



COMPLAINTS POLICY

Document Control

Description	By Whom	Date
Established	TM	18.11.14
Reviewed	WM	April 2019
Approved by Trustees	<i>Paula</i>	31/7/19
Reviewed	JG	July 2021
Approved	Trustees	11.21
Reviewed	TM / ELT	Nov 24
Approved	26/11/24	Board of Trustees
Review due		Academic year 27/28

1. Introduction

- a) This policy statement and procedure sets out the approach of The Harmony Trust, and all of its academies, to dealing with concerns and complaints. The procedure is intended to allow a concern or complaint relating to the Trust or one of its academies to be raised by a parent, carer, or anyone else.
- b) We value good relationships with parents and carers and our wider communities, and will do everything we can to establish and maintain these. This includes seeking to resolve any concerns or complaints promptly, and with the aim of reaching resolution wherever possible.
- c) The Trust's Executive Leadership Team has been given delegated authority by the Board of Trustees to consider complaints at Stage Two and Stage Three.
- d) All staff and senior leaders will be familiar with this procedure and all those involved with dealing with complaints under this procedure will receive support, advice and training where necessary.
- e) This procedure is available on request, and is accessible via each academy's, and the Trust's, website. It will be reviewed regularly and updated as necessary.

2. Scope

- a) Some complaints might be dealt with in other policies, for example, complaints involving pupil admissions, child protection or pupil exclusions. A full list of issues excluded from the scope of this procedure can be found in Appendix B. Where necessary, the academy / trust will exercise its discretion.
- b) The third stage of this policy does not apply to those who are not parents/carers of pupils on roll at an academy within the Trust. Complaints that fall into this category will be handled via a separate procedure outlined in Appendix C, although the general principles of this policy will be applied.
- c) Anonymous complaints or complaints sent as part of a complaints campaign will not usually be investigated. However, the Trust will determine whether the complaint warrants an investigation.
- d) Employees of the Trust should raise any concerns relating to their employment through the appropriate staffing procedure, not through this process.
- e) Where a complaint is against the Central Trust, a member of the Central team, a trustee, a member of the Executive Leadership Team or the Trust Board as a whole, please refer to Appendix E.

3. General Principles

- a) We will treat all concerns and complaints seriously and courteously and will advise complainants of the procedures for dealing with their concerns. In return, we expect complainants to behave respectfully towards all members of the Trust's community. In particular, any disagreement with an academy should not be expressed inappropriately i.e. or in front of pupils or made public via social media platforms.
- b) We aim to ensure that any complaint is managed sympathetically, efficiently, at the appropriate level, and is resolved as soon as possible. We will try to resolve every complaint in a positive way with the aim of putting right a matter which may have gone wrong. Where necessary, we will review our systems and procedures in light of the circumstances of the complaint.
- c) If a complaint centres on a pupil, we may talk to the pupil concerned and, where appropriate, others who were present at the time of any incident in question. We will usually seek permission from parents to undertake this discussion and will talk to pupils with a parent or carer, or second member of staff present.

- d) If a complainant wants to withdraw their complaint, they will be asked to confirm this in writing, including by email. If they do not respond to this request within 15 school days the matter will be judged to be closed.
- e) All references to "principal" in this procedure include 'executive principal' or 'head of academy', depending on the leadership arrangements in place in the academy at the time of the complaint.
- f) We do not normally accept electronic audio or video recordings as evidence when we are asked to consider a complaint. If we do accept a recording, we may also ask for the written consent of all recorded parties before it is viewed. We may accept independently notarised transcriptions of recordings. We do not accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

4. Timescales

- a) Complaints must be raised within three months of the incident complained about occurring or, where a series of associated incidents have occurred, within three months of the last of these incidents. Complaints made outside of this time frame will only be considered if, having taken advice, the Principal or Executive Leadership Team is of the view that exceptional circumstances apply.
- b) Unless otherwise stated, timescales in this procedure refer to school working days for the relevant academy, excluding school holidays, In Service Training (Inset) days and bank holidays. Any complaints made outside of term time will be considered to have been received on the first school working day after the holiday period.
- c) There may be times when the investigation takes longer than the timescales outlined in this policy. Where this is the case we will keep the complainant informed of the revised timescales and the reasons for this.
- d) Please refer to Appendix F for further information.

