



COMPLAINTS POLICY

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NB. 'Trustees' means the Directors referred to in the Trust's Articles of Association.

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[Based on ESFA model last updated 12 March 2021](#)

1. DOCUMENT HISTORY

Version	Date authored	Author	Approver	Date approved	Date issued	Comments
V1			Trustees	18.03.26	18.03.26	New policy to support Trust

2. LINKS TO RELATED POLICIES

Policies can be found on the website here: [Harbour Schools Partnership - Policies](#)

- Admissions
- Behaviour
- Child Protection
 - Code of Conduct for Trustees and governors
- Code of Conduct for staff
- Exclusion
- Equality
- Managing allegations of abuse
- Staff disciplinary
- Whistle blowing

3. GENERAL PRINCIPLES

- 3.1 Our Trust is committed to working in close partnership with parents and the community. However, we recognise that from time-to-time concerns or complaints may arise and it is our aim to work with all parties involved to resolve these as quickly and efficiently as possible. Usually, concerns can be resolved quickly through day-to-day communication between parents and school staff.
- 3.2 As the intention is to resolve matters where there is conflict, the investigation process is undertaken by the Investigating Officer (IO) and can be reviewed by a panel. This means that the IO is required to gather relevant material to determine an outcome. The investigation and panel process seeks to understand the issues from every individual's perspective.

4. TRUST AND SCHOOL POLICIES

- 4.1 When the Trust adopts or approves a policy, and the school puts the policy into operation, which is part of the day-to-day running of the school. If there is an objection to a policy, this is a matter that needs to be referred back to the Trust . It is separate to the complaint process.
- 4.2 Day-to-day operational decisions about curriculum and timetabling should be referred to Trust for review. They are operational decisions that are expected of Headteachers and senior leaders by virtue of the Contract of Employment and expectations set out by the Department for Education (DfE). The method to address these issues is to refer these to the Trust.
- 4.3 The complaints process exists to enable parents, carers, pupils, former pupils, advocates, and other individuals to complain about the *application* of policies, concerns about treatment or mistreatment or issues relating to prejudicial decisions to be properly reviewed in school and by an independent panel of governors.
- 4.4 However, for those situations an informal resolution is not reached, there is a more formal process to investigate and deal with complaints.
- 4.5 The aim of this procedure is to:
- provide a fair complaints procedure which is clear and easy to use
 - attempt to resolve concerns through informal discussions at the earliest stage
 - provide clarity of who will be co-ordinating the process in school
 - give clear timelines for resolution
 - encourage resolving the issues and finding a way to move forwards

- demonstrate a fair approach to managing complaints and concerns
- explain how vexatious and unreasonable behaviour by complainants is dealt with

4.6 Complaints will be managed in line with the Complaints Process set out within this procedure:

[Stage 1: Informal discussion](#)

[Stage 2: Referral to the relevant investigating officer](#)

[Stage 3: Review by an appointed panel](#)

[Stage 4: Appeal to the ESFA](#)

4.7 The table entitled '[Management of stages](#)' sets out who will be involved in the management of your complaint depending on the stage it has reached.

5. WHO CAN MAKE A COMPLAINT?

- 5.1 The complaints process exists to enable parents, carers, pupils, former pupils, advocates, and other individuals to complain about the application of policies, concerns about treatment or mistreatment or issues relating to prejudicial decisions to be properly reviewed in school and by an independent panel of governors.
- 5.2 Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.
- 5.3 If the matter relates to a member of staff that passes the threshold for a potential HR procedure, that will be implemented. Please note that the procedure and outcome of any HR process will not be shared with the complainant as to do so would breach the Data Privacy rights of the individual.

6. THE DIFFERENCE BETWEEN A CONCERN AND A COMPLAINT

- 6.1 **A concern** may be defined as '*an expression of worry or doubt over an issue considered to be important for which reassurances are sought*'.
- 6.2 **A complaint** may be defined as '*an expression of dissatisfaction however made, about actions taken or a lack of action*'.
- 6.3 It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaint's procedure. We take concerns seriously and will make every effort to resolve the matter as quickly as possible.

