

# COMPLAINTS POLICY & PROCEDURES V8

## Aims and Principles of the Policy

This policy aims to:

- Encourage the resolution of concerns and complaints by informal means wherever possible;
- Ensure that concerns are dealt with quickly, fully and fairly and within the defined time limits where possible and practicable;
- Ensure the process is as non-personal and as fact based as possible;
- Minimise undue stress on all the parties;
- Ensure the interests of all children are taken into account
- Provide effective and appropriate responses to concerns and complaints;
- Maintain good working relationships between the school and all those involved in the process;
- Be impartial and non-adversarial;
- Ensure the Trust and its schools can learn lessons and apply any improvements where appropriate.

Key Principle of the Policy are:

- Is underpinned by good and honest communication;
- The complainant has the right to see all relevant documents (subject to confidentiality and Data Protection regulations) and to receive appropriate advice and support at all stages within the process;
- All Trust staff involved, implicated or cited within the complaint have the right to see full details of the complaint (subject to confidentiality requirements) and receive appropriate advice and support at all stages within the process;
- Clear recommended timescales that are adhered to at all times wherever practical and where they are not able to be adhered to, all parties receive clear communication;
- Appropriate confidentiality levels are maintained by all involved (including any school, administrative staff and governors);
- Most complaints are best resolved locally at school level but the Trust is ultimately accountable for maintaining fair and legally-sound processes. As such, the Trust will oversee

the complaints process and reserves the right to intervene if required to ensure a robust process is followed.

- In keeping with Legislation and the Best Practice Advice for Academies complaints procedures: [Best practice guidance for academies complaints procedures - GOV.UK](#)
- [Please also see Parent guide to school complaints](#)

### **Who can make a Complaint?**

- This complaints policy and procedure is not limited to parents or carers of children that are registered at the Trust. Any person, including members of the public, may make a complaint to the Trust or its schools about any provision of facilities or services that we provide.
- Unless complaints are dealt with under separate statutory procedures (see section on “scope of the procedure below), we will use this complaints policy and procedure.
- The Complaints co-ordinator, the Headteacher, the Chair of Governors, the CEO or the Chair of Trustees, depending upon the nature of the complaints or about whom the complaint concerns, will determine whether the issue falls within the scope of this Complaints policy.

### **Stage 1: How to Raise a Concern**

- A concern is defined as ‘an expression of worry or doubt over an issue considered to be important for which reassurances are sought’ and is a low-level informal complaint that is normally verbal or via e-mail and does not necessitate the use of the complaint form.
- Issues raised by parents, carers or other stakeholders are a normal part of the day-to-day business of the Trust and its schools – this feedback allows us to adapt and improve. These should be raised with relevant form tutors or subject teacher as effective communication and timely responses will allow most issues to be dealt with promptly and effectively.
- Where the person raising an issue is not satisfied with the school’s initial response, they may wish to escalate their issue to a concern, directed to more senior management. If the concern is around a pastoral concern, then the Head of Year is an appropriate person to speak to , if it’s an academic concern related to a specific subject, the Head of Department may be more appropriate.
- Taking concerns seriously at this early stage will reduce the numbers that develop into Stage 2 formal complaints.
- A concern can be made in person, by telephone, or in writing.
- A concern may be formal but may not initially require a full investigation from the senior team or headteacher to resolve, although it is likely that a member of the senior team will oversee the outcomes of this stage.
- Concerns ought to be handled, if possible, without the need for formal procedures and in the spirit of shared respect and willingness to find a mutually acceptable resolution.
- The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally.
- While we encourage concerns to be raised informally first, parents may request to proceed directly to a formal complaint.
- If the issue remains unresolved, the next step is to make a formal stage two complaint.

*All of the following refer to Formal Complaints*

### **What is a Formal Complaint?**

- A formal complaint is defined as ‘an expression of dissatisfaction about actions taken or a lack of action’ and it is likely, (but not necessarily), that it has previously been raised and investigated as a stage one concern and uses the appropriate Formal Complaint Form. Although, the School strongly recommends the use of this form as it provides the best and least ambiguous means to collate relevant information necessary to address their concerns, verbal, email or written complaints are all acceptable. If using AI-generated content please ensure its accuracy, as incorrect references can complicate the investigation.
- For the avoidance of doubt, should, during the process, further information be added to the initial complaint and/or other issues raised, the person handling the complaint will decide whether this is admissible as part of the original complaint or constitutes separate concern or complaint. In either case, timescales and deadlines may be extended so that new information can be properly assessed.
- The complaint coordinator will assess each complaint to determine the most suitable policy for addressing the issue. In some cases, another policy may provide a more appropriate framework—for example, when a complaint involves a specific member of staff. In such instances, the complaint coordinator will refer the matter to the relevant policy and inform the complainant of this decision at the earliest opportunity.

### **How to make a Stage Two Formal Complaint (Annex A)**

- The Formal Complaint procedures should only be used, when all previous attempts to resolve issues and concerns are unsuccessful and the person raising the concern wishes to take the matter further.
- A Formal Complaint should be made on the **Formal Complaint Form (Annex D)** but verbal, email or written complaints are all acceptable. It may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so. If you require help in completing the form, please contact the Trust. You can also ask third party organisations like Citizens Advice to help you.
- Complainants must not approach individual school Governors or Trustees to raise complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 3 of the procedure.

