Kent Catholic Schools' Partnership
'Academies in Christ'
Part of the Archdiocese of Southwark

**K**nowledge-rich, skills-led learning for all
**C**hrist at our heart
**S**erving everyone in our community
**P**artnership of love, ambition, joy and peace

# Complaints Policy and Procedure

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***John 10:10 "…I came that they may have life and have it abundantly."***

# 1. Aims

The Kent Catholic Schools' Partnership ("the Trust") aims to meet its statutory obligations when responding tocomplaints from parents/carers of pupils at our schools and others.

When responding to complaints, the Trust aims to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Treat complainants with respect and courtesy
- Make sure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in linewith the principles of administrative law
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school and Trust improvement evaluation processes.

The Trust will try to resolve concerns or complaints by informal means wherever possible. Where this is notpossible, formal procedures will be followed. The Trust will aim to give the complainant the opportunity to complete the complaints procedure in full. To support this, the Trust will ensure that it publicises the existence of this Policy and make it available on theTrust and school website.

**Note:** Other than in exceptional circumstances, the Trust will not consider the substance of any complaint unless all relevant previous stages of the procedure set out in this policy have been completed.

Throughout the process, the Trust will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

# 2. Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to the Trust about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

# 3. The difference between feedback, a concern or a complaint

Is it *feedback*? *Would you like to be heard. Share feedback with the school knowing it will be listened to and valued. Sometimes you will want to share your voice with your school without needing them to respond.*

A *concern* may be defined as '*an expression of worry or doubt over an issue considered to be important for which reassurances are sought': you* would like an answer.

A *complaint* may be defined as '*an expression of dissatisfaction however made, about actions taken or a lack of action*': you would like action.

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 complaints procedure. The Trust and its schools take concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Headteacher (or the complaints administrator if appropriate), will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Headteacher (or the complaints administrator if appropriate) will 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.

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 complaints procedure.

## 4. How to submit feedback, raise a concern or make a complaint

Feedback, a concern or a complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of a complainant, written consent from the complainant will be sought before proceeding, the process will be paused whilst this takes place.

| **If you are raising a:** | **Who it relates to:** | **Where to raise it:** | **Where to find further information:** |
|---|---|---|---|
| Feedback, concern or Complaint | Anyone in the **school** - excluding the headteacher and local governance committee members | Raise with the school via the school's feedback, concern or complaint form here. | Refer to point 12 below for further information |
| Feedback, concern or Complaint | About the **Headteacher** Or any member of the Trust team or governance committee members | Raise with the Trust via the KCSP feedback, concern or complaint form here. | Refer to point 14 below for further information |

All written complaints should be submitted via the Feedback, Concern or Complaints Form. If you are unable to access this or require support to access, please contact the school office for support. You can also ask a third-party organisation for example like the Citizens Advice, Special Educational Needs and Disabilities Information, Advice and Support Services (SENDIASS) or Information, Advice and Support Kent (IASK) or similar organisations to help you.

For complaints about the chair of the Local Governance Committee, any individual committee member or the whole governance committee please see Section 15.

For complaints about the Chief Executive Officer (CEO) or a Trust Director please see Section 15.

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.

Further information regarding the procedure, including an explanation of the various roles and responsibilities of those involved, is set out in Appendix 1.

## 5. Anonymous complaints

We will not normally investigate anonymous complaints. However, the Headteacher or CEO, if appropriate, will determine whether the complaint warrants an investigation.

## 6. Timescales

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.

## 7. Complaints received outside of term time

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

## 8. Scope of this complaints procedure

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.<br><br>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): |

| | |
|---|---|
| | For schools in Kent: Tel. 03000 410888 Email. kentchildrenslado@kent.gov.ukFor schools in Medway: Tel. 01634 331065 Email. Child.protection@medway.gov.uk.cjsm.net |
| • Exclusion of children from school* | Further information about raising concerns about exclusion* can be found at: www.gov.uk/school-discipline-exclusions/exclusions.<br><br>*Complaints about the application of the behaviour policy (which can be found on the school's website) can be made through this complaints procedure. |
| • Whistleblowing | We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors which can be found on the school and Trust websites.<br><br>Volunteer staff who have concerns about our school should complain through this complaints procedure. |
| • Staff grievances | Complaints from staff will be dealt with under the Trusts internal grievance procedures. |
| • Staff conduct | Complaints about staff will be dealt with under the Trust's internal disciplinary procedures, if appropriate.<br><br>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. |

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.

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

## 9. Resolving complaints

The Trust will always seek to resolve the complaint, regardless of the stage it has reached. 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 should 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.

## 10. Withdrawal of a complaint

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

## 11. Stage 1 – Informal complaints

The Trust expects complainants to engage with the informal stage of this procedure before submitting a formal complaint, except where there are exceptional circumstances that make this inappropriate.

The purpose of the informal stage is to ensure that concerns are fully understood, relevant information is clarified and, where possible, issues are resolved quickly without the need for a formal investigation. This will normally include a meeting, telephone call or virtual discussion with an appropriate member of staff.

Complainants are expected to engage reasonably with requests for meetings, discussions or clarification during this stage. A refusal to engage may limit the school's ability to investigate and resolve concerns.

Where a complainant declines reasonable opportunities to discuss their concerns informally, the school may determine that it is appropriate to progress matters based solely on the information already provided. Any subsequent investigation will be limited to the information available.

The school reserves the right to determine that concerns have not been sufficiently particularised to warrant a formal investigation until reasonable clarification has been obtained from the complainant.

It is hoped that the majority of concerns can be raised and resolved informally. The school will aim to respond to concerns in a timely manner, but this will depend on the circumstances of the individual case and the availability of relevant staff.

