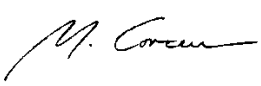
The Good Shepherd Catholic Trust

COMPLAINTS POLICY

Date Agreed	**06.07.2026**
Review Date	**September 2027**
Trust Chair Signature	
CAO Signature	

Policy Aim and Statement

This Complaints Policy helps underpin the mission statement of the Good Shepherd Catholic Trust and its schools ("the trust"). Its aim is to ensure that a concern, difficulty or complaint is managed sympathetically, efficiently and at the appropriate level and resolved as soon as possible. Doing so is good practice, fair to those concerned and helps to promote parents' and students' confidence in the school's ability to safeguard and promote welfare. The school will try to resolve every concern, difficulty or complaint in a positive way with the aim of putting right a matter which may have gone wrong and, where necessary, reviewing the school's systems and procedures in the light of the matters raised.

In our Catholic Schools parental/carers concerns are of particular importance. As the first educators of their children, parents/carers have a duty to take an active interest in their school. "Since parents have given children their life, they are bound by the most serious obligation to educate their offspring." (*Gravissimum Educationis*). To this end, "there must be the closest co-operation between parents/carers and the teachers to whom they entrust their children to be educated. In fulfilling their task, teachers are to collaborate closely with the parents and willingly listen to them." (Can.796). Dealing with parental/carer concerns is an intrinsic part of the school's ethos and mission.

The trust 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 trust Schools 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 trust's school, or place the student at a disadvantage in any way.

Complaints relating to data protection or information rights are not considered under this procedure and will be managed in accordance with the school's Data Protection Complaints Procedure.

Application

The trust's schools are academies and are therefore governed by the Education (Independent School Standards) Regulations 2014 (as amended) ("the Regulations"). This Complaints Policy has been formulated to comply with Schedule 1, Part 7 of the Regulations (as well as equality legislation and the rules of natural justice). In the case of any variance between the procedure outlined in this Complaints Policy and the Regulations, the procedure outlined in the Regulations will apply.

This Complaints Policy applies to all concerns and complaints of the parents of students at the trust Schools, other than those involving child protection issues, or relating to admissions and exclusions, for which there are separate statutory procedures. 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.

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

The Rules of Natural Justice

Simply put, the rules of natural justice relate to fairness. The trust Schools will ensure that all concerns, difficulties or complaint are dealt with in accordance with the following principles:

- All parties will be provided with all information and documentation pertinent to the matters raised;

- All parties will be given the opportunity to prepare and present their case and respond to the other parties involved;
- All persons investigating and making decisions in relation to the matters raised will be impartial and will do so without bias (or apparent bias) to any party involved;
- All decisions made will be made on a balanced and considered assessment of the information before him or her only;
- All decisions made will be based upon logical conclusions, and not based on mere speculation or suspicion;
- All decisions made will be supported by detailed reasons which will be disclosed to all parties involved.

Equality Act 2010

The trust Schools will deal with concerns, difficulties and complaints in accordance with its duty under the Equality Act 2010 to have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and other conduct prohibited by the Equality Act 2010;

- Advance equality of opportunity between those who share a relevant protected characteristic and those who do not, by having regard to the need to:
  - remove or minimise disadvantages connected to a relevant protected characteristic; and
  - take steps to meet the different needs of those sharing a relevant protected characteristic; and
  - encourage those who share a relevant protected characteristic to participate in school life and activities in which participation is disproportionately low;

- Foster good relations between those who share a relevant protected characteristic and those who do not, by having regard to the need to:
  - tackle prejudice; and
  - promote understanding;

"Relevant protected characteristics" includes sex, race, disability, religion or belief, sexual orientation, gender reassignment, pregnancy and maternity and (in the case of persons who are not students) age.