- The Learning Trust has designated a member of staff to be the 'Complaints Co-ordinator' at each relevant school, with responsibility for the operation and management of the Trusts' complaints procedure.
- Whilst the relevant school's Headteacher or Deputy Headteacher is normally nominated for this role, references to the Complaints Coordinator in this policy may also include the Chair of Governors/Trustees, CEO or any person tasked with handling a complaint.
- With each complaint, the Complaints Co-ordinator will liaise with the Trust's Compliance Officer or CEO who will oversee this policy and operational procedures at all stages. Formal complaints should be made in the first instance, to the Complaints Co-ordinator. Please mark them as Private and Confidential.
- Complaints that involve the Deputy Head should be made in the first instance, to the Headteacher of the relevant school. Please mark them as Private and Confidential.
- Complaints that involve or are about the Headteacher should be addressed in the first instance to the Chair (or in their absence, the Vice-Chair) of Governors. They will consult with the CEO to determine who is best placed to consider the complaint having regard to the nature of the complaint and the degree of prior knowledge. In either case, the Trust may engage a suitably qualified person to conduct an investigation. Please mark them as Private and Confidential.
- Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to the Trust Compliance and Governance Officer, who may refer the matter to the Trustees of The Learning Trust.
- Complaints about the MAT CEO should be addressed to the Chair of Trustees, who may refer the matter to the board of Trustees to investigate in line with the procedures outlined in this policy.
- Complaints about the MAT as a whole can be made directly to the Department for Education
- For the avoidance of doubt, unless the complaint is directly concerning an Individual Person, who could be involved or directly implicated within the Complaints procedure, the complainant cannot ask for members of staff or the Governing Body to be excluded from the Complaints process nor, as all relevant information is shared to a panel within the process, should any Governor be excluded from the case unless they or their actions are the subject of the complaint itself or they declare a personal interest.
- All Complaints that reach stage 2 will be logged by the school in the Complaints Register which is regularly reviewed by the school's Local Governing Board and/or Trustees of The Learning Trust.
- In accordance with equality legislation, we will consider making reasonable adjustments if requested, 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.

- The relevant Complaints Coordinator, in consultation with the Chair of Governors and CEO, may decide to escalate a complaint straight to stage 3, if they deem it serious enough to warrant immediate investigation by a Governors Complaints Panel.

### **Anonymous Complaints**

- We will not investigate anonymous complaints, unless they concern safeguarding matters. However, the Complaints Co-ordinator, the Headteacher or the Chair of Governors depending on who the claim is about will determine whether the complaint warrants an investigation.

### **Resolving Complaints**

- At each stage in the procedure there are a number of ways in which a complaint can be resolved and the formal process concluded. 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:
  1. an explanation;
  2. an admission that the situation could have been handled differently or better;
  3. an assurance that we will try to ensure that the event complained of will not recur;
  4. an explanation of the steps that have been taken to ensure that it will not happen again;
  5. an undertaking to review school policies in light of the complaint.
  6. an apology.
- In making the complaint, all complainants should be encouraged to state what actions they feel might, (fairly and practically), resolve the problem. This will continue to be encouraged at any and all stages. An admission that the school could have handled the situation better is not the same as an admission of negligence.

### **Vexatious, Duplicate and Unreasonable Complaints**

- The complaints procedure is intended to limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, as a result of the findings of the Complaints Co-ordinator, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of the Governing Body is able to inform them in writing that the school's procedure has been exhausted and that from the school's perspective the matter is now closed.
- In some instances, the Complaints Co-ordinator may, acting reasonably, and after consultation with the Trust CEO, deem at any stage that the complaint is unfair, unreasonable, unfounded,

part of a complaint campaign and/or vexatious. In such instances, the Complaints Co-ordinator can close the complaint.

- If the complainant tries to re-open the same issue, the Chair of the Governing Body and/or the Trust CEO, is able to either inform them in writing that the school's procedure has been exhausted and that from the school's perspective the matter is now closed or to refer the complaint to the Governing Body's Complaints Panel.
- Complaints often arise because the school has made a decision that the complainant is unhappy with. We realise that it is not always possible to satisfy the needs of all parents – especially when their children are in dispute, often with each other. This in itself should not trigger a formal complaint. A formal complaint should be used judiciously when there are serious errors with process or the application of a Trust/school policy or where a reasonably fair minded person would deem the outcome to be manifestly unfair.
- Further details on the Trust's policy for dealing with unreasonable complaints is set out at Annex C.

### **Time-Limits**

- You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will only consider complaints made outside of this time frame if exceptional circumstances apply.
- Complaints need to be considered, and resolved, as quickly and efficiently as possible. Realistic time limits will be agreed and set for each action within each stage. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

### **Complaints concerning Special Educational Needs (SEND)**

- If the complaint is about a school's SEN support, it should be done while the child is still registered at the school.
- This includes complaints that the school has not provided the support required by the child's SEN statement or education, health and care (EHC) plan.
- Before making a formal complaint, parents and carers should raise issues with the SEND Ceo and through the annual review process. Only when these two avenues have failed to address the issue, should a formal complaint be raised.

These steps should be followed in order. Move on to the next step if the complaint is not resolved.

- Talk to the school's special educational needs and disability co-ordinator (SEND Ceo).

- Follow the school’s complaints procedure.
- Complain to your Local Authority.

### Complaints received outside of term time

- We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

### Recording Complaints

- A note of any complaint is to be made to record the progress and the final outcome. At the end of a meeting or telephone call, it would be helpful if the member of staff in the case of informal complaints ensured that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls should be kept and a copy of any written response added to the record.
- The Complaints Co-ordinator is responsible for the records and holds them centrally for each individual school and the Trust. All complaints where Stage 2 or equivalent procedures are invoked will be recorded by the school.
- Any meetings will be held in private. Electronic recordings of meetings or conversations are not 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. During a stage three governor complaints panel meeting, the clerk to the governors may record the meeting to ease the compilation of minutes. This recording will not be available to either the school or the complainant.

### Scope of this Complaints Procedure

- This procedure covers all complaints about any provision of education, community facilities or services by the Trust, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
Admissions to schools	Complaints about admissions are handled through a separate process – either through the admissions appeals process or via the local authority
School re-organisation proposals	Complaints about school re-organisation proposals should be raised with Cheshire West and Chester Admissions team
Statutory assessments of Special Educational Needs	Complaints about statutory assessments of Special Educational Needs should be raised with Cheshire West and Chester SENDCo team.