5. Stage One - Resolution at a Local Level

- a) This stage of the policy will apply to all concerns and complaints raised directly with the Academy and for those concerns raised directly with the Trust where there has not been prior investigation by academy leadership. Concerns must be raised initially with the relevant Academy, before they are escalated to formal stages, other than in exceptional circumstances. This might be where the substance of the complaint directly concerns the conduct or actions of the Principal; in such a case the Executive Leadership Team will nominate a representative from within the Trust to take overall responsibility for Stage One of the process.
- b) The Principal will be responsible for overseeing Stage One of the process, but this may be initially or fully delegated to an appropriate member of academy staff. The member of staff dealing with the concern should ensure they have a clear understanding of the issue(s), what it is that the complainant considers should have been done, or where they feel the Academy has not met reasonable expectations, as well as the resolution being sought. The person nominated to deal with the complaint, should have had no prior involvement.
- c) Stage One gives all parties the opportunity to explore the issues causing concern and to seek to resolve them without recourse to formal stages. The Principal, or relevant member of academy staff, may attempt resolution directly through meetings or other conversations with the complainant, or in other ways which may include involving other members of staff.
- d) The Principal or relevant staff member should make a judgement on whether a written outcome is required at Stage One, in conjunction with the complainant. This is unlikely to be required if the

complainant is satisfied with the response and outcome, and the situation has been resolved verbally.

- e) In normal circumstances this stage will last no longer than twenty school working days from the date the concern was first raised, either verbally or in writing, with the Academy. During this period every effort should be made to resolve the situation on an informal basis and all parties will be expected to fully engage with efforts to achieve this resolution.
- f) Despite the best efforts of all parties there may be occasions where informal resolution is not possible, in which case the complainant may elevate the issue to Stage Two, as set out below.

6. Stage Two- Investigation by a Nominated Individual

- a) If the complainant wishes to elevate their complaint to Stage Two, they should notify the Executive Leadership Team (see Appendix A) in a timely way following their engagement with the academy at Stage One, and in any case no more than 3 months after the relevant incident(s) took place. This request must be set out in writing, stating where the complainant remains dissatisfied and what remedies are being sought. The Executive Leadership Team will also ask the Academy to provide a summary of the response arising from Stage One.
- b) An investigation will then be carried out by a nominated individual identified by the Executive Leadership Team as appropriate. This may be a member of the Trust's Executive Leadership Team, or a Trust employee either from a different academy or from the Trust's central team. In exceptional circumstances, a trustee may investigate or an external investigation may be commissioned. The investigator may seek to meet with the complainant and will speak to others involved as they deem necessary.
- c) Once all the relevant facts have been established, the investigator will put their findings in writing. This will give an explanation of the decision and the reasons for it. If follow-up action is needed, they will indicate what they are proposing to do. Whenever reasonably possible, this will be done within 10 school working days of any meeting with the complainant. If no meeting is arranged, it should be within 20 school working days of the written complaint being received. If a meeting is arranged at Stage Two, the complainant may ask someone to accompany them to help them explain the reasons for their complaint and to support them. The investigating officer may also be accompanied by a suitable person if they wish.
- d) The investigating officer will keep records of all meetings and telephone conversations, and other related documentation. They may be supported in note-taking if deemed necessary.
- e) Where the matter is not resolved at this stage, the complainant may elevate it to Stage Three, as set out below.

7. Stage Three - Resolution via Complaints Panel Meeting

- a) If the complainant wishes to elevate their complaint to Stage Three, they should notify the Harmony Trust within 10 school working days of receiving the Stage Two findings. Any such request must be set out in writing, stating where the complainant remains dissatisfied and what remedies are being sought. This request will generate a meeting in front of a complaints panel.
- b) On receipt of the request to have a complaint heard by a panel, we will confirm that we have received the correspondence and will make arrangements for a panel to be convened.
- c) As soon as possible following this we will inform the complainant of a date for the panel meeting. This date will take into account their availability to attend. The meeting will be held as quickly as practicable given the need to find a date that is reasonably convenient for the complainant, the academy, the Investigating Officer and panel members. The aim will be for the panel to be convened

within 20 school working days of receiving the request for a hearing. The complainant will be notified by letter and this letter will inform them of the date, time and location of the meeting, and provide an explanation of what will happen at the hearing. With agreement from all parties this meeting may take place via an electronic meeting platform such as Microsoft Teams.

