

	<p>THE COOPER SCHOOL</p> <p><u>COMPLAINTS PROCEDURE</u></p>			<p>Written By:</p> <p>R Whannel, Headteacher</p>
	<p>Applicable to:</p> <p>For the use of all parents / carers, students and other stakeholders</p>	<p>Accountable Officer:</p> <p>Headteacher:- R Whannel</p>	<p>Date Adopted:</p> <p>Spring 2021</p> <p>Approved by Academy Committee:</p> <p>January 2021</p>	<p>Date To Be Reviewed:</p> <p>Spring Term 2022</p> <p>(Every year)</p>

Bernwode School Trust (BST) is a Multi-Academy Trust which incorporates The Cooper School (TCS) and Glory Farm Primary School (GFPS). It is a company limited by guarantee, registered in England and Wales with registered company number 09053713 and its registered address at Churchill Road, Bicester, Oxon, OX26 4RS.

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Part 1: General Principles of Complaints

Rationale

This policy is intended to set out how the school and the Trust will deal with complaints from parents / carers, children and the public, who should feel able to express their views knowing that they will be dealt with fairly.

The headteacher is responsible for making decisions on a daily basis about the school's internal management and organisation. Parents / carers should contact the school if you are concerned about an issue such as:

- a child's academic progress
- special education needs provision
- a child's general wellbeing
- bullying
- something that has happened in school;

Who does this policy cover?

Please note that references to:

- "the school" relates to The Cooper School;
- "the academy committee" relates to the school's governing board
- "the Trust" relates to Bernwode Schools Trust which is responsible for both our schools;
- "parents / carers" includes anyone with primary responsibility for a child(ren);
- "other stakeholders" include other members of the community who may be affected by the school and its pupils

Framework of Principles

This Complaints Policy is designed to:

- encourage resolution of problems by **informal** means wherever possible;
- be easily **accessible** and **publicised** (on the school website and as a hard copy if requested);
- be **simple** to understand and use;
- be **impartial**;
- be **non-adversarial**;
- allow **swift** handling with established **time-limits** for action and keeping people
- keep the complainant **informed** of the progress of their concern / complaint;
- ensure a full and **fair** investigation by an independent person where necessary;
- respect people's desire for **confidentiality**;
- address all the points at issue and provide an **effective** response
- deliver **appropriate** redress, where necessary;
- provide **information** to the school's and / or trust's senior leadership so that services can be improved.

The difference between a concern and a complaint

Both the school itself, and parents / carers and stakeholders need to be clear about the difference between a concern and a complaint. A concern is an issue which can be resolved informally. A

complaint is an issue which needs to be addressed and resolved through the formal complaints process.

Where possible, the principle which underlies this policy is that concerns will be handled without the need for formal procedures – that is, before a formal complaint is raised. By addressing concerns informally at the earliest stage, issues can be resolved before they develop into formal complaints. This is usually the best outcome for both parties.

The school's leadership will make it clear to both parents / carers and members of staff that the requirement to have a complaints procedure does not in any way undermine efforts to resolve the concern informally.

With both informal concerns and formal complaints, complainants will be invited to state what actions they feel might resolve their complaint at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence

A complainant may "convert" their informal concern to a formal complaint at any stage.

Publicising the complainant's rights

The complainant will be made aware of their rights to raise a concern or a complaint through the publication of this policy on the school's website. Hard copies will also be available on request at the school office.

If a concern passes through multiple phases of the policy, information about the subsequent phase will be included in the written notification of an outcome.

Part 2: The process to follow when raising a concern or a complaint

There is a 5-phase process someone with a concern or a complaint can follow:

Phase 1

Raising concerns: how parents / carers and stakeholders should deal with concerns in the first instance

In order to ensure that concerns can be effectively addressed at phase one, the school will ensure that staff are empowered to resolve issues on the spot, including by acknowledging that a problem exists and / or apologising where appropriate (see **potential outcomes of a concern** below).

While still at the concern stage, issues which arise that affect pupils and their parents / carers will usually be received by the **class teacher**. S/he will try and address the concern and resolve it.

In some instances, parents / carers may choose to take their concerns to a teacher other than the class teacher. An example might include the SENCO.

If the person first contacted cannot deal with the concern immediately or is not the most appropriate person to deal with it, they will refer the concern to the appropriate member of the school's leadership team.

The parent / carer can also request that their concern is referred to a specific member of staff - without converting their concern to a formal complaint.

Appropriate people will include:

- a the appropriate Phase Lead,
 - o the head of Early Years,
 - o the head of Key Stage 1,
 - o the head of Key Stage 2.
- b the SENCO
- c the deputy headteacher

In certain circumstances, the headteacher may personally decide to deal with concerns informally under the phase 1 process. The headteacher may appoint an investigation officer to gather information relating to the concern.

Names for these staff members can be found on the school website.