- 6.4 If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, discuss the matter with the headteacher or the lead governance professional/complaint co-ordinator for the trust, and arrangements can be made to refer you to another staff member.
- 6.5 Similarly, if the member of staff directly involved feels unable to deal with a concern, arrangements will be made to refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.
- 6.6 We understand however, that there are occasions when people would like to raise their concerns formally. In this case, the Trust will attempt to resolve the issue internally, through the stages outlined within this complaint's procedure.

7. HOW TO RAISE A CONCERN OR MAKE A COMPLAINT

- 7.1 A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.
- 7.2 Complaints against school staff (except the Headteacher) should be made in the first instance, to the Headteacher via the school office. Please mark them as Private and Confidential.
- 7.3 Complaints that involve or are about the Headteacher should be addressed to the Executive Leadership Team, via the Senior Clerk (email: Cosec@thsp.org.uk). Please mark them as Private and Confidential.
- 7.4 Complaints about the Chair of Governors, any individual governor or the whole governing Board should be addressed to the Executive Leadership Team, via the Senior Clerk (email cosec@thsp.org.uk) . Please mark them as Private and Confidential.
- 7.5 Complaints about the Chief Executive Officer (CEO) or a Trustee of the Trust, should be addressed to the Chair of Trustees, via the Senior Clerk (email: cosec@thsp.org.uk) Please mark them as Private and Confidential.
- 7.6 For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the school office. You can also ask a third-party organisation, for example, Citizens Advice to help you.

- 7.7 In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

8. ANONYMOUS COMPLAINTS

- 8.1 We will not normally investigate anonymous complaints. However, the Headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

9. UNREASONABLE ACTIONS

- 9.1 Our Trust defines unreasonable actions as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- 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 complaint's investigation process
- refuses to accept that certain issues are not within the scope of the complaint's procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaint's 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 Department for Education

- 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

9.2 Complainants should try to limit their communication with the school that relates to their complaint, 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.

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

9.4 If the behaviour continues, the Headteacher, or other appropriate person, will write to the complainant explaining that their behaviour is unreasonable.

9.5 If the complainant continues to behave unreasonably and not modify their behaviour to enable a fair process to be followed, then they may be notified that the complaint process is frustrated. In those circumstances, the investigating officer will conclude the process – taking into account information available at that time.

9.6 For complainants who excessively contact our school causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

10. TIMESCALES

10.1 You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

11. COMPLAINTS RECEIVED OUTSIDE OF TERM TIME

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

12. SCOPE OF THIS COMPLAINT'S PROCEDURE

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

Exceptions	Who to contact
Admissions to schools	Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority.
Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH). LADO : ladosecure-mailbox@devon.gov.uk Tel: 01392 384964 MASH: mashsecure@devon.gov.uk Tel: 0345 155 1071
Exclusion of children from school*	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions. <i>*complaints about the application of the Behaviour policy can be made through the school's complaints procedure.</i>
Whistleblowing	We have an internal whistleblowing procedures for all our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus.

	Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.
Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.
Staff conduct	Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.

- 12.2 If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams, or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations. If this happens, we will inform you of a proposed new timescale.
- 12.3 If a complainant commences legal action against in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.
- 12.4 When the Trustees adopt or approve a policy, and the school put the policy into operation, this is a matter for dispute that needs to be referred back to the Trustees rather than form part of the complaints process, if any person is unhappy with the content of that policy.
- 12.5 Day-to-day operational decisions, including matters relating to curriculum and timetabling, fall within the professional responsibilities of Headteachers and senior leaders as set out in their contracts of employment and in Department for Education expectations. These decisions are not subject to this complaints process and should not be referred to the Trustees for review.

13. INFORMATION FOR THE PERSON COMPLAINED ABOUT

- 13.1 When a complaint or concern has been received, the person, or persons, complained about will have full details of the complaint made against them unless there is a good reason why this should not be the case. On receipt of a complaint, the person administering the complaint process will consider if there is any need for clarification or if any material should be withheld from the person complained about.
- 13.2 Unless there is good reason to withhold the complaint details or the whole complaint, it will be shared with the complainant. In any event, the person complained about will have full visibility of the scope of the investigation and issues that are to be addressed.

