

# Complaints Policy

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## COMPLAINTS POLICY

<b>Presented and Approved by OLOG Board of Trustees</b>	<b>18/10/23</b>
<b>Signature of Chair of Board of Trustees:</b>	
<b>Name of Chair of Board</b>	<b>Mick Coleman</b>
<b>Date</b>	<b>18.10.23</b>
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## 1. Aims

- 1.1 This is the complaints policy of the Our Lady of Grace Catholic Academy Trust (the **Trust**). This complaints policy helps underpin the mission statement of the Trust as:

*“places where mercy is freely given; where everyone is welcome, loved, forgiven and encouraged to live the good life of the Gospel”.*

Evangelii Gaudium – Pope Francis

- 1.2 The aims of this policy and related procedures are to provide a framework for the resolution of complaints which:

- 1.2.1 allows for their resolution informally and sets out the Trust’s formal procedures where this is not achievable;
- 1.2.2 is easily accessible and publicised, simple to understand and use and impartial and non-adversarial;
- 1.2.3 enables a full and fair investigation by an independent person where necessary;
- 1.2.4 respects people’s desire for confidentiality;
- 1.2.5 addresses all the points at issue and provides an effective response and appropriate redress, where necessary; and
- 1.2.6 provides information to the Trust’s senior leadership / management team so that services can be improved.

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

## 2. Scope and application

- 2.1 This policy applies to the Trust and each school within the Trust (a **School**). This policy is comprised of: (i) a general overview of the policy and procedures, (ii) Appendices 1 to 3 detailing the specific procedures applying to each stage of a complaint, and (iii) Appendix 4 detailing the expected standards of behaviour.

- 2.2 This policy applies to any expression of dissatisfaction, however made, about actions taken, or a lack of action, by the Trust or any School, save where separate statutory procedures apply in relation to the following issues:

- 2.2.1 safeguarding and child protection;
- 2.2.2 admissions;

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- 2.2.3 exclusions;
  - 2.2.4 statutory assessments of special educational needs and the content of any resulting statutory plan, i.e. an Education Health Care Plan (EHCP), though concerns about the provision of SEN support at the schools can be raised through this policy;
  - 2.2.5 school reorganisation proposals;
  - 2.2.6 whistleblowing;
  - 2.2.7 staff grievances and conduct are dealt with under the Trust's internal disciplinary process;
  - 2.2.8 services by other providers who may use school premises or facilities (who should have their own complaints policy);
  - 2.2.9 matters dealt with by regulatory bodies such as the JCQ and the ESFA; and
  - 2.2.10 National Curriculum content.
- 2.3 Please refer to the appropriate policies on the Trust's website. Where a complaint is made against a member of staff, depending upon the nature and seriousness of the complaint, the matter may be dealt with under separate HR procedures which are strictly confidential, rather than under this Complaints Policy.
- 2.4 This policy applies only to complaints from each of the following:
- 2.4.1 parents of current pupils; and
  - 2.4.2 parents of former pupils if the complaint was initially raised when the pupil was registered at the School.
- 2.5 In respect of complaints made by those who are not parents of pupils at the school, there is no obligation to follow this complaints policy in its entirety. It is expected that such complaints will be dealt with at Stage 2 of this procedure.
- 2.6 Requests for financial awards, such as claims for compensation, damages or fee refunds, are beyond the scope of the Trust's complaints procedures and will not be awarded.
- 2.7 All parents should be aware that, regardless of the nature of a complaint and whether or not it is upheld, parents are not entitled to details of any related sanctions imposed on staff, pupils or other parents.
- 2.8 The Trust will not investigate anonymous complaints under the procedure in this Complaints Policy. Anonymous complaints will be referred to the Headteacher of the relevant School, or the Chair of the Trust, who will decide what, if any, action should be taken.
- 3. Regulatory framework**

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3.1 This policy has been prepared to meet the School's responsibilities under:

3.1.1 Education (Independent School Standards) Regulations 2014;

3.1.2 Statutory framework for the Early Years Foundation Stage;

3.1.3 Education and Skills Act 2008;

3.1.4 Childcare Act 2006;

3.1.5 Equality Act 2010; and

3.1.6 General Data Protection Regulations and Data Protection Act 2018

3.2 Dependent upon the nature of the complaint being made, other School policies, procedures and resource materials may also prove relevant and helpful.

## 4. Responsibility statement and allocation of tasks

4.1 The Trustees have overall responsibility for all matters which are the subject of this policy.

4.2 To ensure the efficient discharge of their responsibilities under this policy, the Trustees have allocated the following tasks:

Task	Allocated to	When / Frequency of Review
Keeping the policy up to date and compliant with the law and best practice	Finance, Audit and Risk Committee	As required, and at least annually
Monitoring the implementation of the policy	Clerk	As required, and at least termly
Formal annual review	Trustees	Annually

## 5. Publication and availability

5.1 This policy is published on the Trust's website.

5.2 This policy is available in hard copy on request.

5.3 A copy of the policy is available for inspection from the Trust's central office during a working day.

5.4 This policy can be made available in large print or other accessible formats if required. If a complainant or other person involved in the complaints procedure requires an interpreter, a signer or any other assistance at meetings or at a Complaint Panel Hearing, they should let the relevant school or Trust know immediately.

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## 6. Definitions and interpretation

6.1 Where the following words or phrases are used in this policy:

6.1.1 The **Clerk** refers to the clerk of the Trust, or such other person as is designated from time to time by the Trustees to monitor and co-ordinate complaints;

6.1.2 The **CSEL** refers to the Catholic Senior Education Leader whose details are provided in paragraph 14.1.2(*Contact Details*) of this policy.