In addition, the trust Schools will comply with its duty to make the following reasonable adjustments for persons with a disability:

- Where a provision, criterion or practice places a disabled person at a substantial disadvantage compared to person who is not disabled, reasonable steps must be taken to avoid that disadvantage;

- Where a disabled person would, but for the provision of an auxiliary aid, be placed at a substantial disadvantage compared with a person who is not disabled, reasonable steps must be taken to provide the auxiliary aid.

An auxiliary aid can be a piece of equipment or a service.

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 school know immediately.

Terms Used

For the purpose of this Complaints Policy, a "parent" 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).

Any reference to a "student" will also include a prospective or former student of the School.

A person making a complaint will be referred to as a "Complainant" throughout this Complaints Policy.

Procedure

The trust School's complaints procedure consists of four stages. The trust Schools expect that most concerns and difficulties, where a parent or student seeks intervention, reconsideration or some other action to be taken, can be resolved informally.

All formal complaints (stage 2 and beyond) should be submitted using the pro-forma attached to this policy (appendix 1 – page 17). Submitting complaints using our pro-forma ensures all the necessary information is gathered in a succinct and manageable format. This will allow the necessary investigations to take place in an effective and timely manner.

- Stage 1 – Concerns and difficulties, dealt with informally;
- Stage 2 – Complaints formally investigated by the Headteacher (or designate);
- Stage 3 – Complaints formally reviewed by the Chair of Local Governors (or designate);
- Stage 4 – Complaint Panel Hearing.

The Trust is committed to its duties under the Equality Act 2010, should you require any support or reasonable adjustments in submitting a complaint (or during the Complaint's procedure), please let the school know. Reasonable Adjustments will be provided for and organised by the Trust as necessary throughout the Complaint's procedure. For example, you may require physical adjustments for the room or location at a hearing; additional processing breaks; or, an interpreter to be present.

If you require a third party to act on your behalf, we will need written consent from the complainant before we are able to disclose information to a third party.

Time Limits

The trust Schools aims to resolve concerns, difficulties and complaints in a timely manner. Time limits for each stage of the procedure are set out under each individual stage. For the purposes of this Complaints Policy, a "school day" is defined as a weekday during term time, when the school is open to children. The definition of "school day" excludes weekends, school holidays and bank holidays. For the avoidance of doubt, term dates are published on the school's website, and information about term dates is made available to parents and students periodically.

Although every effort will be made by the school to comply with the time limits specified under each stage of the procedure, it may not always be possible to do so, for example due to the complexity or number of matters raised, or due to the unavailability of the Complainant to attend a meeting, if offered. In all cases, **where a time limit cannot be complied with, the school will write to the Complainant within the specified time limit, setting out the reasons why the time limit cannot be complied with, and confirming the new time limit which will apply**.

Complaints against the Headteacher

If a complaint is about the conduct of the Headteacher, the Chair of Local Governors will investigate the complaint under **Stage 2** of this Complaints Policy instead of the Headteacher. The Vice-Chair of Local Governors will review the complaint under **Stage 3** of this Complaints Policy instead of the Chair of Local Governors.

Complaints against the Chair of Local Governors

If a complaint is about the conduct of the Chair of Local Governors, the Headteacher will consider the complaint under **Stage 2** of this Complaints Policy as normal, and the Vice-Chair of Local Governors with support of the trustees and CAO will review the complaint under Stage 3 of this Complaints Policy instead of the Chair of Local Governors.

Complaints about our fulfilment of early years requirements

We will investigate all written complaints relating to the school's fulfilment of the Early Years Foundation Stage (EYFS) requirements, and notify the complainant of the outcome within 28 days of receiving the complaint. The school will keep a record of the complaint (see section 10) and make this available to Ofsted on request.

Parents and carers can notify Ofsted if they believe that the school is not meeting Early Years Foundation Stage requirements, by:

- Calling 0300 123 4666
- Using the online contact form available at https://www.gov.uk/government/organisations/ofsted#org-contacts

We will notify parents and carers if we become aware that the school is to be inspected by Ofsted. We will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis.

