difficulties**

#### **4.1.1 Concerns**

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

#### **4.1.2 Notification**

The concern or difficulty should be raised as follows:

- **Education issues**  
If the matter relates to the classroom, the curriculum or special educational needs, the Complainant should speak to the Class Teacher, Head of Year or Senior Leadership Team member as appropriate.
- **Pastoral care**  
For concerns relating to matters outside the classroom, the Complainant should speak to the Tutor, Head of Year, or Senior Leadership Team member as appropriate.

- **Disciplinary matters**  
A problem over any disciplinary action taken or a sanction imposed should be raised with the member of staff who imposed it in the first instance. If not resolved, the Complainant should speak to the relevant Head of Year, or Vice Principal.
- **Financial and administrative matters**  
A query relating to fees, extras or other administrative matters should be raised by the Complainant with the Finance Office or the Academy Business / Operations Manager.
- **An issue with a specific member of staff**  
Often the best way to resolve an issue with a specific member of staff is to raise it with that member of staff directly, so that they are given the opportunity to address and resolve the concern or difficulty before it becomes a formal complaint. If the Complainant feels uncomfortable doing this, however, the issue should be raised with the Vice Principal.

Should a concern or difficulty be raised with a member of staff who feels that they are not the best person to be dealing with it, they will refer it to the Head of Year or Vice Principal or other designated member of staff as appropriate.

If a concern or difficulty is raised with a member of staff who feels that it raises serious issues which should be dealt with as a formal complaint immediately, the member of staff will tell the Complainant that they should put their complaint in writing to the Principal under Stage 2 of this Complaints Policy.

### **4.1.3 Unresolved Concerns and Difficulties**

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

### **4.1.4 Record of Concerns and Difficulties**

The member of staff dealing with a concern or difficulty will make a written record of the issues raised, the action taken and, if applicable, the resolution reached, which will be retained in a central record. Further information in relation to the retention of records can be found earlier on in this Complaints Policy.

## **4.2 Stage 2: Formal Complaint to the Principal**

### **4.2.1 Notification**

A concern or difficulty raised under Stage 1 of this Complaints Policy which remains unresolved after fifteen Academy days, or a serious matter which requires formal investigation from the outset, should be set out in writing and sent to the Principal at the Academy. Should a formal written complaint be received by another member of

the Academy's staff, it will immediately be passed on to the Principal.

The Complainant should clearly set out the matters in dispute, the relevant dates, the full names of the persons involved and what the Complainant believes the Academy should do to resolve the complaint. Any documentation relied upon by the Complainant should be attached to the formal complaint.

### **4.2.2 Acknowledgement**

The formal complaint will be acknowledged in writing within seven Academy days of receipt. The acknowledgement letter will confirm the date that the formal complaint was received and the action to be taken.

### **4.2.3 Investigation**

The Principal will be provided with the records of the Stage 1 informal procedure (if applicable) within seven Academy days of receipt of the formal complaint, and will then proceed to investigate the complaint. This will involve obtaining and considering all documentation held by the Academy which is relevant to the complaint. If further information is required from the Complainant, this may be requested from them over the telephone or in writing.

The Principal will speak to the persons who were involved in the matters raised by the Complainant. Pupils will only be spoken to with an independent member of staff present to support them. Where there is an issue about the conduct of a member of staff, that member of staff will be offered the option of having another member of staff present.

Other members of staff will be spoken to alone. A written record of the conversation will be made, and the pupil or member of staff spoken to will be asked to read, sign and date the written record to confirm that it is accurate. In the case of pupils, the accompanying independent member of staff will also be asked to sign and date the record of the conversation.

If the Principal deems it to be appropriate in relation to the matters raised, the Complainant will be offered a meeting to discuss the issues raised. This may take place at the beginning of the investigation to clarify any matters which are unclear, or after the investigation has taken place with the aim of reaching an amicable resolution.

### **4.2.4 Outcome**

The Principal will write to the Complainant confirming the outcome of the investigation within twenty Academy days from the date that the complaint was received. The letter will set out the individual matters raised by the Complainant, the findings made by the Principal during the course of the investigation, and the conclusion reached.