Matters likely to require a Safeguarding / Child Protection Investigation	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the Local Authority Designated Officer (LADO), who has local responsibility for safeguarding:  <a href="mailto:safeguardinglado@cheshirewestandchester.gov.uk">safeguardinglado@cheshirewestandchester.gov.uk</a></p>
Suspension and Permanent Exclusion of children from school	<p>Further information about raising complaints about suspensions and permanent exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a> and are dealt with under a different policy</p>
Whistleblowing	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff, volunteers and contractors.</p> <p>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>.</p> <p>You may also be able to complain direct to the Local Authority or the Department for Education (see link above), depending on the substance of your complaint.</p>
Staff grievances	<p>Complaints <b>from</b> staff will be dealt with under the Trust's internal grievance procedures.</p>
Staff conduct	<p>Complaints <b>about</b> staff will be dealt with under the Trust's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint.</p> <p>However, the complainant will be notified that the matter is being addressed.</p>
Complaints about services provided by other providers who may use school premises or facilities	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.</p>
National Curriculum – content	<p>Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a></p>
Centre Assessed Grades	<p>Complaints from parents or students on Teacher or Centre Assessed Grades will be dealt with under either the relevant Exam Boards' policies and procedures or DfE guidance.</p>
Complaints about external examinations	<p>In the first instance these may be directed to the school's Exams Office on the understanding that in most cases our</p>

	administration and judgement of external examinations falls under the authority of the Joint Council for Qualifications and we will not be able to direct their outcome.
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- If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations. If this happens, we will inform you of a proposed new timescale
- If a complainant commences legal action against the Trust in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

### **Upholding or not Upholding a Complaint**

- At each stage of the Complaints procedure, the conclusion will be either:
  - That the complaint is upheld (in full or in part) and where appropriate some form of action is taken OR
  - That the complaint is not upheld and the reason(s) for this, where appropriate, are clearly given
- At each stage of the complaint process, it may be appropriate to resolve the issue but offering to the complainant one or more of the following:
  - An explanation of the events
  - An agreement to undertake some/all of the actions outlined in the Complaint Form
  - A recognition that the situation could have been handled differently or better
  - An explanation of the steps that have been taken to best ensure that it will not happen again. At no point will details of any action taken against staff be communicated.
  - An undertaking to review appropriate School/Trust policies or procedures in light of the findings of the complaint.
  - An apology

In seeking resolution to complaints, whilst it is important to understand from complainants their views on what would settle the dispute, it is not for individuals outside the Trusts/school's executive team to dictate specific disciplinary actions against pupils or teachers.

These decisions are the prerogative of the Trusts/school's executive body, considering a range of factors to ensure fairness and appropriateness. We state unequivocally that while it is important for parents and other stakeholders to ensure that due process is followed, they do not have the right to demand specific outcomes.

### **Fair Treatment of staff involved in complaints**

- While complaints under the Complaints Policy are regarded as complaints against the School and/or Trust, many involve individual members of staff who may be explicitly named in the complaint or implicitly criticised for their actions or inaction.
- As previously stated, a complaint against a specific member of staff may be dealt with under the Trusts staff disciplinary policy and not the complaints policy
- While all complaints will be fully and fairly addressed in accordance with this Policy, the Trust recognises that the process can be stressful and time-consuming for its staff - particularly when their competence, judgement or integrity is questioned.
- The Trust recognises that it has a duty of care to its staff in such circumstances and will take all reasonable measure to minimise the stress and workload and ensure that staff have an opportunity to express their point of view.
- These measures include: -
  - ensuring that staff are informed of the nature of any complaint involving themselves, the evidence presented (subject to any confidentiality requirements), the outcome sought and the progress of the complaint
  - staff will be expected to cooperate with any investigation and make themselves available for interview but are entitled to the support of their Trade Union representative or a friend
  - where an allegation relates to a specific member of staff they will have the opportunity to put their viewpoint to the Investigating Officer or Complaints Panel in person or in writing. Staff are advised to seek the guidance and support of their Line Manager or another senior member of staff
  - the School/Trust will take all reasonable measures to complete the complaints process in a timely manner including closing any complaints that are deemed vexatious or out of scope.

### **Withdrawal of a Complaint**

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing. However, if appropriate the Trust or the individual school, as the case may be, may continue to investigate.

### **Local Governing Body Review**

- The Local Governing Body will monitor the level and nature of complaints and review the outcomes annually to ensure the effectiveness of the procedure and make changes where necessary. This will also be reported to the Trustee Board of The Learning Trust. Preferably, complaints information shared with the whole Governing Body/ Trustees will not name individuals.
- As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to school improvement. When individual complaints are heard, the school may identify underlying issues that need to be addressed. The monitoring and review of complaints by the school and the Local Governing Body is acknowledged to be a useful tool in evaluating and continually improving the school's and Trust's performance.

- Schools must maintain a complaints register, which records the nature of the complaint, dates of hearings and the outcome of the complaint. This register must be submitted to the CEO for annual review and discussion at the autumn Trust board meeting.

#### **Publishing the Policy**

- The Complaints Policy and Procedures will be published on the school websites.