Documenting a concern

Any member of staff engaging with a concern will take written notes of any verbal "meetings" and will keep all relevant written communications (including letters and emails.). These, and any action taken will be logged in the pupil's file

Concerns relating to the headteacher, the Chair of the academy committee, or the academy committee itself

If the concern relates to the headteacher, the parent / carer can contact the headteacher directly to enable the concern to be resolved informally. If this is not possible or the concern cannot be resolved informally, the parent / carer should contact the Chair of the academy committee. Examples of a concern about the headteacher which should be raised with the Chair include issues with a

headteacher's behaviour. The Chair of the academy committee will investigate the concern under phase 3 of this policy, instead of the headteacher her / himself under phase 2. If

If a concern relates to the Chair of the academy committee, or members of the academy committee, the concern should be raised with the Chair of the Trustees of Bernwode Schools Trust under phase 5 of this policy below. Contact details can be found on the Bernwode Schools Trust website.

Concerns relating to other stakeholders

Issues affecting other stakeholders will probably be directed to the headteacher, in the first instance. The headteacher will aim to resolve such issues as informal concerns where possible. If this is not possible or the concern cannot be resolved informally, the parent / carer should contact the chair of the Academy Committee. S/he will investigate the complaint under phase 3 of this policy, instead of the headteacher (see below).

Barriers to raising concerns

The trust recognises that some (not all) parents / carers may find it difficult to raise concerns out of a desire to maintain a positive relationship with the school. Staff will reassure parents / carers that making a complaint will not adversely affect their child or their own relationship with the school.

The school will ensure that all parents / carers know that they can raise a concern with a class teacher or appropriate teacher through effective communication with the parent / carer body. This will include the publication of this policy on the school website.

Potential outcomes of a concern that is informally addressed

The parent / carer or other stakeholder may receive one or several of the following outcomes:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event causing concern will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review school policies in light of the concern.

Parents / carers will be invited to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence

Outcomes will only be put in writing to the parent / carer if it seems the best way of making points clear

The person raising a concern can "convert" their concern to a formal complaint at any stage of the process and will be advised of this by the member of staff who is engaging with her / him.

Phase 2

Formal complaint to the headteacher

Parents / carers and other stakeholders should make a formal complaint to the headteacher under phase 2 of this policy where:

- a) no satisfactory solution has been found through the phase 1 process
- b) if the member(s) of staff who are engaging with the parent / carer considers the concerns raised should be fast-tracked as a formal complaint immediately
- c) where the complaint relates to a whole-school issue which can't be resolved by any other members of staff

If a formal complaint comes directly to the headteacher without going through the phase 1 process, the headteacher will explain the difference between a concern and a complaint. S/he will ask if the complainant would be happy to address the issue as a concern to be resolved via a phase one approach.

Bypassing phase 2

If the complaint is about the headteacher, and cannot be resolved under phase 1, the complaint will automatically be escalated to phase 3, the Chair of the academy committee.

If the complaint is about the Chair of the academy committee herself, or the academy committee, the complaint will automatically be escalated to phase 5, the Trust Complaint Panel.

If the complainant prefers to raise a formal complaint, the following process is put in place:

Communicating a complaint

Formal complaints under Stage 2 need to be made in writing to the headteacher. The complainant should clearly set out the nature of their complaint and, if appropriate, explain how they would like to see the matter resolved. The formal complaint can be submitted **either** via a letter, or by email, or by using the complaints form in appendix 5. Hard copies should be addressed to the headteacher and sent via the school office. Emails should go directly to the headteacher with "complaint" as the subject line.

The Clerk to the academy committee will offer the complainant help in explaining any complaint. Help offered might include helping the complainant clarify exactly what is being complained of, or might also include help in defining an outcome which would address any concerns. The offer of such help should not be read as any assumption that the complainant is in need of assistance.

Acknowledging a complaint

The headteacher will acknowledge the formal complaint in writing within **3 school days** of its receipt. This acknowledgement will give a brief explanation of the procedure for dealing with complaints as outlined in this policy, and will confirm a date within which the headteacher will provide a response. This response will normally be delivered to the complainant within **15 school days** from the date of the headteacher's acknowledgement letter.

Collecting and storing documentation

In phase 2 a central record will be kept by the headteacher or investigating officer of all matters relating to the complaint, including its outcome(s), and all relevant documentation. The headteacher or investigating officer will keep a written record of any meetings or telephone conversations, and will

retain any other relevant documentation. Additionally, the headteacher or investigating officer will be provided with any documentation from phase 1 (if applicable)

The headteacher will then proceed to investigate the complaint. When appropriate, the headteacher may delegate the investigation process to an investigation officer, if that person has more knowledge, skills or understanding of the type of complaint.

The investigation process

During the investigation stage, the headteacher or investigation officer will seek to:

- establish **what** has happened so far, and **who** has been involved;
- clarify the nature of the complaint and what remains unresolved;
- clarify what the complainant feels would put things right;

The headteacher or investigation officer will **interview** witnesses and take statements from those involved. If the complaint centres on a pupil, or more than one pupil, they may be interviewed, if it is appropriate. Pupils will be interviewed in the presence of another member of staff with whom they feel comfortable. The headteacher or investigation officer will conduct the interview(s) with an open mind and be prepared to persist in the questioning, paying due respect to the age of the pupil(s) involved. The headteacher or investigation office will keep notes of the interview or arrange for an independent note taker to record minutes of the meeting.