6.1.3 A person or persons making a complaint will be referred to as a **Complainant** throughout this Complaints Policy.

6.1.4 References to the **Governors** or a **LGB** are references to the Local Governing Body of the relevant School.

6.1.5 References to the **Head** are references to the Headteacher or Executive Head of the School.

6.1.6 References to **parent**, in relation to a child or young person, includes the natural or adoptive parent of a student, irrespective of whether they are or ever have been married, whether they are separated or divorced, whether the student lives with them, whether the father has parental responsibility for the student or whether they have contact with the student. A **parent** will also include a non-parent who has parental responsibility for a student, an adult non-parent with whom the student lives, and an adult who is involved in the day-to-day care of the student (for example, collecting or dropping off the student from school).

6.1.7 A **school day** is defined as a weekday during term time, when the relevant school to which the complaint relates is open to children. If a complaint relates to one or more school, or the Trust more generally, a "school day" is defined as a weekday during term time as determined by the Trust. The definition of "school day" excludes weekends, school holidays and bank holidays. For the avoidance of doubt, term dates are published on the individual school's website, and information about term dates is made available to parents and students periodically.

6.1.8 Any reference to a **student** will also include a prospective or former student of the relevant school.

6.1.9 References to the **Trustees** are references to the Trust Board.

## 7. Timescales

7.1 The Trust aims to resolve all complaints efficiently and promptly and parents are encouraged to bring any matter causing concern to the Trust or relevant School's attention as soon as possible.

7.2 In the interests of a prompt resolution of issues a complaint should be raised within three months of the incident, or where a series of associated incidents have occurred, within three months of the last of these incidents. The relevant School or Trust reserves

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the right to refuse to investigate the complaint under this Complaints Policy if it appears reasonable and fair to do so, having regard to the circumstances surrounding the complaint.

- 7.3 Where the relevant school or Trust decides not to investigate a complaint which was submitted late, the relevant school or Trust will write to the Complainant to notify them of the decision. If the Complainant is unhappy with the decision not to investigate, they may appeal for the decision to be reviewed in accordance with the procedure set out in paragraph 11 of Appendix 4.
- 7.4 The Trust and relevant School will, however, consider complaints made outside of this time frame if exceptional circumstances apply. A complaint raised outside this timescale should therefore include details of the issues which led to a delay.
- 7.5 Timescales for each stage of the complaints procedure are set out below in the relevant paragraphs of the Appendices. It is expected that the management of every complaint will progress in a timely manner.
- 7.6 Where there are exceptional circumstances resulting in a delay to the timescales for a stage of the complaints procedure, the individual School or Trust will notify the parents and inform them of the reasons for the delay and the new timescales as soon as possible.
- 7.7 If the individual School or Trust has made reasonable attempts to accommodate Complainants with dates for complaint meetings and they refuse or are unable to attend the individual school or Trust may:
- 7.7.1 convene meetings in their absence; and
  - 7.7.2 reach a conclusion in the interests of drawing the complaint to a close.

## **8. Management of complaints**

- 8.1 The Trust's policy allows for complaints to be considered at three stages:
- 8.1.1 Stage 1: Informal raising of a complaint. Further details of this procedure are set out in Appendix 1.
  - 8.1.2 Stage 2: A formal complaint in writing. Further details of this procedure are set out in Appendix 2.
  - 8.1.3 Stage 3: Reference to a complaints panel. Further details of this procedure are set out in Appendix 3.
- 8.2 Parents requiring assistance with making a complaint at any stage of the procedure, for example because of a disability, should contact the persons identified at paragraph 14 who will be happy to make appropriate arrangements.
- 8.3 In circumstances where a school or the Trust is the focus of a campaign in which large volumes of complaints relating to the same issue are received, the school or Trust may inform complainants of a separate procedure to deal with the multiple complaints. This will be notified to all complainants and may involve publishing a single response on the school's website.

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## **9. Resolution Principles**

- 9.1 It is in everyone's interest that concerns, difficulties and complaints are resolved to the satisfaction of all parties at the earliest possible stage. The way in which the concern, difficulty or complaint is dealt with after the matter is first raised by the Complainant can be crucial in determining whether the complaint will escalate.
- 9.2 At each stage of the complaints procedure, the investigator(s) will consider how the complaint may be resolved. In considering how a complaint may be resolved, the investigator(s) will give due regard to the seriousness of the complaint.
- 9.3 Complainants should specify in reasonable detail the resolution they expect from a complaint by reference to the following:
- 9.3.1 An explanation;
  - 9.3.2 An apology;
  - 9.3.3 Reassurance that steps have been taken to prevent a recurrence of events which led to the complaint; and/or
  - 9.3.4 Reassurance that the School or Trust will undertake a review of its policies and procedures in light of the complaint.
- 9.4 For the avoidance of doubt, requests for compensation, or similar, as a result of any complaints will not be considered and/or awarded.
- 9.5 The investigator will consider the complaint and notify the Complainant of the following possible outcomes:
- 9.5.1 There was insufficient evidence to reach a conclusion, so the complaint cannot be upheld;
  - 9.5.2 The investigation did not substantiate the matters raised, so the complaint cannot be upheld;
  - 9.5.3 The complaint was substantiated in part or full. A description should be given of the remedial action being taken by the relevant school(s) or Trust as a consequence of the complaint, including by reference to the Complainant's resolution request under the categories of paragraph 9.3 (none of which will constitute an admission of negligence or an acceptance of liability on behalf of the Trust, the relevant school(s), or any other persons against whom a complaint may be made).
  - 9.5.4 The matter has been fully investigated and, as a consequence, further confidential procedures are being pursued. Details of any disciplinary action or sanctions to be taken against any members of staff or students are strictly confidential and cannot be disclosed.