**Stage Two: Complaint Heard by Complaints Co-ordinator**

1. 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. It is expected that all Formal Complaints will have started as a concern under Stage 1 before escalation to Stage 2
2. Formal complaints must be made directly to the Complaints Co-ordinator (unless they are about the Complaints Co-ordinator). This may be done in person, in writing on the Complaint Form.
3. The Complaints Co-ordinator will instigate an investigation within **five school days** (unless it is impractical to do so – for example staff absence) of receipt of the Formal Complaint Form being received. They reserve the right to interview all parties and witnesses to the nature of complaint, including students.
4. They may delegate the investigation to another staff member but not the decision to be taken. The Trust will respect the views of a complainant and/or the Complaints Co-ordinator, who indicates that he/she would have difficulty discussing a complaint with a particular member(s) of staff. In these cases, the Complaints Co-ordinator can refer the complainant to another staff member.
5. Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the Complaints Co-ordinator may consider referring the complainant to another staff member. The ability to consider the complaint objectively and impartially is crucial.
6. During the investigation, the Complaints Co-ordinator (or investigator) will:
  - 6.1. if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
  - 6.2. keep a written record of any meetings/interviews in relation to their investigation.
7. At the conclusion of their investigation, the Complaints Co-ordinator will aim to provide a formal written response (by email and/or hard copy) within **five school days** (unless it is impractical to do so – for example staff absence) of the date of the conclusion of the investigation. It is expected that this will be within 15 school days (unless it is impractical to do so – for example staff absence) of the initial receipt of the complaint.
8. If the Complaints Co-ordinator is unable to meet this deadline, they will provide the complainant with an update and revised response time.

9. The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the school will take to resolve the complaint.
10. The Complaints Co-ordinator will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.
11. If the complaint is about the Complaints Co-ordinator, the Headteacher, or a member of the governing body (including the Chair or Vice-Chair) or the whole governing body, please see 'How to make a complaint', set out above.
12. At the conclusion of Stage two, and if there are any issues that the complainant remains unsatisfied with, they may raise their concerns with the Headteacher, who may instigate further action.

### **Stage Three: Complaint Heard by Governing Body's Complaints Appeal Panel (GCAP)**

1. If the complainant is dissatisfied with the outcome in Stage 2, or feels that there were substantive flaws or errors in the Stage 2 investigation, or that the complaints policy and/or procedures were incorrectly applied, they may wish to take the matter further, and can escalate the complaint to Stage 3 – having the matter considered by members of the governing body's complaints Panel,

*Please note that, in order to ensure optimum levels of impartiality, the Trust reserves the right to form the complaints panel of governors of the school where the complaint has been raised, governors of other Trust schools and/or Trustees.*

*For the avoidance of doubt, all references within this policy to Governors are deemed to cover governors of other Trust schools and Trustees.*

2. This is the final stage of the Complaints procedure. It consists of governors with no prior knowledge or involvement in the case or significant knowledge of the case prior to receipt of the formal complaint. Its role is to take a fresh, impartial look at the matter.
3. Upon receiving the stage three complaint, the Chair of the panel will assume overall responsibility for the effective management of the Stage 3 process.
4. The complainant needs to write to the Clerk of the Governing Body ("the Clerk") giving details of the complaint. A request to escalate to Stage 3 must be made within **ten to fifteen** school days of receipt of the Stage 2 response and should be submitted on the **Stage Three Complaints Form** – a copy of which can be found in the appendices.
5. The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within **five** school days. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

6. If the chair of the panel, in consultation with the CEO, decides that this complaint is vexatious, as outlined previously, it may be dismissed.

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

7. If the Governors Complaints Appeals Panel, (GCAP), decides that there were substantive flaws to the stage two investigation, or that the policy and/or procedure were not followed, it may decide to appoint an independent third party to investigate the complaint on its behalf. The investigator will endeavour to meet and interview the complainant and all relevant witnesses and submit a report to the GCAP. Upon receiving the report, the GCAP will decide whether or not to call the complainant and witnesses in person to a hearing, or whether the report contains sufficient information and evidence for them to proceed without calling the complainant and/or witnesses to attend in person.
8. If applicable, the Clerk will write to the complainant to inform them of the date of the meeting within **five** school days of confirming receipt of complaint and request copies of any further written materials that the complainant may wish to submit to the panel for consideration. The clerk will aim, wherever practical, to convene a meeting within **fifteen** school days of receipt of the Stage 3 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.
9. If the complainant rejects the offer of two proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.
10. The complaints panel will consist of at least two governors with no prior involvement or knowledge of the complaint and one independent person, (ie with no prior links to the school). If there are fewer than two governors available, the Clerk will source an additional suitable person.
11. If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the panel meeting. However, there may be occasions when legal representation is appropriate but the clerk must be informed of this at least **five** working days before the meeting so that other parties can secure similar support if they so wish. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.
12. To ensure the most conducive environment to allow all information to be presented, the panel may decide that a more informal environment may be the most appropriate format in which to hear the complaint and therefore will adjust the meeting accordingly.
13. Representatives from the media are not permitted to attend.

14. At least **five** school days before the meeting, the Clerk will confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible.
15. Any written material will be circulated to all parties at least five school days before the date of the meeting. The panel will not accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.
16. The panel will also not review any new complaints at this stage nor will it allow or consider evidence unrelated to the initial complaint or any new evidence related to the complaint to be included. New complaints must be dealt with from Stage 1 or Stage 2 of the procedure.
17. If the school relied on CCTV footage as part of any evidence in arriving at a disciplinary decision, the governors retain the right to view that evidence. The panel will decide whether parents should have the right to view that evidence during the stage 3 process.
18. The meeting will be held in private. Minutes will be taken at the meeting. Electronic recordings of meetings or conversations are not 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.

19. The panel will consider the complaint and all the evidence presented. It should be noted that the panel is not retrying the case or launching a new investigation – they are considering whether or not the complaints policy and/or procedure were correctly and fairly applied or whether the outcomes previously decided in stage 1 and/or stage 2 are appropriate. The panel can:
  - a. dismiss the complaint in whole or in part;
  - b. uphold the complaint in whole or in part.
20. If the complaint is upheld in whole or in part, the panel will:
  - a. decide on the appropriate action to be taken to resolve the complaint;
  - b. recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.
21. The Chair of the Panel will provide the complainant, the Trust and the relevant local governing body with a full explanation of their decision and the reason(s) for it, in writing, within **five** school days.
22. The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled by the Trust.