Members of staff who are interviewed will be asked to read, sign and date the written record to confirm that it is accurate. Pupils will also be asked to read, sign and date the written record, if it is age-appropriate for them to do so. The adult who is also present at the meeting will be asked to sign and date the record of the conversation

If a member of staff is the subject of the complaint, they will also be given the option of having another member of staff or union representative present when they are interviewed.

The headteacher or investigation officer may (but does not have to) provide an opportunity for the complainant to meet her / him during the 15-day investigation stage to supplement any information which has already been provided, prior to giving her / his response to the complaint. The complainant may, if s/he wishes, be accompanied at any meeting by a friend or relative, who can speak on her or his behalf, and he or she will be asked if he or she has any special requirements that the Academy need to be aware of. This meeting may result in an agreed outcome, which the Academy will confirm in writing and the complaint would then be considered resolved

Written response to a complaint

The headteacher will provide a written response to the complaint after the 15-day investigation period has expired.

The written response will set out the individual matters raised by the complainant, the evidence collected by the headteacher or investigation officer during the course of the investigation, and the conclusion reached. The outcomes which a complainant can expect include:

- A complaint may be upheld in **part** or in **full**. A description will be given to the complainant outlining the **remedial action** being taken by the school as a consequence of the complaint.
- The matter has been fully investigated and, as a consequence, further **confidential procedures** are being pursued. These confidential matters cannot be revealed to the complainant. For example, details of any disciplinary action or sanctions to be taken against a member of staff are strictly confidential and cannot be disclosed. This is in compliance with employment law

- There was **insufficient evidence** to reach a conclusion, so the complaint cannot be upheld;
- The investigation did not find evidence that would uphold the complaint, and so the complaint will be **dismissed**;
- Financial **compensation** is not a possible outcome at any stage of this policy.

Remedial actions

The headteacher may offer one or more of the following remedies:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event causing concern will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review school policies in light of the concern.

On sending her / his written response a headteacher may offer to hold a meeting with the complainant to discuss the outcomes of the complaint. However, s/he does not have to make such an offer. Again, the complainant can be accompanied at any such meeting, as outlined above.

Phase 3

Review by the Chair of the academy committee

If the complainant is not happy with the headteacher's response to their formal complaint under phase 2, phase 3 will be invoked. This is a formal request that **both** the original complaint, and **also** the phase 2 investigation be reviewed by the Chair of the academy committee. This is known as a "review request".

Communicating a review request

A complainant's review request should be addressed to the Clerk to the academy committee within **10 school days**. If such a request is received after the 10 school-day window has expired, a review will only be considered if exceptional circumstances apply. The review request can either be submitted to the Clerk via hard copy to the School Office, or by email to the Clerk via eprocter@bernwodeschoolstrust.co.uk.

When making a review request the parent / carer or other stakeholder needs to set out clearly **why they do not accept the findings** made under phase 2, and how the complainant feels this matter could be resolved.

When asking for a phase 3 review, the complainant does not need to repeat the matters raised in their original letter or to attach documentation which has already provided because this will automatically be forwarded to the Chair. They do not need to fill in another complaint form.

Acknowledging a review request

The Chair of the academy committee will acknowledge the review request in writing within **5 school days** of receipt. This acknowledgement letter will give a brief explanation of the review procedure as outlined in this policy, and confirm a date within in which the Chair will provide a formal response. This will normally be within **20 school days** of the Chair's acknowledgement letter. If it is not possible to comply with this time limit, a letter will be sent to the complainant explaining the reason for the delay and giving a revised target date.

The role of the Chair of the academy committee in phase 3 of this complaints process

The Chair of the academy committee will focus on deciding whether the collected evidence, and the conclusion drawn, under phase 2 were **reasonable**, making specific reference to any points raised by the complainant. Should the Chair require further clarification in the course of her / his review, s/he may (but does not have to) speak to the complainant, and / or to the pupils involved (who will be accompanied, as outlined above), and / or to members of staff during the course of her / his review.

Collecting and storing documentation

The Chair of the academy committee will keep a written record of any meetings including remote meetings, telephone conversations and email exchanges, and must retain any other relevant documentation. Pupils or members of staff interviewed will be asked to read, sign and date the written record to confirm that it is accurate under the same terms as noted above. In the case of pupils, the adult present at the meeting will also be asked to sign and date the record of the conversation

Once the review has been completed, the Chair of the academy committee may (but does not have to) meet with the complainant to discuss or resolve the matter directly. The complainant can be accompanied at any such meeting, as outlined above. This meeting may result in an agreed outcome, which the Chair will confirm in writing and the complaint would then be **considered resolved**.

Written response to a review request

If the complaint has not been resolved in such a meeting, the Chair of the academy committee will provide a written response to the complainant which will set out whether or not s/he agrees with the collected evidence reported under phase 2, and with the conclusions the headteacher has drawn. S/he will give reasons as to why s/he upholds or rejects the headteacher's findings and conclusion, as well as responding to any concerns about the way phase 2 investigation was carried out. This is known as the "outcomes letter".