## **10. Complaints against a Headteacher or Trust Leadership**

- 10.1 There may be occasions when it's necessary or reasonable to deviate from the published complaints procedure. However, in these circumstances we will notify you

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and provide an explanation as to why. In particular, complaints against a Headteacher or others involved in Trust's leadership should follow the below procedure:

Complaint against	Notification	Investigated at Stage 2 by
Headteacher	via the relevant School Office	Suitably skilled independent Governor (normally the Chair or Vice Chair)
Governor	via the relevant School Office	Suitably skilled independent Governor (normally the Chair or Vice Chair)
CSEL	CSEL or Chair of the Trust	Suitably skilled independent Trustee (normally the Chair or Vice Chair of Trustees)
Other member of the Trust's executive team	CSEL	CSEL
Trustee	Chair or Vice-Chair	Suitably skilled independent Trustee (normally the Chair or Vice Chair)
Trust members	Clerk of the Trust	Suitably skilled independent Trustee (normally the Chair or Vice Chair)

10.2 If the complaint is:

10.2.1 Jointly about the Chair and Vice Chair of the LGB or Trust Board;

10.2.2 The entire LGB of a School or Trust Board; or

10.2.3 The majority of the LGB of a School or Trust Board,

then, depending on the circumstances, Stage 2 may be considered by an independent investigator appointed by the Trust or Diocese.

10.3 Furthermore, if the complaint is about the Trust Board then Stage 3 may be heard by an independent panel not affiliated with the Trust. In all other circumstances, the Stage 3 panel will consist of two Trustees and one independent panel member in accordance with paragraph 6 (*Composition of the Complaints Panel*) of Appendix 3.

10.4 At the conclusion of their investigation, the independent investigator (and at Stage 3, the committee of independent, co-opted governors / trustees) will provide a formal written response in accordance with the procedures set out in the Appendices.



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## **11. Expected standards of behaviour**

- 11.1 Attention is drawn to the information included in Appendix 4 which is drawn from the Department for Education's Best practice guidance for academies complaints procedures (March 2021).
- 11.2 In particular, there may be occasions where the Trust determines that a complaint is unreasonable and/or trivial, and a poor use of the Trust's resources to deal with it under the formal stages of the procedure.
- 11.3 The Trust is committed to bringing about a peaceful solution to any issue and working collaboratively to help resolve any issues of concern. However, the Trust reserves the right to regard a complaint as unreasonable and to refuse to investigate it under the procedure in this Complaints Policy, if it appears reasonable and fair to do so, having regard to the circumstances surrounding the complaint.
- 11.4 Where the relevant school or Trust decides that a complaint is unreasonable and will not be investigated, the relevant school or Trust will write to the Complainant to notify them of the decision. If the Complainant is unhappy with the decision not to investigate, they may appeal for the decision to be reviewed in accordance with the procedure set out in paragraph 11 of Appendix 4.

## **12. Record keeping and confidentiality**

- 12.1 All records created in accordance with this policy are managed in accordance with the Trust's policies that apply to the retention and destruction of records.
- 12.2 The Trust keeps a written record of all formal complaints, including:
  - 12.2.1 whether they were resolved at Stage 2 or Stage 3; and
  - 12.2.2 the action taken by the School or Trust as a result of the complaints (regardless of whether they are upheld).
- 12.3 Complaint records will be retained for the purpose of meeting the Trust's statutory obligations. Complaints resolved at Stage 1 will only be retained in as much as they appear in the school's pupil notes and correspondence (and thereafter in accordance with the Trust's Data Retention Policy). Complaints which reach Stage 2 and 3 will be retained in the Complaints File by the Clerk for six years after the complaint is closed. Following closure of a complaint, access to records will be governed by the Trust's regulatory requirements as laid out in the Data Protection policy.
- 12.4 Correspondence, statements and records relating to individual complaints will be kept confidential except where access is requested by the Secretary of State or where disclosure is required in the course of an inspection or under other legal authority or court order. As set out in paragraph 2.7, Complainants are not entitled to information relating to any sanctions imposed on other staff, parents or pupils.
- 12.5 The records created in accordance with this policy may contain personal data. The Trust has a number of privacy notices which explain how the Trust will use personal data about pupils and parents. The privacy notices are published on the Trust's website. In addition, staff must ensure that they follow the Trust's data protection policy and procedures when handling personal data created in connection with this policy. Please

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refer to the Trust's Data Protection Policy and Freedom of Information Policy for more detail.

- 12.6 Electronic recordings of meetings or conversations are not normally permitted unless a Complainant's own disability or special needs require it. Complainants should make sure they obtain informed consent from all parties present before recording conversations or meetings and the Trust reserves the right to refuse permission for a Complainant to use a recording which has been obtained covertly.

## 13. Training

- 13.1 The Trust and each School ensures that regular guidance and training is arranged on induction and at regular intervals thereafter so that staff and volunteers understand what is expected of them by this policy and have the necessary knowledge and skills to carry out their roles.
- 13.2 The level and frequency of training depends on the role of the individual member of staff.
- 13.3 The Trust and each School maintains written records of all staff training.