Late Complaints

Where a complaint is submitted more than six months after the incident or event (or where the complaint relates to a series of incidents or events, more than six months from the date of the latest incident or event), the trust's Schools reserves 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**.

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

If the Complainant is unhappy with the decision not to investigate a complaint which was submitted late, the Complainant may write to the Chair of Local Governors at the School asking for the decision to be reviewed. The Chair of Local Governors will be provided with all documentation relating to the complaint, 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.

The Chair of Local Governors will write to the Complainant with the outcome of the review within **ten school days** of the date that the letter from the Complainant seeking the review was received, and provide the school with a copy of the letter.

If the Chair of Local Governors quashes the decision not to investigate the complaint, it will be referred to the school to be dealt with under this Complaints Policy in the usual way.

If the Chair of Local Governors upholds the decision not to investigate the complaint, the Complainant may refer the concern or complaint to the Education Funding Agency using the procedure stated towards the end of this Complaints Policy.

In exceptional circumstances, the Chair of Local Governors can delegate the responsibility for the review to the Vice-Chair of Local Governors.

Unreasonable, Persistent or Duplicate Complaints

Unreasonable complaints

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- *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*
- *Refuses to accept that certain issues are not within the scope of the complaints procedure*
- *Insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice*
- *Introduces trivial or irrelevant information which they expect to be taken into account and commented on*
- *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 ESFA*
- *Seeks an unrealistic outcome*
- *Makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with*
- *Uses threats to intimidate*
- *Uses abusive, offensive or discriminatory language or violence*
- *Knowingly provides falsified information*
- *Publishes unacceptable information on social media or other public forums*

Please note: the above list is not intended to be exhaustive and is for guidance purposes only. It is at the discretion of the school what is deemed to be unreasonable.

Complainants should try to limit their communication with the school while the 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.

Steps we will take

We will take every reasonable step to address the complainant's comments, and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

Whenever possible, the 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, refer them to this policy and remind them to act in accordance with it. For complainants whose contact with the school is causing a significant level of disruption, we may:

- *Give the complainant a single point of contact via an email address*
- *Limit the number of times the complainant can make contact, such as a fixed number per term*
- *Ask the complainant to engage a third party to act on their behalf, such as Citizens Advice*
- Put any other strategy in place as necessary

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from school premises and ensuring appropriate measures of support are provided to staff where they are the subject of aggression and/or violence.

Serial/persistent complaints

If the complainant contacts the school again on the same issue, the correspondence may then be viewed as 'serial' or 'persistent'. We may stop responding to the complainant when the following conditions are met:

- *We have taken every reasonable step to address the complainant's concerns*
- *The complainant has been given a clear statement of our position and their options*
- *The complainant contacts the school repeatedly, making substantially the same points each time*

The case to stop responding is stronger if:

- *The complainant's communications are often or always abusive or aggressive*
- *The complainant makes insulting personal comments about or threats towards staff*
- *We have reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience*

Where we decide to stop responding, we will inform the individual that we intend to do so. We will also explain that we will consider any new complaints they make provided the concerns raised are materially different to those raised previously and/or are unconnected to the previous concern

9.3 Duplicate complaints

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

- *Tell the new complainant that we have already investigated and responded to this issue, and that the local process is complete*
- *Direct them to the ESFA if they are dissatisfied with our original handling of the complaint*

If a duplicate complaint is raised which in the view of the school warrants further consideration, the procedure outlined in section 6 or 7 (as appropriate) will be repeated.

Complaint campaigns

Where the school receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school may respond to these complaints by:

- *Publishing a single response on the school website*
- *Sending a template response to all of the complainants*

If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply.

Anonymous Complaints

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

Data Protection Act 1998 and Freedom of Information Act 2000

Complaints sometimes include requests for information or documentation. Such requests will either be a "subject access request" under the Data Protection Act 1998 (where the information requested relates to an identifiable individual) or a request under the Freedom of Information Act 2000 (where the information is general and not related to an identifiable individual).