14. RESOLVING COMPLAINTS

- 14.1 At each stage in the procedure the Trust wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:
- an explanation
 - an admission that the situation could have been handled differently or better
 - an assurance that we will try to ensure the event complained of will not recur
 - an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
 - an undertaking to review school policies in light of the complaint
 - an apology

15. WITHDRAWAL OF A COMPLAINT

- 15.1 If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

16. COMPLEX COMPLAINTS

- 16.1 There may be occasions where a complaint becomes more complex following individual meetings. Complex complaints may require additional time to work through and understand the issues.
- 16.2 In some instances, a more specialist or experienced investigator may be required.
- 16.3 Complex complaints may also need to be assessed and reviewed with external support.
- 16.4 If a matter is determined to be 'complex' all parties will be notified by the investigating officer, with details of how the matter will be progressed.

- 16.5 Each complex complaint is likely to require an individually scheduled timeline, which may be outside the scope of the standard complaint timelines.

17. STAGE 1 – INFORMAL COMPLAINTS

- 17.1 It is to be hoped that most concerns can be expressed and resolved on an informal basis.
- 17.2 Concerns should be raised with either the class teacher, year head / subject head or Headteacher. Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis, and it may also prevent them from considering complaints at stage 3 of the procedure.
- 17.3 At the conclusion of their investigation, the appropriate person investigating the complaint will provide an informal written response within five school days of the date of receipt of the complaint.
- 17.4 If the issue remains unresolved, the next step is to make a formal complaint.

18. STAGE 2 – FORMAL COMPLAINTS

- 18.1 Formal complaints must be made to the Headteacher (unless they are about the Headteacher), via the school office. This may be done in person or in writing on the Complaint Form.
- 18.2 The Headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within five school days.
- 18.3 Within this response, the Headteacher (or relevant Executive Leadership Team member or Trustee depending on who the complaint is about) will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Headteacher (or relevant Executive Leadership Team member or Trustee) can consider whether a face-to-face meeting is the most appropriate way of doing this.
- 18.4 If the matter is within the scope of the complaint policy, it is important that the right person to investigate is identified. The Headteacher (or relevant Executive Leadership Team member or Trustee) will look, initially, within the resources of the school or Trust (if appropriate), but it may be necessary to seek an external, neutral third party to undertake this role. The Headteacher (or relevant Executive Leadership Team member or Trustee) has discretion to appoint this person, and to notify the complainant about who the person is and reasons for the decision. This person will be the Investigating Officer (IO).

- 18.5 If the complaint is about a member of staff, an HR process will be followed. That is outside the scope of this complaint guidance.
- 18.6 The Headteacher (or Executive Leadership Team member or Trustee) may delegate the investigation to another member of the school's senior leadership team or suitable IO.
- 18.7 During the investigation, the IO will:
- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish.
 - keep a written record of any meetings/interviews in relation to their investigation.
- 18.8 Meetings may be arranged on a face to face basis, phone calls or online. It will be dependent on the timescale and availability of the parties. It may be necessary for one or more party to join a face to face meeting using a phone or online service. Where the majority of meeting participants are physically present, the attendance of one or more parties remotely will not change the status of the face to face meeting. This is to ensure that there is no unnecessary delay.
- 18.9 Part of the investigation may require the person complained about, other school or trust staff and the investigator to access records that contain personal data about the complainant and/or pupils. Please note that this will be determined on a case by case basis to ensure that all potentially relevant material can be properly considered.
- 18.10 At the conclusion of their investigation, the IO will provide a formal written response within 15 school days of the date of receipt of the complaint.
- 18.11 If the IO is unable to meet this deadline, they will provide the complainant with an update and revised response date.
- 18.12 The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions that will take to resolve the complaint.
- 18.13 The Headteacher (or relevant Executive Leadership Team member or Trustee) will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of stage 2.
- 18.14 If the complaint is about the Headteacher, or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled IO will be appointed to complete all the actions at stage 3.