Where appropriate, the Chair's outcomes letter will also include what, if any additional actions will be taken to resolve the complaint. and could include an explanation, a specific outcome, an apology, or a revision of procedure.

The letter will also inform the complainant that, if they are unsatisfied with the outcome of the phase 3 review, s/he should write to the Clerk to the academy committee within **10 school days** of receiving the outcome letter to request to proceed to phase 4 – a Complaint Panel Hearing.

Bypassing phase 4

If the complaint is about the headteacher, and has not been resolved by the Chair's review, the complaint will be escalated to phase 5 – a Complaint Panel hearing staffed by trustees of the Bernwode Schools Trust.

Phase 4

Complaint Panel Hearing - academy committee

If the complainant is unsatisfied with the outcome of the review under Stage 3 of this complaints policy, s/he may write to the Clerk to the academy committee requesting a Complaint Panel hearing. This is known as a “complaint panel request”.

Such a Panel hearing aims to resolve a complaint where a complainant does not accept the findings under phases 2 or 3.

The complainant does not need to repeat the matters raised in their earlier letters or attach documentation already provided, but should clearly set out **how and why** s/he does not accept the findings made under previous phases.

Procedure for requesting a Complaint Panel hearing

The complaint panel request should be sent to the Clerk of the academy committee within **10 school days** of receipt of the phase 3 outcomes letter. The request can be sent by hard copy via the school office, or by email to the clerk to the academy committee. Requests received outside of this timeframe will only be considered if exceptional circumstances apply.

Acknowledgement of a request for a Complaint Panel hearing

The Clerk to the academy committee will write to the complainant within **5 school days** to acknowledge receipt of the complaint panel request via email or hard copy. The letter will inform the complainant that the complaint will be heard by the Complaint Panel within **20 school days** of receiving her / his request.

Evidence to submit to the Complaint Panel hearing

The acknowledgement letter will also confirm that the complainant has the right to submit **any further documents** relevant to the complaint. Any further investigations may be undertaken by the headteacher or their delegated investigation officer.

A complainant may wish to bring witnesses to the Complaint Panel hearing. This might be an external expert; a family or friend; a fellow pupil.

If any witnesses are under the age of 18, they must be accompanied by a parent / carer, or another independent person whose sole role is to support and reassure the witness. Independent support might include a member of the teaching staff from another school in the trust.

The Chair of the Complaint Panel reserves the right to make the final decision about who may or may not attend the panel hearing. Where a witness has previously given a written account which is largely undisputed, the Panel Chair may decide in advance that they do not need to attend the Complaint Panel Hearing to give a verbal statement.

Convening the panel

The Clerk to the complaint panel will make arrangements to **convene** the panel within **20 school days** of receiving the request.

Panel make-up

The panel will consist of three governors from the academy committee who will have had no involvement in the subject matter of the complaint, no involvement in dealing with the complaint in the previous phases, and no detailed knowledge of the complaint. If the Chair of the academy committee

has been involved in a phase 3 review, or the headteacher has discussed the issues with the Chair of the academy committee, s/he will not be allowed to form part of the panel. A complaint panel will appoint its own Panel Chair – but this person will not be Chair of the academy committee. The Clerk will ask the panel to decide who will act as their Chair

Where any or all of the 3 governors of the academy committee cannot be available within the mandated timescales, the Clerk will require a member of the Trust's other academy committee(s) to join the panel. If such a governor is not available, the Clerk will ask a Trustee to join the panel. The inclusion of a Trustee must pay due regard to the Board's responsibility to ensure sufficient trustees remain unaware of the complaint so that they come to any further action with clean eyes under phase 5 of this policy. If a Trustee cannot join the panel, the Clerk will seek an independent panel member from outside the school or the Trust.

Communicating the date of the Panel

The Clerk to the panel will write to the complainant, the representative from the school (see below), any relevant witnesses and the members of the Complaint Panel informing them of the date, time and venue of the Complaint Panel Hearing as soon as possible, but at least **5 school days** in advance of the panel being held. Where possible, the date of the panel will be agreed by the Clerk in consultation with all parties. If 3 dates are proposed, and the complainant rejects them all 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

The letter to the complainant will inform her / him of the **names** of the complaint panel members and their roles, and confirm that s/he also has the right to be accompanied by a friend or relative for support, and an interpreter or signer if necessary.

Providing written evidence to all parties

All relevant correspondence and documentation regarding the complaint will be provided to the complainant and the Complaint Panel at least **5 school days** prior to the Complaint Panel hearing. This should include all letters and relevant documentation/witness statements from phase 2 onwards

Complaint Panel hearing attendees

The Complaint Panel and the complainant will attend the panel hearing.

In addition, the school will usually be represented at the Complaint Panel hearing by the people who dealt with the complaint at stages 2 and 3 (i.e. usually the headteacher and / or the Chair of the academy committee).

The subject of the complaint would **not** be expected to attend the hearing. Members of staff 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. These will be forwarded to all parties with the other complaint documentation in the usual way and members of staff will not usually be required to attend the Complaint Panel Hearing to give a verbal statement.

Witnesses under the age of eighteen 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.