23. If the complaint is:
- a. jointly about the Chair and Vice Chair; or
  - b. the entire governing body; or
  - c. the majority of the governing body

Stage 3 will be heard by a panel of independent governors / Trustees.

24. The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the Trust will take to resolve the complaint.
25. The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.
26. There are several points which any governor sitting on a complaints panel needs to remember:
- a. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No 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, governors need 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.
  - b. The aim of the hearing, 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 hearing 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.
  - c. 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 panel chair 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.
  - d. Extra care needs to be taken when the complaint is by or on behalf of a child. Careful consideration needs to be given as to whether it is necessary and appropriate for the child to attend any or all of the proceedings bearing in mind the possible impact on the child and also on any staff who may be required to give evidence. Care also needs to be taken to ensure 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 may be helpful to give the parent the opportunity to say which parts of the hearing, if any, they wish the child to attend. Similar considerations apply in the case of child witnesses who will not generally be called but may provide a written statement which may if appropriate be anonymised.
  - e. The governors sitting on the panel need to understand the complaints procedure.
  - f. The panel should avoid an 'adversarial' climate within the hearing. The panel will decide on the exact format of the hearing, but it should ensure that relationships

between the parties remain cordial. It may well be appropriate for the panel to hear from the complainants separately from the school.

### **The Role of the Clerk**

The Clerk is the contact point for the complainant and is required to:

- 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 Human Rights Act 1998, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR);
- 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;
- collate all appropriate written material and send it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- circulate the minutes of the meeting;
- notify all parties of the panel's decision.

### **The Role of the Chair of the Panel**

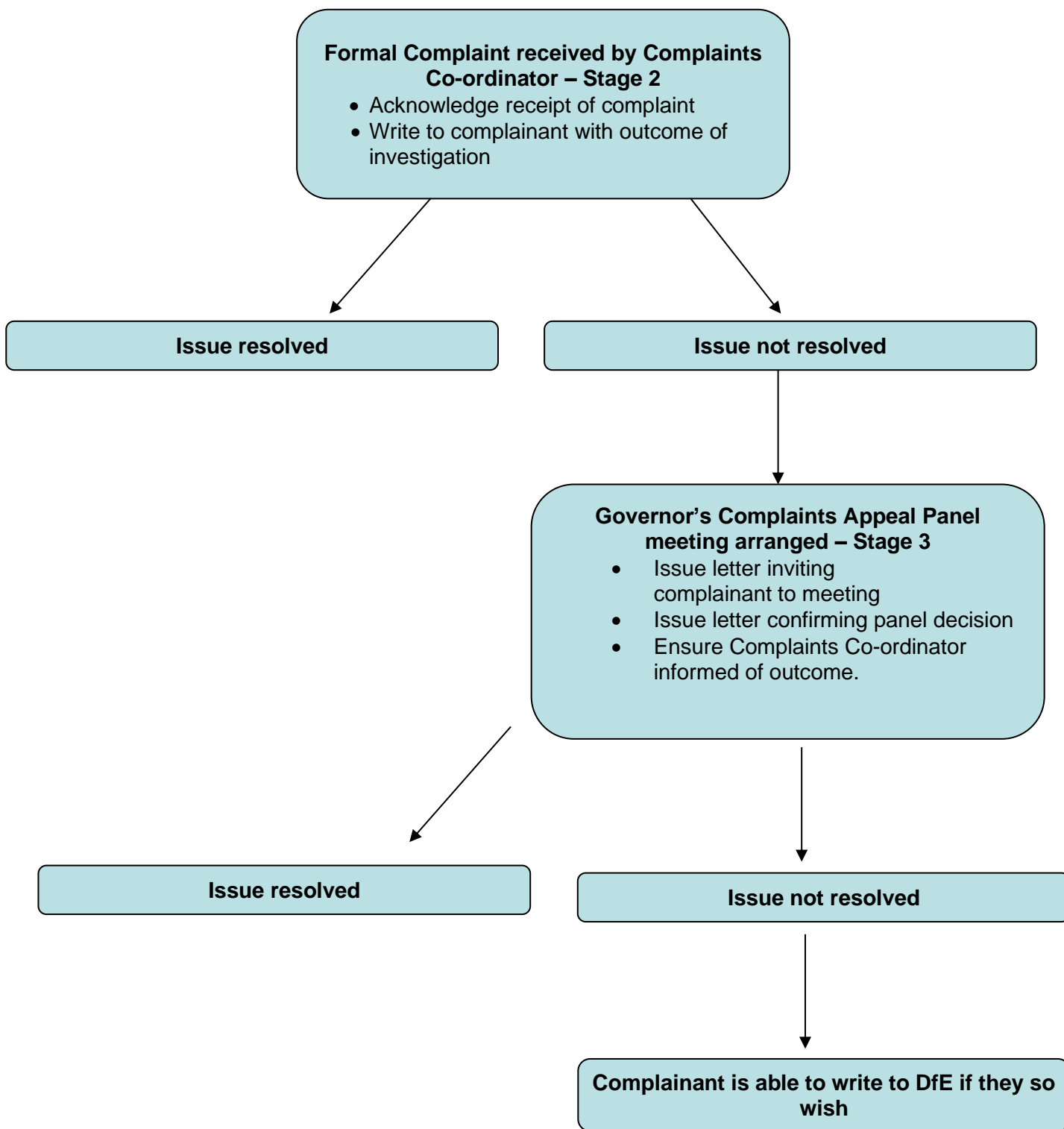
The Chair of the Panel, who is nominated in advance of the complaint meeting, has a key role, ensuring that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting;
- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease. This is particularly important if the complainant is a child/young person;
- the hearing is conducted in an informal manner 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;
- each side is given the opportunity to state their case and ask questions;
- the meeting is minuted;
- written material is seen by all parties in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it; this may require a short adjournment to the meeting;
- they liaise with the Clerk and Complaints Co-ordinator.