## 14. Contact Details

- 14.1 The following members of staff can assist with the making of a complaint if required and can be contacted via email or in writing as detailed below:

### 14.1.1 The Clerk of the Trust:

Our Lady of Grace Catholic Academy Trust

Registered Office: St. Helen's Catholic Primary School, Chargeable Lane,  
London E13 8DW

For the attention of: Clerk to the Trustees

Tel: 020 4530 9232

Email address: [info@olog.org.uk](mailto:info@olog.org.uk)

### 14.1.2 The Catholic Senior Executive Lead: Nuala Cashell

Our Lady of Grace Catholic Academy Trust

Registered Office: St. Helen's Catholic Primary School, Chargeable Lane,  
London E13 8DW

For the attention of: CSEL

Tel: 020 4530 9232

Email address: [nuala.cashell@olog.org.uk](mailto:nuala.cashell@olog.org.uk)

## 15. Complaints to Ofsted

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15.1 Parents of children in the School's Early Years Foundation Stage have the right to contact Ofsted if they believe the School is not meeting the EYFS requirements.

15.2 Ofsted can be contacted on 0300 123 4666 or at [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk).

## **16. Referral to the Education and Skills Funding Agency**

16.1 If the Complainant believes that this Complaints Policy does not comply with the Regulations, or that the Trust or School has not followed the procedure in this Complaints Policy, the Complainant can refer the complaint to the Education and Skills Funding Agency (ESFA) for consideration.

16.2 The Complainant can find further information about referring a complaint to the ESFA by pasting this page into an Internet browser:

<http://www.education.gov.uk/schools/leadership/schoolperformance/b00212240/making-complaint-school/complaints-free-schools-academies>

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

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## Appendix 1

### Stage 1 - Informal complaint

#### 1. Informal resolution of a complaint

- 1.1 The Trust expects and encourages most complaints to be resolved informally. For example, dissatisfaction about some aspect of teaching or pastoral care should be able to be resolved by the relevant member of staff.
- 1.2 The Complainant and School should use all reasonable endeavours to resolve a matter at Stage 1 prior to escalation to Stage 2, including further meetings to provide an amicable resolution in a timely manner.

#### 2. Who to contact

- 2.1 Where appropriate, complaints should initially be raised as follows:

- 2.1.1 **Education issues** – if the matter relates to the classroom, the curriculum or special educational needs, the Complainant should speak to the Class Teacher, Special Education Needs Co-ordinator (SENCO), phase leader, Assistant or Deputy head, prior to the Headteacher

- 2.1.2 **Pastoral care** – for concerns relating to matters outside the classroom, the Complainant should speak to the class teacher, phase leader, member of the senior leadership team, as appropriate

- 2.1.3 **Disciplinary matters** – a problem over any disciplinary action taken or a sanction imposed should be raised with the class teacher, who may direct the complaint to the member of staff who imposed it in the first instance, if appropriate. If not resolved, the Complainant should speak to the relevant phase leader, Assistant or Deputy Headteacher.

- 2.1.4 **Financial and administrative matters** – a query relating to payments in line with the schools' charging policy or other administrative matters should be raised by the Complainant with the relevant Finance Office or the School Business Manager.

- 2.1.5 **An issue with a specific member of staff** – often, the best way to resolve an issue with a specific member of staff is to raise it with that member of staff directly, so that they are given the opportunity to address and resolve the concern or difficulty before it becomes a formal complaint. If the Complainant feels uncomfortable doing this, however, the issue should be raised with the appropriate Phase Leader, Assistant or Deputy Headteacher.

- 2.2 The complaint may be passed to a more senior member of staff if appropriate.

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## 3. Investigation

- 3.1 There is no suggested time-scale for resolution at this stage given the importance of dialogue through informal discussion, although it would be expected that most issues would be resolved within 10 school days.
- 3.2 Wherever appropriate, the School will ask the parent at an early stage what they think might resolve the issue. Please refer to the Resolution Principles at paragraph 9 of the policy. In particular, Complainants should articulate in reasonable detail which of the following resolutions they desire as set out in paragraph 9.3 and copied here for reference:
  - 3.2.1 An explanation;
  - 3.2.2 An apology;
  - 3.2.3 Reassurance that steps have been taken to prevent a recurrence of events which led to the complaint; and/or
  - 3.2.4 Reassurance that the School or Trust will undertake a review of its policies and procedures in light of the complaint.
- 3.3 The School will notify a Complainant of the outcome of the informal stage of a complaint in a timely manner. If the parent is dissatisfied with the response to the informal complaint, they are encouraged to contact the School and continue dialogue in order to resolve the matter at Stage 1.
- 3.4 In serious circumstances where the complaint cannot be resolved by informal means, the Complainant may make a formal complaint under Stage 2 of this procedure as set out in Appendix 2.