Subject access requests under the Data Protection Act 1998 must be responded to within one calendar month , and requests under the Freedom of Information Act 2000 must be responded to within twenty school days or 60 working days (whichever is sooner), however the school will aim to provide this information as soon as practicable (where the request is valid and the Complainant is lawfully entitled to the information or documentation) in accordance with the rules of natural justice.

The Complaints Procedure outlined in this document is not applicable to data protection complaints raised by individuals. This refers to complaints that the School/Trust has infringed data protection legislation because of the way that it has handled the personal data of an individual. This includes, but is not limited to, complaints regarding:

- The School/Trusts collection, processing and sharing of personal data;
- The School/Trusts handling of data subject rights, such as the Subject Access Requests and the right to be forgotten;
- Alleged data breaches or loss of personal data.

The School/Trust is committed to ensuring that data protection complaints are handled efficiently and transparently, in line with our data protection obligations. Information on how the School/Trust handles data protection complaints can be found in the School's Data Protection Policy.

The School/Trust will exercise its discretion when receiving complaints that contain a mixture of data protection concerns, alongside other issues. Where the data protection aspect of the complaint forms part of a broader concern raised by an individual, the School/Trust may decide that it is appropriate to deal with all elements of the complaint in line with the procedure set out in the Complaints Policy. The School/Trust will inform the individual of the process that their complaint is being handled under without undue delay.

Resolution Principles

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

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

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

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

Outcome Principles

Examples of outcomes include:

- There was insufficient evidence to reach a conclusion, so the complaint cannot be upheld;
- The investigation did not substantiate the matters raised, so the complaint cannot be upheld;
- The complaint was substantiated in part or full. A description should be given of the remedial action being taken by the school as a consequence of the complaint. **Details of any disciplinary action or sanctions to be taken against a member of staff are strictly confidential and cannot be disclosed.**
- 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 a member of staff are strictly confidential and cannot be disclosed.**

Retention of Records

A full written record will be maintained centrally at the school of all complaints resolved under Stage 2 to 4.

Records of complaints will be destroyed when the student to which they relate reaches the age of twenty-four years or, in the case of a student with a statement of special educational needs, until the student reaches the age of thirty years.

Confidentiality

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

Publication

This Complaints Policy has been agreed by Good Shepherd Catholic Trust and ratified by the Local Governing Body of the relevant trust schools which have adopted it, and will be reviewed annually by the Trust Board. It will be published on the Trust website and also on each school's website and provided to parents and students on request by the school's office. A copy of this Complaints Policy will be provided to a Complainant when a concern, difficulty or complaint is first raised.

Stage 1: Concerns and Difficulties

1. Concerns:

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

2. Notification:

The concern or difficulty should be raised as follows:

- **Education issues** – if the matter relates to the classroom, the curriculum or special educational needs, the Complainant should speak to the Year Leader, Head of Department, Director of Faculty or Deputy Headteacher, as appropriate.
- **Pastoral care** – for concerns relating to matters outside the classroom, the Complainant should speak to the Year Leader, Key Stage Director, or Deputy Headteacher as appropriate.
- **Disciplinary matters** – a problem over any disciplinary action taken or a sanction imposed should be raised with the member of staff who imposed it in the first instance. If not resolved, the Complainant should speak to the relevant Head of Department, Year Leader, or Deputy Headteacher.
- **Financial and administrative matters** – a query relating to fees, extras or other administrative matters should be raised by the Complainant with the Finance Office or the Bursar/Business Manager.
- **An issue with a specific member of staff** – often, the best way to resolve an issue with a specific member of staff is to raise it with that member of staff directly, so that they are given the opportunity to address and resolve the concern or difficulty before it becomes a formal complaint. If the Complainant feels uncomfortable doing this, however, the issue should be raised with the appropriate Head of Department, Year Leader, Director of Faculty or Deputy Headteacher.