18.15 Complaints about the Headteacher or member of the governing body must be made to the Executive Leadership team, via the Senior Clerk (email cosec@thsp.org.uk)

18.16 If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 2 will be escalated to the CEO of the Trust.

19. RECORDS

19.1 The records of a complaint process are subject to the Data Protection Act 2018 and other statutory requirements.

19.2 There is an obligation to keep appropriate records. The IO will collect and keep records of meetings, as necessary. When the IO writes their report, they may decide to combine their notes into that report and destroy original copies. They may decide to summarise their notes in the report and keep original copies. This will be specified in any report.

19.3 Schools keep necessary records and not a note of every meeting or discussion that is held between school staff or with parents, carers, and pupils. To try and retain a record of every interaction or discussion about a pupil would be impossible on a daily basis.

19.4 On occasion emails may also be deleted as part of the retention and information management process.

20. STAGE 3 – PANEL HEARING

20.1 If the complainant is dissatisfied with the outcome at stage 2 and wishes to take the matter further, they can escalate the complaint to stage 3 – a panel hearing consisting of at least three people who were not directly involved in the matters detailed in the complaint with one panel member who is independent of the management and running of the school. This is the final stage of the complaint procedure.

20.2 The complainant will need to specify which part of the complaint procedure at Stage 2 they feel is incorrect or, in the complainant's opinion, has not been correctly completed. The complaint will also need to specify what part of the conclusion they disagree with, and the basis for holding that opinion.

- 20.3 The Stage 2 process is the investigation, assessment, and review part of the complaint process. Unless there are procedural flaws or a failure to consider relevant material or evidence that has been put forward by the complaint with no good reasons, the Stage 3 panel will not expect to undertake a full review of the evidence in this matter.

21. RIGHT TO SEEK A PANEL

- 21.1 Following an investigation, or an outcome, either the complainant or the person complained about, can seek to take the matter to a panel hearing if they disagree with the outcome of the investigator's report and recommendations.

22. PROCEDURE FOR STAGE 3

- 22.1 A request to escalate to stage 3 must be made to the Senior Clerk (via email cosec@thsp.org.uk) within five school days of receipt of the stage 2 response.
- 22.2 The Senior Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within five school days.
- 22.3 Requests received outside of this time frame will only be considered if exceptional circumstances apply.

23. ARRANGEMENTS FOR THE PANEL

- 23.1 The Senior Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within ten school days of receipt of the stage 3 request. If this is not possible, the Senior Clerk will provide an anticipated date and keep the complainant informed.
- 23.2 If the complainant rejects the offer of three proposed dates, without good reason, the Senior 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.
- 23.3 A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate. If the complainant is bringing any supporter or advocate, the identity and/or details of this person must be notified to the Senior Clerk at least two school days before the meeting.
- 23.4 For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

23.5 Complaints about staff conduct will not generally be handled under this complaint's procedure. Complainants will be advised that any staff conduct complaints will be considered under (Human Resources) staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

23.6 Representatives from the media are not permitted to attend.

24. MATERIAL FOR THE PANEL HEARING

24.1 At least five school days before the meeting, the Senior Clerk will:

- confirm and notify the complainant of the date, time, and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the panel at least ten school days before the meeting.

24.2 Any written material will be circulated to all parties at least five school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

24.3 Staff from school who are connected with the complaint will be invited to attend. There may be occasions when it is not appropriate for them to attend a panel hearing, and it is for the Trust to consider whether or not to require their attendance. It is not a decision for the complainant.

24.4 All parties will be notified two school days before the meeting of final details of all attendees.

24.5 The panel will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from stage 1 of the procedure.

25. THE PANEL HEARING

25.1 The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

25.2 The committee will consider the complaint and all the evidence presented; the focus of the meeting will be on the investigation process followed at stage 2. The complainant is expected

to set out why they feel that the investigation was flawed, or why the wrong conclusion was reached. The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part

25.3 If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future

25.4 The Chair of the Committee will provide the complainant and the Trust with a full explanation of their decision and the reason(s) for it, in writing, within five school days.

25.5 The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by the Trust.

25.6 The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the Trust will take to resolve the complaint.

26.7 The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the school premises by the proprietor and the Headteacher.

26.8 A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.

26.9 All correspondence statements and records relating to individual complaints will be kept confidential, except where the Secretary of State or a Board conducting an inspection under section 109 of the 2008 Act requests access to them.