The letter will inform the Complainant that if they are unsatisfied with the outcome of the Stage 2 investigation, they should write to the Clerk to the LAB of the Academy

within five Academy days of receipt of the letter, asking for their complaint and the Stage 2 investigation to be reviewed by the LAB under Stage 3 of this Complaints Policy.

Where the complaint was received during an Academy holiday or within twenty days from the end of a term or half term, the Principal will endeavour to expedite the investigation wherever possible.

### **4.2.5 Delegation**

In appropriate cases, the Principal may delegate the complaint to a member of the Senior Leadership Team to deal with in accordance with the procedure outlined above.

## **4.3 Stage 3: Formal Complaint to the LAB**

### **4.3.1 Notification**

If the Complainant is unsatisfied with the outcome of the complaint under Stage 2 of this Complaints Policy, the Complainant may write to the Clerk to the LAB asking for the complaint to be investigated by the LAB, within five Academy days of receiving the letter confirming the outcome following Stage 2.

### **4.3.2 Acknowledgement**

The Complainant's letter will be acknowledged within seven Academy days of receipt.

### **4.3.3 Investigation**

The LAB Chair will be provided with all documentation relating to the complaint within five Academy days of receipt of the letter requesting an investigation under Stage 3, including the record of the Stage 1 informal procedure (if applicable), the original letter of complaint or Complaint Form, any documentation provided by the Complainant with their complaint, all investigation records under Stage 2, and the letter of outcome under Stage 2, and will proceed to investigate the complaint. If further information is required from the Complainant, this may be requested from them over the telephone or in writing.

### **4.3.4 Outcome**

The LAB Chair will write to the Complainant confirming the outcome of the investigation within twenty Academy days of the date of receipt of the request for investigation by the LAB.

The letter will inform the Complainant that if they are unsatisfied with the outcome of the Stage 3 investigation, they should write to the Clerk to the LAB of the Academy within five Academy days of receipt of the letter, asking for their complaint and the Stage 2 and 3 investigations to be reviewed by the CEO under Stage 4 of this

Complaints Policy.

Where the request for an investigation was received during an Academy holiday or within twenty days from the end of a term or half term, the LAB Chair will endeavour to expedite the review wherever possible.

#### **4.3.5 Delegation**

The LAB Chair may delegate to the LAB Vice Chair or a LAB member to deal with in accordance with the procedure outlined above.

### **4.4 Stage 4: Review by the CEO**

#### **4.4.1 Notification**

If the Complainant is unsatisfied with the outcome of the complaint under Stages 2 and 3 of this Complaints Policy, the Complainant may write to the Clerk to the LAB asking for the complaint to be reviewed by the CEO, within five Academy days of receiving the letter confirming the outcome following Stage 3.

The Complainant should not repeat the matters raised in their original letter or attach documentation already provided, but should clearly set out how and why the Complainant does not accept the findings made under Stage 3. The Complainant should make clear why they believe the outcome decision made was flawed and what, if any, procedural errors have been made. It is not sufficient to disagree.

#### **4.4.2 Acknowledgement**

The Complainant's letter will be acknowledged within seven Academy days of receipt. The acknowledgement letter will confirm the date that the formal complaint was received and the action to be taken.

#### **4.4.3 Review**

The CEO (or designate) will be provided with all documentation relating to the complaint within five Academy days of receipt of the letter requesting a review under Stage 3, including the record of the Stage 1 informal procedure (if applicable), the original letter of complaint or Complaint Form, any documentation provided by the Complainant with their complaint, all investigation records under Stages 2 and 3, and the letters of outcome under Stages 2 and 3.

The CEO will review all of the documentation received and consider the matters raised in the complaint and the investigation carried out under Stages 2 and 3. The CEO will only speak to the persons involved in the matters raised to clarify matters which were not confirmed during the Stage 2 and 3 investigations, if believed necessary. Where the CEO does speak to a pupil or a member of staff whose conduct is in issue, they will be accompanied as outlined under Stage 2.