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

If a concern or difficulty is raised with a member of staff who feels that it raises serious issues which should be dealt with as a formal complaint immediately, the member of staff will tell the Complainant that they should put their complaint in writing to the Headteacher under Stage 2 of this Complaints Policy. If the Complainant would prefer to complete a form instead of writing a letter, the Complainant can complete the Complaint Form contained in Appendix 1 of this Complaints Policy to submit their complaint formally.

3. Unresolved Concerns and Difficulties

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

4. Record of Concerns and Difficulties

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

Stage 2: Formal Complaint to the Headteacher

5. Notification

A concern or difficulty raised under Stage 1 of this Complaints Policy which remains unresolved after **fifteen school days**, or a serious matter which requires formal investigation from the outset, should be set out in writing and sent to the Headteacher at the trust School. Should a formal written complaint be received by another member of the school's staff, they will immediately be passed on to the Headteacher.

All formal complaints (stage 2 and beyond) should be submitted using the pro-forma attached to this policy (appendix 1 – page 17). Submitting complaints using our pro-forma ensures all the necessary information is gathered in a succinct and manageable format which will allow the necessary investigations to take place in an effective and timely manner. The Complainant should clearly set out the matters in dispute, the relevant dates, the full names of the persons involved and what the Complainant believes the school should do to resolve the complaint.

Any additional documentation relied upon by the Complainant should be attached to the formal complaint.

6. Acknowledgement

The formal complaint will be acknowledged in writing within **five school days** of receipt. The acknowledgement letter will confirm the date that the formal complaint was received, the action to be taken and the specified time limit.

7. Investigation

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

The Headteacher will speak to the persons who were involved in the matters raised by the Complainant. 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. A written record of the conversation will be made, and 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. In the case of students, the accompanying independent member of staff will also be asked to sign and date the record of the conversation.

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

8. Outcome

The Headteacher will write to the Complainant confirming the outcome of the investigation within **twenty school days** from the date that the complaint was received. The letter will set out the individual matters

raised by the Complainant, the findings made by the Headteacher during the course of the investigation, and the conclusion reached.

The letter will inform the Complainant that, if they are unsatisfied with the outcome of the Stage 2 investigation, they should write to the Clerk to the Local Governors within **five school days** of receipt of the letter asking for their complaint and the Stage 2 investigation to be reviewed by the Chair of Local Governors under Stage 3 of this Complaints Policy.

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

9. Delegation

In appropriate cases, the Headteacher may delegate the complaint to a member of the central trust team or School senior leadership team to deal with in accordance with the procedure outlined above.

Stage 3: Review by the Chair of Local Governors

10. Notification

If the Complainant is unsatisfied with the outcome of the complaint under Stage2 of this Complaints Policy, the Complainant may write to the Clerk to the Local Governors asking for the complaint to be reviewed by the Chair of Local Governors, within **five school days** of receiving the letter confirming the outcome following Stage 2.

The Complainant should not repeat the matters raised in their original letter or attach documentation already provided, but should clearly set out how and why the Complainant does not accept the findings made under Stage 2.

11. Acknowledgement

The Complainant's letter will be acknowledged within **five school days** of receipt. The acknowledgement letter will confirm the date that the formal complaint was received, the action to be taken and the specified time limit.

12. Review

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

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

If the Chair of Local Governors deems it to be appropriate in relation to the matters raised, the Complainant will be offered a meeting to discuss the issues raised. If a meeting is deemed appropriate, it will usually take

place after the review has been completed with the aim of reaching a mutually acceptable resolution.

13. Outcome

The Chair of Local Governors will write to the Complainant confirming the outcome of the review within **twenty school days** from the date that the request for a review was received. The letter will set out whether the Chair of Local Governors agrees with the findings and conclusion under Stage 2, and give reasons, as well as responding to any criticisms of the Stage 2 investigation.

The letter will inform the Complainant that, if they are unsatisfied with the outcome of the Stage 3 review, they should write to the Clerk to the Local Governors within **five school days** of receipt of the letter requesting a Complaint Panel Hearing under Stage 4 of this Complaints Policy.