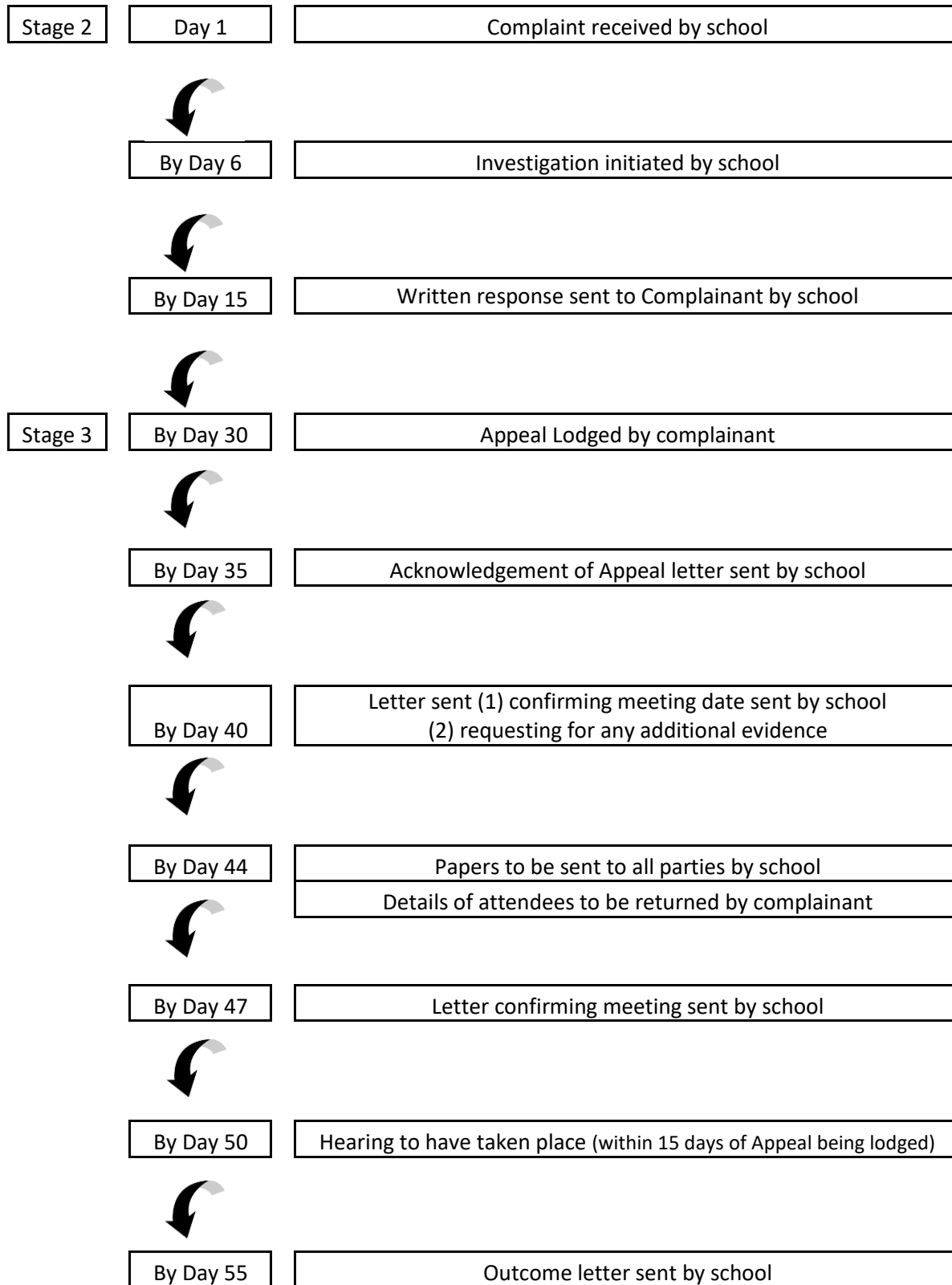
## Panel Member

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 panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant, however, 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 and parents/carers often feel emotional when discussing an issue that affects their child.
- Extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting.
- Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.
- The panel should respect the views of the child/young person and give them equal consideration to those of adults.
- If the child/young person is the complainant, the panel should ask in advance if any support is needed to help them present their complaint.
- Where the child/young person's parent is the complainant, the panel should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.
- However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the panel considers is not in the child/young person's best interests.
- The welfare of the child/young person is paramount.
- Prompt responses are crucial in handling complaints effectively. It's essential that panel members understand the importance of dedicating adequate time, both before and after panel sessions, to thoroughly review documentation and contribute to drafting responses. This commitment ensures a more efficient and equitable process for all involved.



**Formal Complaint Timeline (day = school day)**



**Policy for Dealing with Unreasonable Complaints**

The Trust is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain.

Please avoid excessive or repetitive contact during an investigation, but reasonable communication updates remain welcome.

We will not normally limit the contact complainants have with the 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 excessively persistent, abusive, offensive or threatening.

The Trust defines unreasonable complainants as 'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints or which requires unreasonable use of our limited resources adversely impacting our ability to perform our primary functions'.

A complaint may also be regarded as unreasonable when the person making the complaint:

- 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 while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- refuses to accept that certain issues are not within the scope of the school/trust to solve
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or 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, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Whenever possible, the Complaints co-ordinator, Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the Trust causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months. In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from Trust premises.

**Annex D**  
**Stage two Formal Complaint Form**

Please complete and return to School's Complaints Co-ordinator who will acknowledge receipt and explain what action will be taken.

Your name:

Student's name:

Your relationship to the student:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

E-Mail address:

Please give details of the nature of your complaint.