- d) The complainant will be asked whether they wish to provide any further written documentation in support of the complaint. If they do, then this will need to be received at least ten school working days before the meeting. If a significant amount of additional information is submitted after this deadline, the panel may decide to adjourn if it is in the best interests of both parties that the panel gives the information full consideration.
- e) The panel will comprise three members who have not been directly involved in the matters detailed in the complaint so will be able to consider it without prejudice. These members may be members of the Executive Leadership Team, trustees or members of the Trust's central team. At least one of the members of the panel will be a person who is independent of the management and running of the Academy.
- f) The meeting is not a court case; it will be held in private, and will be as informal as circumstances allow. The Chair of the panel will bear in mind that the formal nature of the meeting can be intimidating, and will do their best to put all parties at ease.
- g) Electronic recordings of meetings or conversations are not permitted unless a complainant's own disability or medical needs require it. Prior knowledge and consent of all parties attending must be sought before the recording of the meeting takes place. Consent will be recorded in any minutes taken. Any agreed recordings may only be undertaken for personal use and should not be shared.
- h) The complainant will have the opportunity to put their reasons for dissatisfaction and to expand upon them but may not introduce reasons that were not previously put in writing. The Investigating Officer will have the opportunity to put his / her side of things and each side, as well as the panel members, will be able to ask questions.
- i) The order of proceedings for a Stage Three panel meeting can be found in Appendix D.
- j) The panel can request additional information from other sources if necessary. All parties will receive copies of these papers at least five school working days before the meeting.
- k) The complainant will be entitled to bring a companion along to provide support. They are there to provide support, rather than to speak on the complainant's behalf, and will not usually be permitted to speak during the meeting except with the permission of the Chair. Legal representation representing the complainant will only be permitted in exceptional circumstances and with prior agreement from the Trust. It may sometimes be appropriate for the panel to take advice from a legal adviser, but this adviser will not attend the panel meeting.
- l) If the complainant fails to attend on the day without compelling reasons, their complaint will be judged to be withdrawn (and the matter closed), from the Trust's perspective.
- m) Should the person representing the Investigating Officer and/or the complainant wish to invite relevant witnesses to present their evidence directly to the panel and to be questioned, they should inform the clerk to the panel of this at least 5 days before the hearing. Whether the panel allows such witnesses to be invited to the hearing will be decided by the Chair. Witnesses should attend the meeting only while they give their statement and take questions.
- n) As a general rule, no evidence or witnesses previously undisclosed should be introduced into the meeting by any of the participants. If either party wishes to do so the hearing will be adjourned so that the other party has a fair opportunity to consider and respond to the new evidence.
- o) Other than in exceptional circumstances pupils or other children/young people will not be permitted to attend panel meetings.
- p) The person who investigated the matter at Stage Two may be accompanied by someone from the Academy or Trust central team.

- q) The meeting will be minuted. The panel may make findings and recommendations and a copy of those findings and recommendations will be sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about.
- ☐ The following people will be entitled to attend the panel meeting:
 - ☐ panel members
 - ☐ an adviser to the panel who may also take notes of the meeting, or may be accompanied by a minute taker
 - ☐ the complainant(s) and their companion if they choose to bring one
 - ☐ the investigator and their companion if they choose to bring one
 - ☐ any witnesses (for the duration of their evidence)
 - ☐ In addition, if the investigator is external to the Academy / Trust, they may be accompanied by a senior member of academy staff or a member of the Executive Leadership Team.
- r) All parties will withdraw, other than the panel members, the advisor to the panel and the note-taker (if this is a different person), while the panel reaches a conclusion, which may be that the complaint is upheld or rejected in full, or upheld in part. If time constraints, or other factors, mean that a decision cannot be reached immediately then the panel will reconvene as soon as possible. This subsequent meeting will include panel members, the advisor to the panel and note-taker only and may take place via an on-line meeting platform. The outcome and the reasons for the panel's decision will be communicated in writing to all relevant parties within five working days of the hearing other than in exceptional circumstances. A copy of the written outcome, inclusive of findings and recommendations, will be kept in Academy and central Trust records.

8. Record Keeping

- a) A digital record will be kept of all complaints that were resolved at Stages Two or Three of the complaints procedure for a period of 12 months. Records will contain details of the stage at which the complaint was resolved, closed, or withdrawn. The action taken by the academy or the Trust as a result of a complaint (regardless of whether it is upheld) will also be recorded.

9. Confidentiality

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

10. Further Avenues for Complaining

- a) Department for Education (DfE): Once the complaints process is concluded (or a complaint has been terminated due to undue delay or failure to lodge a request for a Stage 3 Panel Meeting within the time stated in the policy) the matter is closed. If the complainant is still not satisfied then they may contact the DfE. There is an online procedure for doing so at: [https://form.education.gov.uk/service/Contact the Department for Education](https://form.education.gov.uk/service/Contact_the_Department_for_Education) or the complainant may write to the DfE at: The School Complaints Unit (SCU), Department for Education, 2nd Floor, Piccadilly Gate, Manchester M1 2WD.
- b) Ofsted: Ofsted advises that "you should complete all steps in the school's complaints procedure before you contact Ofsted". Their advice can be accessed directly here: <https://complain.ofsted.gov.uk>. Ofsted cannot resolve disagreements between a complainant and a school, or affect the results of a school's complaints process.