26. IN PERSON OR ONLINE MEETINGS

26.1 It is the usual expectation that any meeting will be in person, however if the complainant wishes to request an online meeting, this will be considered.

- 26.2 There may be occasions when some panel members, school staff or the clerk may need to attend remotely. This will be explained to the complainant if it is necessary.

27. COMPLAINTS ESCALATED TO THE TRUST

- 27.1 If a complaint is escalated to “the Trust” or if a complainant wishes to complain directly about the Trust, then the complaint should be sent to the CEO to be investigated.
- 27.2 An Independent IO can be appointed. The investigation will focus on the matters raised in the complaint.
- 27.3 The CEO will write to the complainant acknowledging the complaint within five school days of the date that the written request was received. The acknowledgement will confirm that the complaint will now be investigated under this Complaints Policy and will confirm the date for providing a response to the complainant.
- 27.4 Following the investigation, the CEO will write to the complainant confirming the outcome within 15 school days of the date that the letter was received. If this time limit cannot be met, the CEO will write to the Complainant within five school days of the date that the letter was received, explaining the reason for the delay and providing a revised date.

28. COMPLAINT ABOUT THE CEO OR A TRUSTEE

- 28.1 If the complaint concerns the CEO or a Trustee, the complaint should be investigated by the Chair of the Trust Board. If a formal complaint form is received about the Chair, the complaint will be referred to the Vice Chair for investigation.
- 28.2 Where the Chair of the Trust Board has investigated the complaint, they will write the letter of outcome to the Complainant and provide a copy to the CEO.
- 28.3 If the complainant is not satisfied with the outcome of the previous stage, the complainant should write to the Senior Clerk asking for the complaint to be heard before a Complaint Panel, within five school days.
- 28.4 The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within five school days.
- 28.5 Requests received outside of this time frame will only be considered if exceptional circumstances apply.

29. ARRANGEMENTS FOR THE TRUST COMPLAINT PANEL PROCEDURE

29.1 The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 15 school days of receipt of the stage 2 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

29.2 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.

29.3 If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire Trust Board or
- the majority of the Trust Board

Stage 3 will be heard by a completely independent committee panel.

29.4 The Complaint Panel will consist of three members. None of the three members of the Complaint Panel will have been involved in the incidents or events which led to the complaint or have been involved in dealing with the complaint in the previous stages, or have any detailed prior knowledge of the complaint.

29.5 One of the Complaint Panel members will be independent of the management and running of the Academy Trust. This means that the independent Complaint Panel member will not be a Trustee or an employee of the Trust.

29.6 A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.

29.7 For instance, if a trust employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

29.8 Complaints about staff conduct will not generally be handled under this complaint's procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

29.9 Representatives from the media are not permitted to attend.

30. MATERIAL FOR THE PANEL HEARING

30.1 At least 15 school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time, and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the committee at least ten school days before the meeting.

30.2 Any written material will be circulated to all parties at least five school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

30.3 The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from stage 1 of the procedure.

31. THE TRUST PANEL HEARING

31.1 The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

31.2 The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part

31.3 If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future

31.4 The Chair of the Committee will provide the complainant and the Trust with a full explanation of their decision and the reason(s) for it, in writing, within five school days.

- 31.5 The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by the Trust.
- 31.6 The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the Trust will take to resolve the complaint.
- 31.7 The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the school premises by the proprietor and the Headteacher.
- 31.8 A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.
- 31.9 All correspondence statements and records relating to individual complaints will be kept confidential, except where the Secretary of State or a Board conducting an inspection under section 109 of the 2008 Act requests access to them.

32. DATA PROTECTION

- 32.1 Prior to any investigation beginning, the complainant must consider what personal data they are willing to have shared with the IO. A formal investigation of the complaint will not proceed unless the complaints form and the accompanying consent form have been fully completed. The consent form, attached to the complaint form, authorises the sharing of relevant material to enable an investigation to take place is consent to share material to enable an investigation to be undertaken.
- 32.2 Over the course of the investigation, information may be gathered from third parties. On occasion, this information may contain personal data, but it may be given in confidence by witnesses. The IO will have to determine if whole statements or summaries can be provided to parties and the panel.
- 32.3 If the complainant does not give consent to share information, it is important to note that the scope of the complaint may be limited and, therefore, the actions available to conclude the complaints process may also be limited. In some instances, the complaint may not be able to proceed. The complainant will be informed if this is the case to give an opportunity to consider consent to share the material again within five school days.