The complainant's and the school's witnesses will only attend the Complaint Panel hearing for that part of it where they give their verbal statements and answer questions. They will be asked to remain outside at all other times.

The Complaint Panel hearing procedures

The complainant and the headteacher will be invited into the room where the panel is being held at the same time. The Clerk to the Complaint Panel will record minutes of the Complaint Panel hearing, however the proceedings will be kept as informal as possible with the main aim being to achieve reconciliation between the complainant and the school.

After introductions, the complainant will be invited to explain her / his complaint

- 1) the headteacher has the opportunity to ask questions of the complainant
- 2) the panel has the opportunity to ask questions of the complainant
- 3) the headteacher will be invited to explain the school's actions
- 4) the complainant has the opportunity to ask questions of the headteacher
- 5) the panel will question the headteacher
- 6) the panel may ask questions at any point
- 7) the complainant will then be invited to sum up her / his complaint
- 8) the headteacher will then be invited to sum up the school's actions and response to the complaint
- 9) the Panel chair will explain that you and the headteacher will hear from the panel within five working days
- 10) both the complainant and the headteacher will leave together while the panel decides on the issues. Both complainant and headteacher are no longer needed by the Panel.
- 11) the Clerk will remain with the panel while it deliberates

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

How will the Complaint Panel make a judgement on a complaint?

The Complaint Panel will make **findings of fact**, namely they will decide on a balance of probabilities (i.e. more likely than not) which facts they accept and which they reject. The Complaint Panel will then decide what **recommendations** to make, if any. These may include recommendations aimed at achieving reconciliation between the complainant and the school, or recommendations for the school to follow which are designed to improve the school's procedures or to prevent a recurrence of the events which led to the complaint. The Complaint Panel will make a written record of their findings of fact and recommendations, if any. If no recommendations are made, this will also be recorded.

Outcomes of a Complaint Panel hearing

Panel members will decide that one of the following outcomes are appropriate.

- A complaint may be upheld in **part** or in **full**. A description will be given to the complainant outlining the **remedial action** being taken by the school as a consequence of the complaint.
- The matter has been fully investigated and, as a consequence, further **confidential procedures** are being pursued. These confidential matters cannot be revealed to the complainant. For example, details of any disciplinary action or sanctions to be taken against a member of staff are strictly confidential and cannot be disclosed. This is in compliance with employment law
- There was **insufficient evidence** to reach a conclusion, so the complaint cannot be upheld;
- The investigation did not find evidence that would uphold the complaint, and so the complaint will be **dismissed**;
- Financial **compensation** is not a possible outcome at any stage of this policy.

Remedial actions which may be offered

Remedial actions may include one or more of the following:

- an apology;
 - an explanation;
 - an admission that the situation could have been handled differently or better;
 - an assurance that the event causing concern will not recur;
 - an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review school policies in light of the concern.

Communicating the panel's decision

Within 10 days of the Complaint Panel hearing, the Clerk to the Panel will write confirming the panel's **findings of fact** and its **recommendations**. Recipients will include:

- the complainant
- the headteacher
- the Chair of the Academy Committee if s/he has been involved in the complaint at any time,
- any persons 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.

Further steps

The letter will confirm that the decision of the panel is **final** but 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 and Skills Funding Agency (part of the Department for Education).

The Education and Skills Funding Agency will not usually review or overturn decisions made by schools about a complaint. They will usually only investigate whether a school considered the complaint appropriately. If the Education and Skills Funding Agency finds that an school did not consider a complaint appropriately, it can request the school carries out an investigation under that stage of the complaints procedure again

The contact details for the Education and Skills Funding Agency are as follows:

Academies Central Unit (Academy Complaints)
Education Funding Agency
Earlsdon Park
53-55 Butts Road
COVENTRY
CV1 3BH

The complainant can find further information about referring a complaint to the Education and Skills Funding Agency at the following web address:

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

The complainant can refer their complaint to the Education and Skills Funding Agency by completing an online form at the following web address:

<https://www.education.gov.uk/schools/leadership/schoolperformance/school-complaints-form>

Phase 5

Complaint Panel hearing – Trust Board

The Trust Board will only convene a Complaint Panel hearing if a complaint is received relating to:

- a) the headteacher, if the complainant is unsatisfied after a phase 3 review by the Chair of the academy committee. The complaint process will bypass phase 4 in such cases.
- b) the actions / decisions of the academy committee, its Chair, and its individual governors. A complaint of this kind will escalate to a phase 5 hearing, bypassing phases 2 – 4

The procedure will follow the same process as for a phase 4 complaint.

The complainant does not need to repeat the matters raised in their earlier letters or attach documentation already provided, but should clearly set out **how and why** s/he does not accept the findings made under previous phases.

Procedure for requesting a Complaint Panel hearing from the Trust Board

In the event of a phase 5 complaint a complaint panel hearing request should be sent to the Clerk of the Trustees within **10 school days** of receipt of any outcomes letter from phases 1 or 4. If a complaint relates to the academy committee, its chair and its governors, the Panel hearing request should be sent directly to the Chair of the Trustees. The request can be sent by hard copy via the school office.