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## Appendix 2

### Stage 2 - Formal complaint in writing

1. How to make a formal complaint
  - 1.1 Complaints will only progress to Stage 2 after first being considered at the informal stage, and only then if the Complainant indicates that they wish to escalate a matter to the formal stage.
  - 1.2 The formal complaint must be made in writing on the Complaints Form of the School which can be requested from the Clerk or downloaded from the policy area of the School's website. The Complaints Form should be emailed to the Clerk using the details set out in paragraph 14 (*Contact Details*) of the policy, or returned in an envelope addressed to the Clerk, clearly marked as 'Formal Complaint'.
  - 1.3 The Complainant should provide:
    - 1.3.1 a copy of all relevant documents and full contact details;
    - 1.3.2 details of all the grounds of the complaint;
    - 1.3.3 the specific resolution desired (by reference to the Resolution Principles at paragraph 9 of the policy); and
    - 1.3.4 an explanation as to why the complaint was not adequately dealt with at Stage 1.
  - 1.4 The complaint will be acknowledged by telephone, email or letter within 5 school days, indicating the action that is being taken and the likely timescales.
2. Investigation
  - 2.1 The subject matter of the complaint will be investigated in the most appropriate manner, which may include some or all of the following steps as determined by the relevant investigating officer:
    - 2.1.1 request for additional information from the Complainant, including how they would like the matter to be resolved (if not already provided under Stage 1); and
    - 2.1.2 request for one or more conversations, meeting with the parent personally and/or others with relevant knowledge of the circumstances.
  - 2.2 Students will only be spoken to with an independent member of staff present to support them. Where there is an issue about the conduct of a member of staff, that member of staff will be offered the option of having another member of staff present. Other members of staff will be spoken to alone. Written records will be kept of all meetings and interviews held in relation to the complaint and, where possible, the student or member of staff spoken to will be asked to read, sign and date the written record to confirm that it is accurate.

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In the case of students, the accompanying independent member of staff will also be asked to sign and date the record of the conversation.

- 2.3 Personal data may be redacted, and names anonymised or cyphered in line with data protection principles.

## 3. Delegation

- 3.1 In appropriate cases, the Head may delegate the complaint to a senior member of staff to deal with in accordance with the procedure outlined above. Where the investigation has been delegated to a senior member of staff, they will prepare a report on the investigation which will be considered by the Head.
- 3.2 The Stage 2 investigation may also be dealt with by a member of the relevant school's LGB, a Trustee or other person in accordance with the principles set out in paragraph 10 (*Complaints against a Headteacher or Trust Leadership*). Accordingly, any references to the 'Head' in this Appendix 2 should be amended accordingly.

## 4. Decision

- 4.1 The Head will notify the parent by email or letter of their Stage 2 decision and the reasons for it within 20 school days from the receipt of the formal complaint in writing.
- 4.2 If the Head deems it to be appropriate in relation to the matters raised, after the investigation has taken place the Complainant will be offered a meeting with the aim of clarifying any outstanding points and reaching an amicable resolution.
- 4.3 If the Complainant is dissatisfied with the Stage 2 response to the complaint, the Complainant can request that the complaint be referred to a Complaints Panel under Stage 3 using the procedure set out in Appendix 3.

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## Appendix 3

### Stage 3 - Complaints Panel

1. Complaints Panel hearing
  - 1.1 If a Complainant is dissatisfied with the Stage 2 response to the formal complaint, the Complainant can request that the complaint is escalated to Stage 3 Complaints Panel Hearing (a **Hearing**).
  - 1.2 A Hearing is a hearing to consider those elements of the Stage 2 response to the formal complaint with which the Complainant remains dissatisfied. The Complaints Panel (the **Panel**) is not obliged to consider any new complaints which have not been previously raised.
2. How to request a Hearing
  - 2.1 A request for a Hearing must be put in writing to the Clerk within 5 school days of receiving the Stage 2 decision letter and will only be considered if the procedure at Stage 2 has been completed.
  - 2.2 The written request should include:
    - 2.2.1 a copy of all relevant documents and full contact details;
    - 2.2.2 details of all the grounds of the complaint and the resolution desired;
    - 2.2.3 the reasons why the Complainant considers that the Stage 2 findings were inadequate, or any failure to comply with the Stage 2 procedure; and
    - 2.2.4 a list of the documents which the Complainants believe to be in the School's possession and wish the Panel to consider.
  - 2.3 The Clerk will acknowledge the request for a Hearing in writing within 5 school days of receipt and share the information provided under paragraph 2.2 above with the Chair of the relevant LGB or Trust (as appropriate).
3. Initial Determination of a Hearing request
  - 3.1 On receipt, the Chair will consider, in their sole discretion, whether there are, *prima facie*, sufficient grounds to escalate the complaint to a Stage 3 Hearing (the **Initial Determination**).
  - 3.2 In carrying out the Initial Determination, the Chair will consider (amongst other things):
    - 3.2.1 whether the process at Stage 1 and Stage 2 has been completed correctly;



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- 3.2.2 whether the Complainant and the School (or party who is the subject of the complaint) have made themselves sufficiently available to resolve the complaint;
  - 3.2.3 whether the Complainant has clearly articulated the foundation of their complaint and their desired resolution in accordance with this policy (to the best of their ability and mindful of the circumstances of the complaint);
  - 3.2.4 whether escalating the complaint to Stage 3 is an appropriate use of time and resources in relation to the nature of the complaint;
  - 3.2.5 whether the Standards of Behaviour outlined in Appendix 4 have been adhered to by all relevant parties; and
  - 3.2.6 each of the factors set out in paragraph 6 of Appendix 4 (as appropriate).
- 3.3 The Clerk will notify the Complainant of the outcome of the Chair's Initial Determination within 10 school days of receipt of the request for a Stage 3 Hearing.
- 3.3.1 If the Chair considers that the parties may benefit from additional opportunity to resolve the Complaint, rather than immediately progressing to a Stage 3 Hearing, the Chair will make themselves available for a discussion with the Complainant to: (i) explain the rationale for their decision, and (ii) suggest next steps to resolve the complaint, e.g. a meeting with the Stage 2 investigating officer to amicably resolve the Complaint.
  - 3.3.2 If the request for a Hearing has been granted, the process under paragraph 4 of this Appendix below will apply.
- 3.4 If the Complaint remains unresolved following the Chair's recommendation under paragraph 3.3.1 above, or if the Complainant is unsatisfied with the Chair's response, the Complaint will proceed to a Stage 3 Hearing.