- 32.4 The investigation does not place any limits on school staff processing pupil data as required. Additionally, this can include reviewing information to prepare for interviews with the investigating officer or the panel.
- 32.5 The same complaints process will be applied to Data Protection issues. A written outcome will be provided.
- 32.6 If the school does not comply with a Subject Access Request within 1 month (subject to any extension), or refuses all or part of the request, written reasons will be provided, setting out the principles for the refusal.
- 32.7 However, if you feel that the school has not dealt with your matter satisfactorily you can complain to the Information Commissioner.
- 32.8 By post: Customer Contact, Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, SK9 5AF or by email: casework@ico.org.uk
- 32.9 More information is on the ICO website www.ico.org.uk/

33. NEXT STEPS

- 33.1 If the complainant believes the school / Trust did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the ESFA after they have completed stage 3.
- 33.2 The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by the Trust. They will consider whether the Trust has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed [Part 7 of the Education \(Independent School Standards\) Regulations 2014](#).
- 33.3 The complainant can refer their complaint to the ESFA online at:
www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:
- Academy Complaints and Customer Insight Unit
Education and Skills Funding Agency
Cheylesmore House
5 Quinton Road
Coventry
CV1 2WT

34. VEXATIOUS COMPLAINTS

- 34.1 If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Senior Clerk is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.
- 34.2 If a complaint amounts to harassment of an individual, then any future complaints may be considered as vexatious.
- 34.3 If a complaint or complainant is determined to be vexatious then investigations may be terminated, limited, or refused. Written reasons will be provided.

35. DUPLICATE COMPLAINTS

- 35.1 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 had not previously considered, or any new information we need to take into account.
- 35.2 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 the local process is complete
 - Direct them to the DfE if they are dissatisfied with our original handling of the complaint
 - If there are new aspects, we will follow this procedure again

36. COMPLAINT CAMPAIGNS

- 36.1 There can be occasions where the school receives large volumes of complaints from multiple sources. In these cases, we reserve our right to treat this as a complaints campaign and as such we may choose to manage these complaints as a whole and produce a single statement which is shared with all complainants.
- 36.2 Although the subject matter of the complaint will be taken seriously and fully investigated, the issue will not be investigated repeatedly without good reason.
- 36.3 In the event of a complaint which is identified as a part of a series of near identical complaints, the following process will be followed:
- the complainant begins the complaints process as usual

- school staff identify that this complaint is one of many very similar complaints
- a single letter of response is prepared
- this letter of response is shared with each complainant
- complainants will have an opportunity to appeal the outcome of the complaint

36.4 As there may be a high volume of complainants and therefore a high number of appeals received, appeals may also be managed as a whole and as such the procedure will be varied. It will not be possible for all complainants to attend an appeal panel meeting, however an opportunity to submit additional information will be provided.

37. MANAGEMENT OF STAGES

37.1 Complaint against THE SCHOOL or SCHOOL staff

Disclaimer: An Investigating Officer (IO) may be an independent individual appointed by the Board.

Where an IO is appointed in this way, they act impartially and are not involved in the day-to-day management of the school.

Complaint relates to	Stage 1 - Informal	Stage 2 - Formal Investigating Officer	Stage 3 - Complaint Panel
Pupils, parents, or staff (other than the Headteacher)	The appropriate member of staff	The Headteacher or another Senior Leader	Panel appointed consisting of at least three people who are not directly involved in matters detailed in the complaint with one panel member who is independent of the management and running of the school.
The Headteacher	The Headteacher	Executive Leadership Team member	Panel appointed consisting of at least three people who are not directly involved in matters detailed in the complaint with one panel member who is independent of the management and running of the school.
A Governor or Governors (other than the Chair of Governors)		Executive Leadership Team member	Panel appointed consisting of at least three people who are not directly involved in matters detailed in the complaint with one panel member who is independent of the management and running of the school.