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

14. Delegation

In appropriate cases, the Chair of Local Governors may delegate the review to the Vice-Chair of Local Governors to deal with in accordance with the procedure outlined above.

Stage 4: Complaint Panel Hearing

15. Notification

If the Complainant is unsatisfied with the outcome of the review under Stage 3 of this Complaints Policy, the Complainant may write to the Clerk to the Local Governors requesting a Complaint Panel Hearing. The Complainant should write to the Clerk to the Local Governors within **five school days** of receiving the letter confirming the outcome following Stage 3.

The Complainant should not repeat the matters raised in their original letter or attach documentation already provided, but should clearly set out how and why the Complainant does not accept the findings made under Stages 2 and 3.

16. The Complaint Panel

The Complaint Panel will consist of three persons appointed by or on behalf of the Trust by the Clerk to the Local Governors. None of the three Complaint Panel members will have been involved in the matters which gave rise to the complaint, have been involved in dealing with the complaint previously or have any detailed prior knowledge of the complaint. Two of the Complaint Panel members may (but do not have to) be Governors. **The third Complaint Panel member will be independent of the management and running of the school, i.e. they will not be a member of staff or a Governor, and will not be linked to the school in another way, for example as a parent of a student at the school. The independent Complaint Panel member will be the Chair of the Complaint Panel.**

The Department for Education has issued guidance in relation to the appointment of the independent Complaint 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.

17. Attendance

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

The school will be represented at the Complaint Panel Hearing by the person who dealt with the complaint under Stage 3, which will usually be the Chair of Local Governors. This person will be referred to as the "School's Representative" for the purposes of Stage 4.

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

18. Convening the Complaint Panel Hearing

After selecting the Complaint Panel members, the Clerk to the Local Governors will write to the Complainant within **five school days** acknowledging receipt of their request and informing them of the names of the Complaint Panel members. If the Complainant objects to any of the named persons being appointed to the Complaint Panel, they should notify the Clerk to the Local Governors within **three school days** of receipt of the letter**.** Fair consideration will be given to any bona fide objection to a particular member of the Complaint Panel.

The Clerk to the Local Governors will liaise with the Complaint Panel, the Complainant and the School's Representative to agree a mutually convenient date for the Complaint Panel Hearing, which will usually take place within **twenty school days** of receipt of the Complainant's request, unless there are exceptional circumstances.

The Clerk to the Local Governors will write to the Complainant confirming the date of the Complaint Panel Hearing within **five school days** of the date that the acknowledgement letter was sent (or the date that the new Complaint Panel member was selected, if an objection was received and upheld). If the Complaint Panel Hearing will not take place within **twenty school days** of receipt of the Complainant's request, the letter will set out the exceptional circumstances involved.

19. Documentation

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

The names of individuals other than the Complainant, the Complainant's family, members of the school's staff and Governors, will be redacted and replaced with a letter relevant to that particular individual (for

example “Jane Brown” will be replaced with “A” throughout, “John Jones” will be replaced with B throughout) unless they have provided their written consent for their name to be disclosed.

If the Complainant wishes the Complaint Panel to consider any additional information, they should forward this documentation to the Clerk to the Local Governors to arrive **at least five school days** before the Complaint Panel Hearing, to enable the Clerk to the Local Governors to forward it to the School’s Representative and the Complaint Panel members.

20. Witnesses

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.

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

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

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

21. Procedure at the Complaint Panel Hearing

The Complaint Panel Hearing will be conducted as follows:

- The Clerk to the Complaint Panel will greet the Complainant, the Complainant’s supporter and the School’s Representative and welcome them into the room where the Complaint Panel has convened (any witnesses will remain outside of the room until they are called in to give their account);
- The Complainant will be invited by the Complaint 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 Complaint Panel, the Complainant’s first 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 Complaint 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 of the Complaint Panel, they will be invited into the room individually to provide their accounts and be questioned as outlined above;

- The School's Representative will be invited by the Complaint 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;

- At the discretion of the Chair of the Complaint 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 Complaint Panel will ask the school's witness questions, if any;

- The school's witness will be asked to leave the room;

- If the School has any further relevant witnesses, at the discretion of the Chair of the Complaint Panel, they will be invited into the room individually to provide their accounts and be questioned, as outlined above;

- The Complainant will be invited by the Complaint Panel to summarise their complaint;

- The School's Representative will be invited by the Complaint Panel to summarise their response to the complaint and the school's stance;

- The Complaint Panel Hearing will conclude and the Complainant and the School's Representative will be asked to leave.