## 4. Planning the Hearing

- 4.1 Every effort will be made to enable the Hearing to take place within 20 school days of notice from the Clerk that the Chair has permitted a Hearing following the Initial Determination, unless there are exceptional circumstances. The Clerk will send written notification to each party of the date, time and place of the Hearing (the **Hearing Notice**) as soon as a mutually convenient date has been agreed (subject to paragraph 4.3 below), and in any event, before the date of the Hearing.
- 4.2 The Hearing Notice will also set out the proposed attendees at the Hearing including:
  - 4.2.1 the Complainants;
  - 4.2.2 the School's Representative (as defined in paragraph 5.1 below);

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4.2.3 the Complaint Panel Members (as convened in accordance with paragraph 6 below); and

4.2.4 any proposed witnesses or other attendees as permitted in accordance with this policy.

The Clerk will notify all parties of any changes to the proposed attendees as soon as reasonably practicable prior to the date of the Hearing.

4.3 If the Complainant rejects the offer of three 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.

4.4 Copies of any documents (additional to those specified in paragraph 2.2 above) that the Complainant or School's Representative wishes the Panel to consider should be sent to the Clerk within 5 school days of the date of the Hearing Notice. The Chair will consider, acting reasonably and in their sole discretion, whether to accept any documents submitted after this date (for example, if there is still sufficient time for the Panel to review any such documents prior to the date of the Hearing).

4.5 The Clerk will circulate a copy of the bundle of documents to be considered by the Complaints Panel to all parties as soon as reasonably practicable and at least 3 school days prior to the Hearing (save where the Chair has permitted any late evidence prior to the Hearing).

4.6 Personal data may be redacted, and names anonymised or cyphered in line with data protection principles.

4.7 A person will be appointed to take a minute of the Hearing.

4.8 Notwithstanding the above, a Complainant may withdraw their request for a Hearing at any point up to and including the intended date of the Hearing. However, doing so may result in the Complainant forfeiting their ability to request a Hearing and the Panel is not obliged to reconsider any complaint that has been withdrawn by the Complainant.

## 5. Attendees and Witnesses at the Hearing

5.1 The relevant School or Trust will be represented at the Hearing by the person who dealt with the complaint under Stage 2, which will usually be the Head. This person will be referred to as the **School's Representative** for the purposes of Stage 3. However, if the investigating officer at Stage 2 is not the Head (e.g. where the Head is the subject of the complaint and a Governor has carried out the Stage 2 investigation), the Head will usually be invited to attend the Hearing as a witness.

5.2 The Complainant may be accompanied at the Hearing, for example by a relative or friend. The Hearing is an internal proceeding, not legal proceedings. Legal representation is not necessary, and will not normally be appropriate. The Clerk must be informed within 3 school days of the date of the Hearing

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Notice if a Complainant wishes to be accompanied by any person, whether or not legally qualified.

- 5.3 Unless invited to do so by, and at the sole discretion of, the Chair of the Panel, the legally qualified person will not be permitted to act as an advocate or to address the Panel. In any event, the Complainant should note that the Panel will usually wish to speak to them directly. Any other accompanying person will be present for moral support only and is not permitted to speak or play any part in the proceedings.
- 5.4 The Chair of the Complaint Panel will decide, at his or her absolute discretion, which witnesses will be permitted to attend the Complaint Panel Hearing to give a verbal statement rather than relying on a written statement or record of meeting which have been signed by the witness.
- 5.5 If the Complainant or School's Representative wishes to rely on the account of a witness, they should ask the witness to write down, sign and date their account and forward it to the Clerk within 5 school days of the date of the Hearing Notice to enable the Clerk to forward it to the other party and the Complaint Panel members.
- 5.6 Witnesses under the age of eighteen (other than the Complainant's own family) will only be allowed to attend the Hearing if they are accompanied by one of their parents or carers (and in any event at the discretion of the Chair in accordance with paragraph 5.4 above). Any written accounts provided by any witnesses under the age of eighteen must be signed and dated by the witness and one of the witness' parents or carers.
- 5.7 Members of staff of the School involved in the matters which gave rise to the complaint will usually have provided a signed written account or have signed a note of a meeting during the previous stages, which will be forwarded to all parties with the other documentation in the usual way. Members of staff will not usually be required to attend the Hearing to give a verbal statement unless the Chair of the Panel permits such attendance (e.g. because the written account is contentious or in the circumstances set out in paragraph 5.1 above). The Chair may also request any such members of staff to provide a more detailed written account or written responses to questions posed by the parties rather than attend the Hearing (in each case, at the discretion of the Chair having considered the circumstances of the case).

## 6. Composition of the Complaints Panel

- 6.1 The Panel will comprise at least three individuals, selected by the Clerk who have no detailed prior knowledge of the circumstances of the complaint. Two of the Panel members may be members of the relevant LGB or Trustees. The third panel member will be a person independent of the management and running of the School and Trust, i.e. they will not be a Governor of any LGB within the Trust, any Trustee or any member of staff or parent of any student within the Trust. Such third independent member will typically be (but need not necessarily be) a teacher, governor or trustee of a school not within the Trust with appropriate skills and expertise.