Requests received outside of this timeframe will only be considered if exceptional circumstances apply.

Acknowledging receipt of a Complaint panel hearing request

The Clerk to the Trustees will write to the complainant within **5 school days** to acknowledge receipt of the complaint panel request. The letter will inform the complainant that the complaint will be heard by the Trust Complaint Panel within **20 school days** of receiving her / his request.

Submitting further evidence via documentation or via witnesses

The letter from the Clerk will also confirm that the complainant has the right to submit **any further documents** relevant to the complaint, and also request the attendance of witnesses on their behalf. The letter will ask for any such documents and/or information about witnesses to be sent to the Clerk to the Trustees. (Note that the Clerk to the Trustees does not have to be the Clerk to the Complaint Panel hearing, although, in practice they will probably be the same person.)

The complainant should also provide, within 5 school days as above, the names of any witnesses they would like to attend the hearing to give a verbal statement, stating why their attendance is required.

The Chair of the Complaint Panel reserves the right to make the final decision about who may or may not attend the panel hearing. Where a witness has previously given a written account which is largely undisputed, the Panel Chair may decide in advance that they do not need to attend the Complaint Panel Hearing to give a verbal statement.

Convening the panel

The Clerk to the complaint panel will make arrangements to **convene** the panel within **20 school days** of receiving the request.

Panel make-up

The panel will consist of 3 people. Two members of the Panel will be Trustees of the Bernwode Schools Trust. Where possible, the third member will be an independent person who is unrelated to

the Trust. Likely members will come from the Oxfordshire Governors' Association, or appropriately experienced people from other schools or MATs.

All the members of the Panel will have had no involvement in the subject matter of the complaint, no involvement in dealing with the complaint in the previous phases, and no detailed knowledge of the complaint. If the Chair of the Trust Board has discussed the issues with the Chair of the academy committee, or with the headteacher, s/he will not be allowed to form part of the panel. A complaint panel will appoint its own Panel Chair

Communicating the date of the Panel

The Clerk to the panel will write to the complainant, the representative from the school (see below), any relevant witnesses and the members of the Complaint Panel informing them of the date, time and venue of the Complaint Panel Hearing as soon as possible, but at least **5 school days** in advance of the panel being held. Where possible, the date of the panel will be agreed by the Clerk in consultation with all parties. If 3 dates are proposed, and the complainant rejects them all 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

Communicating the make-up of the panel

The letter to the complainant will inform her / him of the **names** of the complaint panel members and their roles, and confirm that s/he also has the right to be accompanied by a friend or relative for support, and an interpreter or signer if necessary.

Receiving documentation

All relevant correspondence and documentation regarding the complaint will be provided to the complainant and the Complaint Panel at least **5 school days** prior to the Complaint Panel hearing. This will include all letters and relevant documentation/witness statements from phase 2 onwards, if this occurred.

The school will usually be represented at the Complaint Panel hearing by the people who dealt with the complaint at phase 3 (i.e. the Chair of the academy committee).

The subject of the complaint would **not** be expected to attend the hearing. Members of staff 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. These will be forwarded to all parties with the other complaint documentation in the usual way and members of staff will not usually be required to attend the Complaint Panel Hearing to give a verbal statement.

Witnesses under the age of eighteen 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.

The complainant's and the school's witnesses will only attend the Complaint Panel hearing for that part of it where they give their verbal statements and answer questions. They will be asked to remain outside at all other times.

The Complaint Panel hearing procedures

The complainant and the headteacher or the Chair of the academy committee will be invited into the room where the panel is being held at the same time. The Clerk to the Complaint Panel will record

minutes of the Complaint Panel hearing, however the proceedings will be kept as informal as possible with the main aim being to achieve reconciliation between the complainant and the school.

After introductions, the complainant will be invited to explain her / his complaint

- 1) the headteacher has the opportunity to ask questions of the complainant
- 2) the panel has the opportunity to ask questions of the complainant
- 3) the headteacher will be invited to explain the school's actions
- 4) the complainant has the opportunity to ask questions of the headteacher
- 5) the panel will question the headteacher
- 6) the panel may ask questions at any point
- 7) the complainant will then be invited to sum up her / his complaint
- 8) the headteacher will then be invited to sum up the school's actions and response to the complaint
- 9) the Panel chair will explain that you and the headteacher will hear from the panel within five working days
- 10) both the complainant and the headteacher will leave together while the panel decides on the issues. Both complainant and headteacher are no longer needed by the Panel.
- 11) the Clerk will remain with the panel while it deliberates

How will the Complaint Panel make a judgement on a complaint?

The Complaint Panel will make **findings of fact**, namely they will decide on a balance of probabilities (i.e. more likely than not) which facts they accept and which they reject. The Complaint Panel will then decide what **recommendations** to make, if any. These may include recommendations aimed at achieving reconciliation between the complainant and the school, or recommendations for the school to follow which are designed to improve the school's procedures or to prevent a recurrence of the events which led to the complaint. The Complaint Panel will make a written record of their findings of fact and recommendations, if any. If no recommendations are made, this will also be recorded.

Panel members will decide that one of the following outcomes are appropriate.