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

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

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

**Annex E**  
**Stage Three formal complaint form**

Please complete and return to clerk to the governors who will acknowledge receipt and explain what action will be taken

Your name:

Student's name:

Your relationship to the student:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

E-Mail address:

A stage three complaint should be made when the complainant feels that the complaints policy and/or process were not applied correctly and resultant outcome is therefore flawed.

Please outline how you feel the complaints policy or process was not correctly applied, please refer to and attach any evidence to this form.

Signature:

Date:

**Annex F**  
**Conduct of Governor Complaint Appeal Panel**

1. Although this procedure may appear formal, the hearing should be conducted in as informal a way as possible, and the Chair of the panel should make every effort to make all parties feel comfortable.
2. The date of the meeting must be agreed with all parties and witnesses and all relevant documentation must be circulated to all parties at least five working days in advance of the meeting.
3. The meeting should be minuted.
4. The meeting will be attended by:
  - the complainant, with a companion if desired;
  - the Headteacher and/or Chair of Governors, as appropriate;
  - the members of the complaints panel;
  - a Clerk, appointed by the governors;
  - Members of staff who have been involved in the issue, or other witnesses, may be called upon by either side to attend part of the meeting to provide information to the governors.
5. The panel may decide to hear from both parties separately. In which case the complainants will be invited to present their case first. Following the conclusion of their case, the complainants will leave the hearing and representatives of the school will be invited in to present their case and address the issues raised in the complaint.
6. If the panel decides that both the complainant and representatives of the school should be in the hearing at the same time, the chair should ensure that at all times, the interactions are both cordial and professional. It is also worth repeating that the purpose of a stage three panel hearing is not to retry the original investigation. It is to ascertain whether the school followed correct procedures in applying Trust/school policies or whether the outcomes of previous stages were appropriate
7. The Chair of the panel will introduce all the parties present and explain the procedure to be followed, and that every effort will be made to keep the process as informal as possible.
8. The complainant (or his/her companion) will outline his/her complaint and explain why she/he is dissatisfied with the school's response to date. The complainant may call any witnesses in support of his/her complaint who will attend the meeting only for the time that they are providing information, and may be questioned by all parties.
9. The Headteacher and the complaints panel will have the opportunity to ask questions of the complainant.
10. The Headteacher and/or the Chair of Governors will explain their involvement in the complaint and the reasons for their decisions at Stage one and/or Stage 2. The Headteacher and/or Chair of

Governors may call any witnesses in support of his/her statement who will attend the meeting only for the time that they are providing information, and may be questioned by all parties.

11. The complainant and the complaints panel will have the opportunity to ask questions of the Headteacher and/or Chair of Governors.
12. The complaints panel may decide to adjourn the hearing pending further investigation at any stage, if this seems necessary.
13. Both parties will leave the meeting and the complaints panel will consider the information that has been put to them.
14. The complaints panel must reach a unanimous or majority decision as to whether or not to uphold the complaint wholly or in part, and what action (if any) the school needs to take to resolve the complaint. This may include referring the matter to another formal process, whether in relation to a complaint against a governor or a member of the school staff. Normally the governors will reach a decision at this point but they may feel the need to take further advice. Where this is the case they should endeavour to reach a decision as soon as possible.
15. The complaints panel will communicate their response to both parties in writing as soon as possible but, in any case, within five working days of reaching their decision. The complaints panel's response should detail whether the complaint is upheld wholly or in part and briefly summarise the basis on which governors arrived at this conclusion. The response should also include any lessons learnt and specify any action to be taken by the school as a result of the complaint and within what timescales.

**Stage 2 – Formal Complaint Letter (Initial Escalation) – what must be included in the letter**

A Stage 2 complaint is made to the **Complaints Co-ordinator**. The required content comes directly from Annex D (Formal Complaint Form).

A Stage 2 complaint letter must include:

- 1 Your details:-**
  - Your full name
  - Student's name (if applicable)
  - Your relationship to the student
  - Contact details (address, email, daytime phone, evening phone)
- 2 Details of the complaint**
  - A clear description of the nature of the complaint
  - What happened, when, and who was involved
  - Attach any relevant evidence/paperwork
- 3 What you have already done**
  - Who you spoke to previously at Stage 1
  - What their response was
  - Why the issue remains unresolved
- 4 What outcome you are seeking**
  - What you feel would resolve the complaint (fairly and practically)
- 5 Signature and Date**

## Summary - Stage 2 Response Letter

Here is a quick, usable list of what needs to be included in a Stage 2 Response letter, based on the requirements laid out in the TLT Complaints Policy and Procedures v8 – see section 7 on page 12 to section 10 on page 13 inclusive:

### A Stage 2 response **MUST** include:

- Confirmation an investigation took place
- Summary of what the investigation involved
- Clear explanation of findings
- Explicit statement: upheld / partly upheld / not upheld
- Reasons for the decision
- Actions the school will take (where appropriate)
- Reference to the complainant's requested outcome (if applicable)
- How to escalate to Stage 3
- Deadline for escalation (10–15 school days)
- Confirmation of any delays and reasons
- Signed by Complaints Co-ordinator or a delegated senior staff member where appropriate

### Stage 2 Response Letter – Staff Checklist

- *(For Complaints Co-ordinators or a delegated senior staff member drafting formal responses where appropriate)*

Use this checklist to ensure **every mandatory element** is included and the letter meets policy expectations.