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- 6.2 The Department for Education previously issued the following guidance in relation to the appointment of the independent Panel member as follows:

*'Whilst we do not wish to be prescriptive about who schools should appoint as an independent person, our general view is that people who have held a position of responsibility and who are used to analysing evidence and putting forward balanced arguments would be suitable. Examples of persons likely to be suitable are serving or retired business people, civil servants, heads or senior members of staff at other schools, people with a legal background and retired members of the police force. Schools will of course have their own views.'*

- 6.3 The Panel members will appoint one of themselves to be the Chair of the Panel throughout the proceedings.

## 7. General Role of the Complaints Panel

- 7.1 The role of the Panel is to review the process and the decision reached at Stage 2, and to consider on the balance of probabilities, whether or not to uphold each complaint.

- 7.2 It is important that the Hearing is independent and impartial, and that it is seen to be so. No person may sit on the Panel if they have had a prior involvement in the matters which gave rise to the complaint, in dealing with the complaint in the previous stages, or have a prior detailed knowledge of the complaint.

- 7.3 An effective Panel will acknowledge that many Complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The Chair of the Panel will ensure that the Hearing is as welcoming as possible, while ensuring that it is procedurally fair to all parties. The layout of the room will set the tone and care is needed to ensure the setting is informal and not substantially adversarial.

- 7.4 Extra care needs to be taken when the Complainant is a child, or there are child witnesses present. Care should be taken to ensure that the child does not feel intimidated. The Panel should be aware of the views of the child and give them equal consideration to those of the adults present. Where the child's parent is the Complainant, it would be helpful to give the parent the opportunity to suggest which parts of the hearing, if any, the child should attend, with the Chair retaining discretion.

- 7.5 All those present during the Hearing are expected to show courtesy, restraint and good manners or, after due warning, the Hearing may be adjourned or terminated at the discretion of the Chair of the Panel. Any person who is dissatisfied with any aspect of the way the Hearing is conducted must say so before the proceedings go any further and their comment will be minuted.

- 7.6 A Hearing before the Panel is a private proceeding. No notes or other records or oral statements about any matter discussed in or arising from the proceeding shall be made available directly or indirectly to the press or other media.

## 8. Procedure at the Hearing

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8.1 During the Hearing, the parties shall have the opportunity to ask questions and make comments in the manner set out below, or as otherwise determined by the Chair.

8.2 The Complaint Panel Hearing will usually be conducted as follows:

8.2.1 Introduction

The Chair will greet the Complainant, any Complainant's supporter and the School's Representative and welcome them into the room (or online meeting) where the Complaint Panel has convened (any witnesses will remain outside of the room until they are called in to give their account).

8.2.2 The Complainant

- The Complainant will be invited by the Panel to give an account of their complaint.
- The School's Representative will be invited to ask the Complainant questions, if any.
- The Complaint Panel will ask the Complainant questions, if any.
- At the discretion of the Chair of the Panel, the Complainant's witness will be invited into the room to give an account of what they saw or know.
- The School's Representative will be invited to ask the Complainant's witness questions, if any.
- The Panel will ask the Complainant's witness questions, if any.
- The Complainant's witness will be asked to leave the room.
- If the Complainant has any further relevant witnesses, at the discretion of the Chair Panel, they will be invited into the room individually to provide their accounts and be questioned as outlined above.

8.2.3 The School's Representative

- The School's Representative will be invited by the Panel to respond to the complaint and make representations on behalf of the School.
- The Complainant will be invited to ask the School's Representative questions, if any.
- The Complaint Panel will ask the School's Representative questions, if any.

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- At the discretion of the Chair of the Panel, the School's relevant first witness will be invited into the room to give an account or what they saw or know.
- The Complainant will be invited to ask the School's witness questions, if any.
- The Panel will ask the School's witness questions, if any.
- The School's witness will be asked to leave the room.
- If School has any further relevant witnesses, at the discretion of the Chair of the Panel, they will be invited into the room individually to provide their accounts and be questioned, as outlined above.

## 8.2.4 Summaries

- The Complainant will be invited by the Panel to summarise their complaint.
- The School's Representative will be invited by the Panel to summarise their response to the complaint and the School's stance.

## 8.2.5 Conclusion

- The Chair of the Complaint Panel will conclude and explain to both parties that they will hear from the Complaint Panel in due course.
- The Complainant and the School's Representative will be asked to leave.

8.3 The Chair of the Panel may restrict accounts given and questions by the parties depending on the relevance/purpose of them, and whether they have been addressed in the documentation. Save in exceptional circumstances, it is expected that a Hearing will take place for no longer than 90 minutes and the Chair may provide a timed agenda for these purposes.

8.4 The Hearing will proceed notwithstanding that the Complainant may decide not to attend. In these circumstances, the Panel should consider the complaint in their absence and make findings on the substance of the complaint on the basis of written submissions from both parties.

8.5 All statements made at the Hearing will be unsworn. The parties will be entitled to write their own notes for reference purposes.

8.6 The Chair of the Panel may, at their discretion, adjourn the Hearing if they consider it appropriate to do so. This may include an adjournment for the parties to take legal advice on a specific issue arising.

8.7 When the Chair of the Panel is satisfied that sufficient consideration has been given to the documentation provided and any representations made by the parties, they will conclude the Hearing.

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## 9. Decision

9.1 The Panel will convene in private, either immediately after the Hearing or on a subsequent date. The Clerk may be present and assist the Panel in its decision making. The Panel will consider all of the documentation and everything that they have heard at the Hearing and make:

### 9.1.1 Findings of Fact

The Panel will decide which facts are established to be true, on a balance of probabilities (i.e. more likely than not). If a fact is not deemed relevant, the Panel will not consider it further. The Panel will make a written record of the facts that have been established, those which have not been established and those which are not relevant, with their reasons for making these findings.