- A complaint may be upheld in **part** or in **full**. A description will be given to the complainant outlining the **remedial action** being taken by the school as a consequence of the complaint.
- The matter has been fully investigated and, as a consequence, further **confidential procedures** are being pursued. These confidential matters cannot be revealed to the complainant. For example, details of any disciplinary action or sanctions to be taken against a member of staff are strictly confidential and cannot be disclosed. This is in compliance with employment law
- There was **insufficient evidence** to reach a conclusion, so the complaint cannot be upheld;
- The investigation did not find evidence that would uphold the complaint, and so the complaint will be **dismissed**;
- Financial **compensation** is not a possible outcome at any stage of this policy.

Remedial actions

Complainants may be offered one or more of the following:

- an apology;
 - an explanation;
 - an admission that the situation could have been handled differently or better;
 - an assurance that the event causing concern will not recur;
 - an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review school policies in light of the concern.

Communicating the Complaint Panel's decision

The Complaint Panel's decision will be confirmed in writing within **10 school days**.

Within 10 days of the Complaint Panel hearing, the Clerk to the Panel will write confirming the panel's **findings of fact** and its **recommendations**. Recipients will include:

- the complainant
- the headteacher
- the Chair of the Academy Committee if s/he has been involved in the complaint at any time,
- any persons 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.

Further steps

The letter will confirm that the decision of the panel is **final** but 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 and Skills Funding Agency (part of the Department for Education).

The Education and Skills Funding Agency will not usually review or overturn decisions made by schools about a complaint. They will usually only investigate whether a school considered the complaint appropriately. If the Education and Skills Funding Agency finds that a school did not consider a complaint appropriately, it can request the school carries out an investigation under that stage of the complaints procedure again

The contact details for the Education and Skills Funding Agency are as follows:

Academies Central Unit (Academy Complaints)
Education Funding Agency
Earlsdon Park
53-55 Butts Road
COVENTRY
CV1 3BH

The complainant can find further information about referring a complaint to the Education and Skills Funding Agency at the following web address:

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

The complainant can refer their complaint to the Education and Skills Funding Agency by completing an online form at the following web address:

<https://www.education.gov.uk/schools/leadership/schoolperformance/school-complaints-form>

Appendix 1

Exceptions to the processes outlined in phases 1- 5 above

Occasions when a complaint will not be heard

The school is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. We will **not** normally limit the contact complainants have with our school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening. The school reserves the right (in exceptional cases only) to write to the complainant informing them that their complaint is regarded as misconceived or otherwise unreasonable and that the school's complaints procedure will not be followed.

If unreasonable behaviour continues, the headteacher will write to the complainant explaining that their behaviour is unacceptable and asking them to change it. For complainants who excessively contact the 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.

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 the premises.

Overturing a judgement that a complaint is misconceived

In the event that a complaint is judged to be misconceived, the complainant is entitled to write to the Chair of the academy committee asking her / him to review this decision. Chair of the academy committee will respond to such a request within **10 school days** of receiving it, confirming the outcome of her / his review. The Chair of the academy committee will **not** investigate the complaint itself during this review.

If the Chair of the academy committee 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 academy committee 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 in "further steps" on phase 4 of this policy.

Behaviour that qualifies as vexatious, and / or unreasonable

Unreasonable behaviour is defined as that which hinders the school's consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- a) refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- b) refuses to co-operate with the complaint investigation process
- c) refuses to accept that certain issues are not within the scope of the complaints policy
- d) insists on the complaint being dealt with in ways which are incompatible with the complaints policy or with good practice
- e) introduces trivial or irrelevant information which they expect to be taken into account and commented on
- f) raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales

- g) makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- h) changes the basis of the complaint as the investigation proceeds
- i) repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- j) 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
- k) seeks an unrealistic outcome
- l) 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
- m) uses threats to intimidate
- n) uses abusive, offensive or discriminatory language or violence
- o) knowingly provides falsified information
- p) publishes unacceptable information on social media or other public forums.

Whenever possible, the headteacher or Chair of the academy committee will discuss any concerns with the complainant informally before applying an '*unreasonable*' judgement.

Adding new information to a complaint once the investigation is underway

Once a complainant has submitted a formal complaint, and has sent in all relevant documentation, it is preferable that new information should be submitted after that point because the investigation will already be underway and any changes to the remit of the investigation will probably cause delay. This is not an automatic refusal – the school recognises that, in rare cases, additional important information may come to light. However, this should be viewed as the exception and not the rule. The Chair of the academy committee will make a judgement as to whether s/he is prepared to accept late-arising evidence.

Late Complaints

Where a complaint is submitted more than 3 months after the incident or event (or where the complaint relates to a series of incidents or events, more than 3 months from the date of the latest incident or event) may be regarded as unreasonable by the school. Requests received outside of this timeframe will only be considered if exceptional circumstances apply.

Anonymous or Fictitious Complaints

The Academy will not investigate anonymous complaints, or those found to be fictitious, under the procedure in this Complaints Policy. Anonymous or fictitious complaints will be referred to the headteacher who will decide what, if any, action should be taken.