If the CEO deems it to be appropriate in relation to the matters raised, the

Complainant will be offered a meeting to discuss the issues raised. If a meeting is deemed appropriate, it will usually take place after the review has been completed with the aim of reaching a mutually acceptable resolution.

### **4.4.4 Outcome**

The CEO will write to the Complainant confirming the outcome of the review within twenty Academy days from the date that the request for a review was received. The letter will set out whether the CEO agrees with the findings and conclusion under Stages 2 and 3, and give reasons, as well as responding to any criticisms of the Stage 2 and 3 investigations.

The letter will inform the Complainant that, if they are unsatisfied with the outcome of the Stage 4 review, they should write to the Clerk to the LAB within five Academy days of receipt of the letter requesting a Complaint Panel Hearing under Stage 5 of this Complaints Policy.

Where the request for a review was received during an Academy holiday or within twenty days from the end of a term or half term, the CEO will endeavour to expedite the review wherever possible.

### **4.4.5 Delegation**

In appropriate cases, the CEO may delegate the review to a member of the Trust executive team to deal with in accordance with the procedure outlined above.

## **4.5 Stage 5: Complaint Panel Hearing**

### **4.5.1 Notification**

If the Complainant is unsatisfied with the outcome of the review under Stage 4 of this Complaints Policy, the Complainant may write to the Clerk to the LAB requesting a Complaint Panel Hearing. The Complainant should write to the Clerk to the LAB within five Academy days of receiving the letter confirming the outcome following Stage 4.

The Complainant should not repeat the matters raised in their original letter or attach documentation already provided, but should clearly set out how and why the Complainant does not accept the findings made under Stages 2 – 4. The Complainant should make clear why they believe the decision made was flawed and what, if any, procedural errors have been made. It is not sufficient to disagree.

### **4.5.2 The Complaint Panel**

The Complaint Panel will consist of three persons appointed by or on behalf of the Trust by the Clerk to the LAB, at least one of which will be independent from the management and running of the school. The ESFA suggests that the independent panel member should have no association with the Trust. It is accepted that a LAB member from another school in the Trust, who has no conflict of interest or prior



knowledge of the complaint, can be an independent panel member.

The Trust may, at its absolute discretion, choose to convene a panel of entirely independent / external members if it considers it appropriate to do so. None of the three Complaint Panel members will have been involved in the matters which gave rise to the complaint, have been involved in dealing with the complaint previously, or have any detailed prior knowledge of the complaint.

### **4.5.3 Attendance**

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

The Complaint Panel Hearing will be minuted by the Clerk to the Complaint Panel, who will usually be the Clerk to the LAB.

Where there are communication difficulties, the Complaint Panel can consider recording devices to ensure the Complainant is able to access and review the discussions at a later point. All parties should agree in advance to being recorded. The Complaint Panel should take into account how any decision to allow recordings may affect third parties called to act as witnesses and the impact and consequences on the individuals involved in the complaint in the event that recordings were lost or leaked.

Complainants should make sure they obtain informed consent from all parties present before recording conversations or meetings. Unless exceptional circumstances apply, the ESFA supports academies who refuse to accept as evidence recordings of conversations that were obtained covertly and without informed consent of all parties being recorded, and the ESFA recommends this is made clear in the Complaints Policy.

### **4.5.4 Convening the Complaint Panel Hearing and Acknowledging the Complaint**

After receiving the request, the Clerk to the LAB will write to the Complainant within seven Academy days acknowledging receipt of their request. The Clerk to the LAB will convene a Complaint Panel and liaise with the Panel, the Complainant and the Academy's Representative to agree a mutually convenient date for the Complaint Panel Hearing, which will usually take place within twenty Academy days of receipt of the Complainant's request, unless there are exceptional circumstances.

The Panel shall elect its own Chair and may meet informally prior to any hearing to review the complaint, consider if any witnesses should be called and if any further evidence is required from any party. It will also take advice from the Clerk and determine the agenda.