#### 1. Administrative Essentials

- Letter is marked **Private & Confidential**
- Date of the response included
- Addressed to the complainant
- References the date the complaint was received (Day 1)
- Written and issued **within the Stage 2 timescales** unless a delay was agreed (within 15 school days)

#### 2. Opening Section

- Thank the complainant for their formal complaint
- Acknowledge receipt date
- Confirm it has been considered under **Stage 2**

#### 3. Summary of the Complaint

- Brief, neutral summary of what the complainant says happened

- List of the issues being addressed
- No new framing, no minimising, no additional issues introduced

#### 4. Investigation Details

Policy requires the response to detail **what was done to investigate.** ]

- Confirm investigation steps taken, such as:
  - Reviewing documentation
  - Interviewing staff/students/witnesses
  - Checking policies or logs
  - Reviewing chronology
- Confirm that written notes/records were kept

#### 5. Findings

- Present key factual findings
- Ensure each point directly links to evidence gathered
- Use neutral, professional language
- Avoid naming pupils unless policy-required safeguarding context

#### 6. Decision / Outcome

Policy requires the outcome to be clearly stated.

- State whether the complaint is:
  - **Upheld in full**
  - **Upheld in part**
  - **Not upheld**
- Provide a **full explanation of the decision and the**
- Reference relevant policies or expectations where appropriate

#### 7. Actions to Be Taken

The policy requires actions to be included where relevant.

- Identify actions the school will take (if applicable), such as:
  - Process changes
  - Staff training
  - Communication improvements
  - Assurance incidents will not recur
  - Policy review
  - Apology
- Ensure actions relate to the issue raised

#### 8. If No Further Action

If appropriate:

- Clearly state why no further action is required

- Ensure justification is evidence-based
- 

## Required Components of a Stage 2 Response Letter

A Stage 2 response letter is the **formal written outcome** issued by the Complaints Co-ordinator or a delegated senior staff member drafting formal responses where appropriate after completing the Stage 2 investigation. The policy specifies several elements that must be included.

### 1. Confirmation of the Investigation Process

The response **must confirm** that:

- An investigation was carried out and a summary of what the investigation involved
- Eg Interviews/meetings were held where necessary
- Records were kept

The policy states the Complaints Co-ordinator will *“detail any actions taken to investigate the complaint”* in the formal written response.

### 2. A Full Explanation of the Decision and Reasoning

The response must include:

- A clear statement of the findings and the outcome
- Detailed reasons supporting the decision
- Explanation based on facts gathered during the investigation

The document requires *“a full explanation of the decision made and the reason(s) for it.”*

### 3. Any Actions Being Taken to Resolve the Complaint

If the complaint is upheld (in whole or part), you must outline:

- What actions the school will take
- Any changes or steps to prevent recurrence

The policy states the outcome letter should include *“details of actions the school will take to resolve the complaint.”*

This might include:

- An explanation
- An admission something could have been handled differently
- Steps to prevent recurrence
- Policy review
- An apology

### 4. Whether the Complaint Was Upheld or Not

The decision must be explicit:

- Upheld in full
- Upheld in part
- Not upheld

The policy requires Stage 2 to conclude with one of these formal determinations.

### 5. Notification of the Right to Escalate to Stage 3

The letter must clearly state:

- How the complainant can escalate to a Stage 3 panel if dissatisfied
- The deadline to do so (**10–15 school days**)
- Who they must write to (the Clerk to Governors)
- The Clerk will acknowledge receipt within five school days.

The policy says the Stage 2 response must *“advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.”*

## **6. Information About Any Extensions or Deviations from Timescales**

If deadlines could not be met, the letter must:

- Acknowledge the delay
- Provide the reason
- Give a revised timescale

## **7. Confirmation of Any Evidence Considered**

Not verbatim, but the letter must broadly confirm what types of evidence were reviewed:

- Written statements
  - Interviews
  - Documents/policies
  - Student or staff accounts
- This supports transparency in the process.

## **8. Assurance of Confidential Handling**

While not always a separate section, the response must reflect the policy’s requirement for:

- Appropriate confidentiality
- Professional handling

## **9. Closing Statement**

EG. Thank you for raising your concerns. We appreciate the opportunity to review and reflect on our practice. If you have any further queries regarding this letter, please contact **[Name / Role]**.

## **10. Signature of the Complaints Co-ordinator**

The letter should be formally signed by:

- The Complaints Co-ordinator
- or—

A delegated senior staff member where appropriate

### **Stage 3 – Appeal Against Stage 2 Outcome – what must be included in the letter when appealing a decision**

Stage 3 is heard by the Governors’ Complaints Appeal Panel (GCAP). The requirements come from Annex E (Stage Three Form) and the Stage 3 description. A Stage 3 appeal letter MUST include:

#### **1 Your details**

- Your full name
- Student’s name (if applicable)
- Your relationship to the student
- Contact details (address, email, daytime phone, evening phone)

#### **2 Grounds for appeal**

- This is crucial: A Stage 3 appeal can ONLY be made if:
  - You believe the complaints policy was not applied correctly, or
  - The Stage 2 investigation had substantive flaws or errors, or
  - The outcome is flawed because of procedural failings.

The letter must clearly outline:

- Which parts of the policy/procedure were not followed, OR
- What substantive flaws you believe occurred, with examples, OR
- Why the Stage 2 conclusion is unfair based on evidence/process

This must be supported by clear references and any evidence attached.

A Stage 3 appeal is not:

- A rehearing of the whole complaint
- A chance to add new issues
- A way to demand specific disciplinary actions

Our Policy states the panel is reviewing the fairness and correctness of the process, not reinvestigating the complaint

#### **3 Evidence or documents you rely on**

- Attach documents that support the procedural issues you are raising

**Optional but Recommended Additions** - While not mandatory, these strengthen the letter:

- A brief timeline of events
- Numbered points for clarity
- Clear explanation of the impact of any procedural failure
- A short, reasonable request for resolution (e.g., “review of process,” “new investigation by a different officer,” “policy clarification”)

#### **4 The appeal must be lodged within 10–15 school days of receiving the Stage 2 response.**

(If outside this window, the letter must explain exceptional circumstances.)

#### **5 Signature and Date**