11. Serial or persistent complainants

- a) If at any level a complainant attempts to reopen an issue or a closely related issue that has already been dealt with under this complaints procedure, the Trust may write to the complainant to inform them that the procedure has been exhausted and the matter closed. Continued correspondence on the same matter would be judged as unreasonable and the Trust would not respond to communication(s) on that issue, or a closely related issue.
- b) If a complainant refuses to engage with the stages outlined in this policy, or repeatedly refers to a stage which is deemed complete and closed, the Trust will write to the complainant to clarify the stages entered and the outcome of each stage giving clarity to the next available step. If this is not pursued by the complainant, within the agreed timeframe covered in this policy, the Trust will deem the complaint closed and further correspondence / communication would be seen as unreasonable.

12. Unreasonable complaints

- a) We are committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the academy. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Our trust defines unreasonable complainants as

'those who, because of the frequency or nature of their contacts with the academy, hinder our consideration of their or other people's complaints or are having an unreasonably high detrimental impact on key staff being able to fulfil their duties to pupils'.

- b) A complaint may 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 cooperate 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;
 - ☐ 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 academy / trust 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.

c) 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.

d) Complainants should limit the number of communications with an academy while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

e) Whenever possible, the Trust will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

f) If the behaviour continues, the Trust will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact an academy or 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.

g) If a complainant's behaviour is deemed to be vexatious and/or unreasonable under the terms of this policy, we may write to them to inform him/her that their complaint is closed and that the Trust will not respond to any further correspondence on the issue, or a closely related issue. In these circumstances records of the unreasonable or vexatious communications would be made available to the DfE on request.

h) 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 barring an individual from the Academy / Trust's premises.

Data Protection Statement

The procedures and practice created by this policy have been reviewed in the light of our Data Protection Policy.

All data will be handled in accordance with the trust / school's Data Protection Policy.

Data Audit for This Policy

What?	Probable Content	Why?	Who?	Where?	When?

Complaints policy	Any personal information including personal sensitive information	Required to be retained as part of education, statutory process	Principal / SLT, Trust central team, staff or other representative as required as part of the relevant process	Kept on file at academy (and Trust central where appropriate).	Held on file following relevant retention periods (dependent on nature of personal information)
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As such, our assessment is that this policy:

Has Few / No Data Compliance Requirements	Has A Moderate Level of Data Compliance Requirements	Has a High Level of Data Compliance Requirements
	✓	

Equality Impact Statement

Under the Equality Act 2010 we have a duty not to discriminate against people based on their age, disability, gender, gender identity, pregnancy or maternity, race, religion or belief and sexual orientation. This policy has been equality impact assessed and we believe it is in line with the Equality Act 2010 and it is fair, it does not prioritise or disadvantage any pupil / adult and it helps to promote and encourage equality in our trust & academies

Appendix A - Contact Details

Please address all correspondence relating to Stage One complaints directly to the academy in question. Contact details are on all academy websites.

For the escalation of complaints to Stage Two and/or Three please notify us via the contact details below.

For complaints relating to the following individuals/groups:

- ☐ a Principal / member of Senior Leadership Team
- ☐ a member of staff
- ☐ academy processes and procedures

Address your complaint via email to info@theharmonytrust.org

For complaints relating to the following individuals/groups:

- ☐ a trustee
- ☐ the Board of Trustees
- ☐ the Chief Executive Officer

Address your complaint to the Trust's Governance professional via email to governance@theharmonytrust.org

Appendix B - Complaints subject to statutory procedures or out of the scope of this policy

Some areas of complaint are subject to statutory procedures and there is clear guidance on how such issues should be dealt with, which lie outside of this procedure. These include:

- ☐ admissions
- ☐ child protection
- ☐ data protection and freedom of information
- ☐ exclusions
- ☐ National curriculum
- ☐ religious education and collective worship
- ☐ sex education
- ☐ statutory assessments of special educational needs
- ☐ racist incidents
- ☐ staff capability
- ☐ staff discipline
- ☐ staff grievance
- ☐ whistleblowing
- ☐ complaints about services provided by external suppliers who may use school premises or facilities (these should be directed to the provider's own complaints procedure)
- ☐ matters likely to require a child protection investigation

The Trust will in most cases determine which, if any, statutory procedures apply.

If a statutory procedure needs to be invoked at some point during the investigation of a more general complaint, the complaints procedure may be suspended until the statutory procedure has been concluded.