### 9.1.2 Recommendations

The Panel will consider the facts which they have established and will make recommendations based upon them where appropriate. These recommendations may be aimed at achieving reconciliation between the parties (for example, a written apology), improving procedures or preventing a recurrence in the future. The Complaint Panel will keep a written record of their recommendations, with reasons.

9.2 It is not within the powers of the Panel, nor is it appropriate for the Panel, to make any financial award, nor to impose sanctions on staff, pupils or parents.

9.3 The aim of the Hearing will always be to resolve the complaint and achieve reconciliation between the Trust and the Complainant. However, it has to be recognised that the Complainant may not be satisfied with the outcome if the Panel does not find wholly 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.

9.4 The Chair will write within 10 school days of the Hearing to the:

9.4.1 Complainant;

9.4.2 The School's Representative; and

9.4.3 Any person complained about.

9.5 The letter will identify each of the issues complained about, summarise how the Hearing proceeded, and confirm each of the Panel's findings of fact and recommendations, if any, with reasons. The letter will also confirm that, if the Complainant believes that this Complaints Policy does not comply with the Regulations, or that the Trust has not followed the procedure outlined in this Complaints Policy, the Complainant may refer their complaint to the Education and Skills Funding Agency for further consideration, details of which are available at paragraph 16 (*Referral to the Education and Skills Funding*

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*Agency*) of the policy above. Copies of Complaint Panel hearing minutes will also be provided to the Complainant.

- 9.6 The Clerk will also ensure that a copy of the Complaint Panel's findings and recommendations are made available on the School's premises for inspection by the Trust, the Local Governing Body and the Head.
- 9.7 The completion of Stage 3 represents the conclusion of the School's complaints procedure.



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## Appendix 4

### Standards of Behaviour

1. The School is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. It will not normally limit the contact Complainants have with it. However, it does not expect its staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.
2. The School adopts the Department for Education definition of unreasonable complainants as those who, because of the frequency or nature of their contacts with the School, hinder consideration of their or other people's complaints. Unreasonable complaints are taken seriously by the School as they put a strain on valuable resources and hinder the progress of proper investigations.
3. The School may judge that a complaint is unreasonable by assessing a number of factors, including those that are outlined below.
4. A complaint may be regarded as unreasonable when the person making the complaint:
  - 4.1 refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
  - 4.2 refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
  - 4.3 refuses to accept that certain issues are not within the scope of a complaints procedure;
  - 4.4 insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
  - 4.5 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;
  - 4.6 makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
  - 4.7 changes the basis of the complaint as the investigation proceeds;
  - 4.8 repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
  - 4.9 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;
  - 4.10 seeks an unrealistic outcome;

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- 4.11 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.
5. 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:
- 5.1 maliciously;
  - 5.2 aggressively;
  - 5.3 using threats, intimidation or violence;
  - 5.4 using abusive, offensive or discriminatory language;
  - 5.5 knowing it to be false;
  - 5.6 using falsified information;
  - 5.7 publishing unacceptable information in a variety of media such as on social media websites and newspapers.
6. A complaint may also be considered unreasonable if it is manifestly unjustified, inappropriate, or an improper use of formal procedure. In assessing this, the School shall have regard to all the circumstances of the case and the nature of the complaint itself rather than the nature of the Complainant. In assessing all of the circumstances of the case the School will consider a range of factors including:
- 6.1 whether a complaint has reasonable foundation;
  - 6.2 the history and context of the complaint (and any evidence where relevant);
  - 6.3 whether the time and cost of investigating the complaint is proportionate to the issue(s) complained of;
  - 6.4 whether an investigation of the complaint is likely to cause a disproportionate or unjustified level of disruption, irritation or distress;
  - 6.5 unexplained delay in raising a complaint or issue;
  - 6.6 if the purpose of the complaint is to obtain an outcome which is unavailable via the complaints procedure, such as a claim for compensation, damages or a refund of fees paid;
  - 6.7 any evidence of a complaint being brought for an improper purpose.
7. Whenever possible, the Head will discuss any concerns with the Complainant informally before dismissing a complaint as unreasonable. The Head will normally only do so after consultation with the Chair of Governors.
8. If the behaviour continues, the School will write to the Complainant explaining that their behaviour is unreasonable and asking them to change it.

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9. For Complainants who excessively contact the School causing a significant level of disruption, the School may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after 3 months.
10. In response to any serious incident of aggression or violence the School will immediately inform the police and communicate its actions in writing. This may include barring an individual from the school.
11. If the Complainant is unhappy with the decision not to investigate a persistent or serial complaint, they may write to the Chair of Local Governors to ask for the decision to be reviewed. The Chair of Local Governors will be provided with all documentation relating to the current complaint and any previous complaints which were relevant to the decision, together with the letter from the School to the Complainant and will review the decision not to investigate the complaint. The Chair of Local Governors will not investigate the complaint itself during this review.
  - 11.1 The Chair of Local Governors will write to the Complainant with the outcome of the review within 10 school days of the date that the letter from the Complainant seeking the review was received.
  - 11.2 If the Chair of Local Governors overturns the decision not to investigate the concern or complaint, it will be referred to the School to be dealt with under the procedure in this Complaints Policy in the usual way.
  - 11.3 If the Chair of Local Governors upholds the decision not to investigate the concern or complaint, the Complainant may refer the concern or complaint to the Education and Skills Funding Agency.