22. The Complaint Panel's Decision

The Complaint Panel will convene in private, either immediately after the Complaint Panel Hearing or on a subsequent date, and will consider all of the documentation and everything that they have heard at the Complainant Panel Hearing and make:

- **Findings of Fact**

  The Complaint 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 Complaint Panel will not consider it further. The Complaint 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.

- **Recommendations**

  The Complaint Panel will consider the facts which they have established and will make recommendations based upon them. 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.

23. Notification of the Complaint Panel's Decision

The Clerk to the Local Governors will write within **ten school days** of the Complaint Panel Hearing to the:

- Complainant;
- the School's Representative;
- Any person complained about;

The letter will identify each of the issues complained about, summarise how the Complaint Panel Hearing proceeded, and confirm each of the Complaint Panel's findings of fact and recommendations, if any, with reasons. The letter will also confirm that, if the Complainant believes that this Complaints Policy does not comply with the Regulations, or that the school has not followed the procedure outlined in this Complaints Policy, the Complainant may refer their complaint to the Education Funding Agency for further consideration.

The Clerk to the Local Governors 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 Principal.

24. Factors for the Complaint Panel to Consider

- It is important that the Complaint Panel Hearing is independent and impartial, and that it is seen to be so. No person may sit on the Complaint 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;
- The aim of the Complaint Panel Hearing, which must 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 that the Complainant may not be satisfied with the outcome if the Complaint 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;
- An effective Complaint 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 Complaint Panel will ensure that the Complaint Panel 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;
- 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 Complaint 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;

- The Complaint Panel should ensure that they are familiar with the complaints procedure in advance of the Complaint Panel Hearing.

The Chair of the Complaint Panel will play a key part at the Complaint Panel Hearing, ensuring that:

- The remit of the Complaint Panel is explained to the parties and each party has the opportunity of making representations without undue interruption;
- All of the issues raised in the complaint are addressed;
- Key findings of fact are made, on a balance of probabilities;
- Each party treats the other with respect and courtesy;
- The Complaint Panel is open minded and acts independently of the school;
- No member of the Complaint Panel has a vested interest in the outcome of the proceedings;
- Each side is given the opportunity to state their case and ask questions;
- All written material is seen by all parties. If a new issue arises during the course of the Complaint Panel Hearing, it would be useful to give all parties the opportunity to consider and comment on it.

Referral to the Department for Education

Once a complaint has been through all the stages of this Complaints Policy, if the Complainant believes that this Complaints Policy does not comply with the Regulations, or that the trust School has not followed the procedure in this Complaints Policy, the Complainant can refer the complaint to the DfE.

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

Appendix 1 – Formal Complaint Form

Please complete and return to the school who will acknowledge receipt and explain what action will be taken.

Your Name:	Student's Name:
Your Relationship to Student:	Student's DOB and form/class:
Address and Postcode:	Telephone Number:
	Email Adress:
Full details of complaint (including the names of all persons involved and the dates of incidents referred to):	
What action, if any, have you already taken to try and resolve your complaint (for example, who did you speak to and what was the response)?	
What actions do you feel might resolve the problem at this stage?	
Are you attaching any paperwork? If so, please give details.	
Do you require any reasonable adjustments? If so, please give details.	
Signature:	**Date:**
For Official Use:	
Date Acknowledgement Sent:	
Name of Person Complaint Referred To:	
Signature:	*Date:*