Appendix 2

Roles and Responsibilities

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.

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.

Clerk to the academy committee, and to any complaint panel hearing

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.

Chair of the complaint panel hearing

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

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the 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.

Committee Member

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant
- 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 welfare of the child/young person is paramount.

Appendix 3

The scope of this complaints policy

This procedure covers all complaints about any provision offered by the school, other than complaints that are dealt with under other statutory procedures, including those in the table below.

It also covers complaints arising from any provision of community facilities or services.

Exceptions to the scope of the complaints policy	Who to contact
<ul style="list-style-type: none"> • Admissions to schools • Statutory assessments of Special Educational Needs • School reorganisation proposals 	<p>Concerns about admissions, statutory assessments of Special Education Needs, or school re-organisation proposals should be raised with the Bernwode Schools Trust via the Secretary to the Trustees eprocter@bernwodeschoolstrust.co.uk</p>
<ul style="list-style-type: none"> • Matters likely to require a Child Protection investigation 	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding. Call on 07833 436649 or email alison.beasley@oxfordshire.gov.uk</p>
<ul style="list-style-type: none"> • Exclusion of children from school 	<p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.</p> <p>Complaints about the application of the school's behaviour policy should be made through this complaints policy. The behaviour policy is available on the website.</p>
Whistleblowing	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. Please see the school website for the Whistleblowing policy and procedures.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters directly with their employer. Referrals can be made at: www.education.gov.uk/contactus.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain directly to the Local Authority or the Department for Education (see link above), depending on the substance of your complaint</p>
Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures

Staff conduct	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed</p>
Complaints about services provided by other providers who may use school premises or facilities	Providers should have their own complaints procedure to deal with complaints about service. Please contact them directly.
National Curriculum – content	Please contact the Department for Education at: www.education.gov.uk/contactus

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 a complainant commences legal action against the academy in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

Appendix 4

Statutory / legal framework

This policy is intended to comply with Schedule 1, Part 7 of the Education (Independent School Standards) (England) Regulations 2014 (as amended), which governs academies.

Publicising the Complaints policy

- a) the school prospectus;
- b) the information given to new parents when their children join the school;
- c) home school bulletins or newsletters;
- d) the school website

References to other school and trust policies

This policy is to be read and understood to comply with other policies of the school and the Trust. In particular, the following policies are relevant.

- Safeguarding and Child protection policy
- Trust-level HR policies
- Anti-bullying policy
- SEND policy
- Behaviour policy
- Single equality policy

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.

The receipt, investigation and upholding of a complaint will not constitute an admission of negligence or an acceptance of liability on behalf of the school and / or the Bernwode Schools Trust.

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

While any relevant restrictions around Covid-19 remain in place, it is recommended that any “meeting” will be held remotely, where possible. Once the Covid-19 restrictions have been removed, “meetings” should be held in person.

Appendix 5

Formal Complaint Form

Parents / carers and other stakeholders may choose to fill in this form. Complaints can also be sent by email or by a hard copy letter handed or posted to the School Office.

Your name	
Pupil's name	
Your relationship to the pupil	
Pupil's date of birth	
Pupil's class	
Your address and postcode	
Mobile telephone number	
Landline (if applicable)	
Email address	
Full details of your complaint	

<p>What action, if any, have you already taken to resolve your complaint (for example have you already spoken to someone? Who was it and what did they say in response?</p>	
<p>What actions do you feel might resolve the problem at this stage?</p>	
<p>Are you attaching any paperwork?</p>	
<p>Signature</p>	
<p>Date</p>	
<p><i>For official use</i></p>	
<p><i>Date acknowledgement sent</i></p>	
<p><i>Name of person complaint referred to</i></p>	
<p><i>Signature of first recipient (e.g. school office or headteacher)</i></p>	
<p><i>Date of signature</i></p>	

Appendix 6

Summary for Dealing with Complaints

Phase 1

Concern heard by staff member. More senior member of staff involved if necessary, up to, and including the headteacher. If not resolved, then escalate to a complaint under:

Phase 2

Complaint heard by **head teacher**. Acknowledge receipt of complaint. Write to complainant with outcome of investigation. If dissatisfied, or not resolved, offer escalation to-

Phase 3

Complaint and its previous investigation is reviewed by **Chair of academy committee**. Acknowledge receipt of complaint. Write to complainant with outcome of investigation. If dissatisfied or unresolved, offer escalation to-

Phase 4

Complaints panel hearing is arranged by the academy committee. Issue letter inviting complainant to meeting. Issue letter confirming panel decision. Advise that this is final. Advise of escalation routes to the **Secretary of State for Education**.

Phase 5

Complaint heard by the **Trust Complaint Panel**. Solely for complaints relating to the headteacher, and the academy committee governors including the Chair of the academy committee. Issue letter inviting complainant to panel hearing. Issue letter confirming panel decision. Advise of escalation routes to the Secretary of State for Education

Policy/Procedure Title	Complaints Policy
Issue Date to Committee	Spring Term 2021
Author (Name/Department)	R Whannel, Headteacher
Approved by Academy Committee	26 January 2021
Review Date	Spring Term 2022