The Chair may, at their absolute discretion, adjourn any meeting or hearing if it is in the interest of natural justice to do so.

If reasonable attempts are made to accommodate Complainants with dates for complaint meetings, and the Complainant refuses, the Academy can convene meetings in their absence and reach a conclusion in the interests of drawing the complaint to a close.

### **4.5.5 Documentation**

The Clerk to the LAB will forward a copy of all paperwork relating to the complaint, consisting of the record of the Stage 1 informal procedure if applicable, the original letter of complaint or Complaint Form, any documentation provided by the Complainant with their complaint, all investigation records under Stages 2 and 3 with the letters of outcome, all review records under Stage 4 with the letter of outcome, and the Complainant's letter requesting a Complaint Panel Hearing and accompanying documents, to the Complainant, the Academy's Representative and the three Complaint Panel members.

If the Complainant wishes the Complaint Panel to consider any additional information, they should forward this documentation to the Clerk to the LAB to arrive at least five Academy days before the Complaint Panel Hearing, to enable the Clerk to forward it to the Academy's Representative and the Complaint Panel members.

### **4.5.6 Witnesses**

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

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

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

Members of staff of the Academy involved in the matters which gave rise to the complaint will usually have provided a signed written account or have signed a note of a meeting during the previous stages, which will be forwarded to all parties with the other complaint documentation in the usual way.

Members of staff will not usually be required to attend the Complaint Panel Hearing to give a verbal statement unless their conduct is in issue or their account is contentious and the rules of natural justice dictate that the Complainant should be allowed to ask that member of staff questions.

The ESFA recognises that there are occasions where legal representation may be appropriate during panel hearings eg if a Trust employee is a witness in a complaint they may be entitled to bring union or legal representation.

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

The Clerk to the LAB will write within ten Academy days of the Complaint Panel Hearing to the Complainant.

The letter will identify each of the issues complained about, summarise how the Complaint Panel Hearing proceeded, and confirm each of the Complaint Panel's findings of fact and recommendations, if any, with reasons. Where relevant, it will also provide a copy of the findings to the individual being complained about.

The Academy will also record the action it takes as a result of the complaint regardless of whether it is upheld.

The Clerk to the LAB will ensure that a copy of the Complaint Panel's findings and recommendations and actions is made available on the Academy's premises for inspection by the Proprietors, the LAB, and the Principal.

### **4.5.8 Referral to the Education and Skills Funding Agency**

Once a complaint has been through all the stages of this Complaints Policy, if the Complainant believes that the Academy has not followed the procedure in this Complaints Policy, the Complainant can refer the complaint to the ESFA for consideration.

The Complainant can find further information about referring a complaint to the ESFA at [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus).

The Complainant should be aware that the ESFA will not usually investigate the complaint itself, or interfere with the findings of the Complaint Panel, unless the decision made was manifestly unreasonable.

For information, other parties such as the local MP or Ofsted do not have a role to play in this process and do not consider whether a school's complaint procedure has been followed.

### 5. Formal Complaint Form

<p>Please complete and return to the Academy who will acknowledge receipt and explain what action will be taken.</p> <p><b>Please use additional paper if required.</b></p>	<p>Pupil's Name:</p> <p>Your Name:</p>
<p>Your Relationship to Pupil:</p>	<p>Pupil's Date of Birth and Tutor Group:</p>
<p>Address and Postcode:</p>	<p>Daytime Telephone Number:</p>
<p>Email:</p>	<p>Evening Telephone Number:</p>
<p>Full details of complaint (including the names of all persons involved and the dates of incidents referred to):</p>	
<p>What action, if any, have you already taken to try and resolve your complaint (for example, who did you speak to and what was the response)?</p>	
<p>What actions do you feel might resolve the problem at this stage?</p>	
<p>Are you attaching any paperwork? If so, please give details.</p>	
<p>Signature:</p>	<p>Date:</p>
<p>For Official Use:</p>	
<p>Date Acknowledgement Sent:</p>	
<p>Name of Person Complaint Referred To:</p>	