The Chair of Governors		Chief Executive Officer	Panel appointed consisting of at least three people who are not directly involved in matters detailed in the complaint with one panel member who is independent of the management and running of the school.
The whole Board of Governors		Chief Executive Officer	Panel appointed consisting of at least three people who are not directly involved in matters detailed in the complaint with one panel member who is independent of the management and running of the school.

37.2 Complaint against Trust or Executive Leadership Team member

Disclaimer: An Investigating Officer (IO) may be an independent individual appointed by the Board.

Where an IO is appointed in this way, they act impartially and are not involved in the day-to-day management of the school.

Complaint relates to	Stage 1 - Informal	Stage 2 - Formal Investigating Officer	Stage 3 - Complaint Panel
Executive Leadership Team member (other than the Chief Executive Officer)	Executive Leadership Team member	Chief Executive Officer	Panel of Trust Directors appointed by the Chair or Vice-Chair of the Trust.
Chief Executive Officer	Chief Executive Officer	Chair of Trust Board	Panel appointed of completely independent members
Trust Director (other than the Chair of the Trust)		Chair of the Trust Board	Panel appointed of completely independent members
The Chair of the Trust (or group of Directors including the Chair of Directors)		Vice-Chair of the Trust	Panel appointed of completely independent members
The whole Board of Trust directors		Lead Governance Professional	Members to appoint an independent investigation and Panel completely independent members

38. ROLES AND RESPONSIBILITIES

38.1 Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality

38.2 Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent, and fair consideration of the complaint through:
 - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
 - interviewing staff and children/young people and other people relevant to the complaint
 - consideration of records and other relevant information
 - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the Headteacher or complaints committee that sets

out the facts, identifies solutions, and recommends courses of action to resolve problems

- The Headteacher or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details

38.3 Complaints co-ordinator

(This could be the Headteacher or CEO / designated complaints governor or trustee or other staff member providing administrative support)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, Headteacher, CEO, Chair of Governors, Chair of Trust, or the Senior Clerk and to ensure the smooth running of the complaint's procedure
- be aware of issues regarding:
 - sharing third party information
 - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records

38.4 Senior Clerk to the Governing body / Trust board

The Clerk is the contact point for the complainant and the committee and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time, and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example: stage 1 paperwork, school, and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings

- circulate the minutes of the meeting
- notify all parties of the committee's decision

38.5 Committee chair

The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Senior Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.
- If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting
- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk

38.6 Committee member

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so no governor / trustee may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant

We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations

- many complainants will feel nervous and inhibited in a formal setting

Parents/carers often feel emotional when discussing an issue that affects their child

- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting

Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated

The committee should respect the views of the child/young person and give them equal consideration to those of adults

If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend. However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests

- the welfare of the child/young person is paramount

APPENDIX 1: FORMAL COMPLAINT FORM

Your name	
House/ flat/ building number and street name	
Town	
County	
Postcode	
Your telephone number	
Your email address	

Formal complaint

Please provide as much detail as possible. All of the boxes expand to take additional text.

I am writing to make a formal complaint against/about	
Please describe what your complaint is and when it arose	
What you think the School did wrong or did not do. Include dates, names of witnesses etc.	
Please provide details about the consequences of what happened	
What action, if any, have you already taken to try to resolve your	

complaint? (who have you spoken with or written to and what was the outcome?).	
What do you think the School should do to resolve matters at this stage?	
Please list copies of any documents you are attaching to the complaint.	

Please consider if you give consent to share your personal data with any investigating officer or not. Please delete either.

I give my consent for information held in paper and electronic records in respect of the complaint to be made available to facilitate any investigation. I consent to this confidential and sensitive data to be shared for that specific purpose. I realise that any information held about any third party cannot be shared without their specific consent.

Should it be necessary in the view of the investigator to seek that third party consent I give my approval that they may share sufficient information with that third party to enable that person to make an informed choice about whether or not to give consent to sharing that person's information with the investigator.

OR

I do not give my consent to share my personal data to an allocated investigating officer. I acknowledge that this may limit the scope of the complaint investigation.

Signed

Date