Those policies that are publicly available can be sourced on The Harmony Trust website – [The Harmony Trust: Policies](#)

Although racist incidents are subject to a statutory procedure, the Race Relations Amendment Act 2000, this does not necessitate the complaints procedure being suspended. However, there is a duty for local authorities to monitor racist incidents and so academies must follow local authority procedures for recording such incidents.

Appendix C - Complaints from those who are not parents/carers of a pupil on roll at an academy within the Harmony Trust

Only stages One and Two of this policy will apply.

Trust staff may seek to meet with the complainant in order to resolve the concerns, but are not obliged to do so.

☐ Stage One:

Complainants should first address their complaint to the relevant academy or Trust (as appropriate) informally. If this fails to resolve the situation, the complaint may be submitted in writing to the info@theharmonytrust.org

☐ Stage Two:

The escalation request should be submitted in writing to the info@theharmonytrust.org. It will be acknowledged in writing within 3 school working days, with a final written response issued within 20 school working days.

There may be occasions where an individual raises a complaint while they have a child or children on roll at an academy and, during the course of the complaint process, their child is removed from roll. If this occurs prior to the Stage 3 hearing the complainant will not be eligible to have their complaint heard by a panel.

Appendix D - Order of Proceedings (Stage Three Panel)

- ☐ A round of introductions and an explanation of the purpose of the hearing.
- ☐ The complainant will explain their case and their reasoning for why they remain dissatisfied.
- ☐ The complainant may call witnesses, if agreed in advance with the Chair of the panel. Witnesses will present their evidence, take questions from all parties and then leave the meeting.
- ☐ The panel will hear from the person who investigated the complaint at Stage Two, in response.
- ☐ The person who investigated may call witnesses, if agreed in advance with the Chair of the panel. Witnesses will present their evidence, take questions from all parties and then leave the meeting.
- ☐ The complainant can pose questions, via the Chair.
- ☐ The investigating officer at Stage Two can pose questions to the complainant, via the Chair
- ☐ The panel members can pose questions to both parties.
- ☐ The panel will hear closing statements from both parties if necessary.
- ☐ In closing the meeting, the Chair will explain that the panel will formulate its response as quickly as reasonably possible, aiming to do so within five school working days. The Clerk will notify all concerned.
- ☐ All participants other than the panel members and the clerk will then leave.
- ☐ The letter will also explain next steps the complainant has open to them if they remain dissatisfied with the outcome.

- ☐ The written outcome, which will be inclusive of findings and any recommendations, will be shared with the complainant and, where relevant, the person complained about.. It will also be available in the Academy's and central Trust's records, and be available on Academy premises for inspection by the Trust and the Principal.

Appendix E - Raising a complaint against a Trustee, Board of Trustees or the Chief Executive

Where a complaint is about a matter relating specifically to the persons/groups below, whilst the general principles of this policy will be applied, the complaint will be considered immediately at Stage Two of the policy.

- ☐ Chief Executive
- ☐ a Trustee
- ☐ the Board of Trustees (as a whole)

The investigating officer may differ depending on the subject of the complaint. In exceptional circumstances an independent investigator may be commissioned, who will submit a report on completion of their investigation.

Where such a complaint is not made by a parent / carer of a pupil on roll at one of the Trust's academies appendix C will apply.

Appendix F - Timescales

NB There may be times when the investigation takes longer than the timescales outlined. In this scenario, the academy / Investigating Officer should keep the complainant informed of the revised timescales and the reasons for this

<p>Raising a complaint:</p> <p>Complaints must be raised within three months of the incident complained about occurring or, where a series of associated incidents have occurred, within three months of the last of these incidents.</p>
<p>Stage One</p> <p>Academy to respond within <u>20 school days</u> of the complaint being raised, in usual circumstances.</p>
<p>Stage Two</p> <p>The complainant may escalate their complaint to Stage Two within <u>3 calendar months</u> of the incident complained about occurring, if their concerns have not been satisfactorily addressed at Stage One. The investigating officer should respond either within <u>10 school days</u> of any meeting they hold with the complainant, or within <u>20 school days</u> if they do not hold a meeting.</p>
<p>Stage Three</p> <p>The complainant may escalate their complaint to Stage Three within <u>10 school days</u> of receiving the outcome of Stage Two if they remain dissatisfied.</p> <p>A panel should be convened within <u>20 school days</u> of the Stage Three request being raised.</p> <p>An outcome letter should be provided within <u>5 school days</u> of the panel taking place.</p>
<p>Complaining beyond the school</p>

At the conclusion of the process, if the complainant remains dissatisfied they have the option of raising concerns with the Department for Education and/or with Ofsted (see section 10).

Appendix G - Flowchart of process (see narrative in policy for detail at each point of the process)