Concerns should be raised with either the class teacher, year head / subject head or Headteacher. Complainants should not approach Local Governance Committee members (previously known as Governors) to raise concerns or complaints; they have no power to act individually, and it may also prevent them from considering complaints at Stage 4 of the procedure.

At the conclusion of their investigation, the appropriate person investigating the complaint will provide an informal written response within 20 school days of the date of receipt of the complaint. If a response cannot be provided within 20 school days, the school will inform the complainant and advise that additional time is required to investigate the complaint.

If the issue remains unresolved, the next step is to make a formal complaint.

## 12. Stage 2 – Formal complaints

All written complaints should be submitted via the School Feedback, Concern and Complaints Form which can be found in the table above at point 4.

If a complaint is addressed to the Trust or if a complainant wishes to complain directly about the Trust, then the complaint should be submitted using the Trust Feedback, Concern or Complaint form which can be found in the table above at point 4.

The date the complaint is received will be recorded and acknowledged in writing (either by letter or email) within 2 school days. The Headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The headteacher can consider whether a face-to-face meeting is the most appropriate way of doing this.

**Note:** The Headteacher may delegate the investigation to another member of the school's senior leadership team, but not the decision to be taken.

During the investigation, the Headteacher (or investigator) 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.

At the conclusion of the investigation, the Headteacher will provide a formal written response within 20 school days of the date of receipt of the complaint. If the Headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any action 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 school will take to resolve the complaint.

The Headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

If the complaint is about the Headteacher, or a member of the Local Governance Committee (including the Chair or Vice-Chair), all the actions at Stage 2 will be completed by the CEO or the Chief Operating Officer (COO) (or their appointed representative).

## 13. Stage 3 – Mediation

If the complainant has completed Stage Two of the formal complaints process and remains dissatisfied with the outcome, they may request escalation to Stage Three: Mediation.

At this stage, a senior member of staff from the Trust, or another appropriately designated senior individual who has not been directly involved in the complaint to date, will be appointed to act as a mediator. The purpose of mediation is to support a constructive dialogue between the complainant and the school, with the aim of reaching a mutually acceptable resolution where possible.

The mediator will:

- Review the complaint and the outcomes of the Stage Two process
- Engage impartially with both the complainant and the school

- Facilitate discussion to clarify outstanding concerns and identify potential solutions
- Seek to resolve the matter in a fair, transparent, and timely manner

Mediation is intended to provide an opportunity for resolution without the need for further formal escalation. Participation in mediation requires all parties to engage in good faith and with a willingness to work towards a satisfactory outcome. Because it is entirely voluntary and non-adversarial, neither party is expected to bring legal representation. The focus remains on open communication, and both parties are instead welcome to be accompanied by a supportive companion, such as a friend or family member

If mediation does not result in a resolution, or if the complainant remains dissatisfied, the complaint may proceed to the next stage of the formal complaints procedure, where applicable.

# 14. Stage 4 – Panel Hearing

If the complainant is dissatisfied with the outcome at Stage 3 and wishes to take the matter further, they can escalate the complaint to Stage 4: a panel hearing consisting of at least three people who were not directly involved in the matters detailed in the complaint and who have no conflict of interest, with one of those people being a panel member who is independent of the management and running of the school. A governance committee member from another school, who has no conflict of interest or prior knowledge of the complaint, can be an independent panel member. A

Trust Director cannot undertake the role of independent panel member. The Complaints Panel cannot be made up solely of the school's governance committee members, as they are not independent of the management and running of the school. This is the final stage of the complaint's procedure. A request to escalate to Stage 4 must be made to the Clerk of the Local Governance Committee, via the school office, within 5 school days of receipt of the Stage 2 response.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

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

The Clerk will write to the complainant to inform them of the date of the hearing. They will aim to convene a hearing within 20 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.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the hearing. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

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

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.

*Note: 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 Trust staff*

*disciplinary procedures, if appropriate, but outcomes will not be shared with them.* Representatives from the media are not permitted to attend.

At least 10 school days before the hearing, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the hearing, to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the committee, to be received at least 5 school days before the meeting.

Any written material will be circulated to all parties at least 5 school days before the date of the meeting. The person responsible for submitting written material must ensure that this is redacted prior to circulation to maintain the confidentiality of other pupils or staff. The Panel will not normally accept as evidence recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The Committee 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.

The hearing 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.

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

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

If the complaint is upheld in whole or in part, the Panel 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.

The Chair of the Panel will provide the complainant and the school with a full explanation of their decision and the reason(s) for it, in writing, within 10 school days. The letter to the complainant will include details of how to contact the Department for Education (DfE) if they are dissatisfied with the way their complaint has been handled by the school/Trust.

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 school/Trust will take to resolve the complaint.

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.

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.

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

## 15. Complaints addressed to or about the Trust etc

If a complaint is addressed to the Trust or if a complainant wishes to complain directly about the Trust, then the complaint should be submitted using the Trust Feedback, Concern or Complaint form which can be found in the table above at point 4.

Complaints about the Chief Executive Officer (CEO) or a Trust Director, should be addressed to the Chair of the Trust Board. Please contact the Trust Office for an email address or send to the follow-ing address, marked for the attention of the Chair of the Trust Board: Kent Catholic Schools' Part-nership, Barham Court, Teston, Kent ME18 5BZ. Please mark them as Private and Confidential.

The CEO, or the Chief Operating Officer (acting on behalf of the Chair of the Trust Board, where ap-propriate), will write to the complainant acknowledging the complaint within **5 school days** of the date that the written request was received. The acknowledgement will confirm that the complaint will now be investigated under Stage 2 of this Complaints Policy and will confirm the date for providing a response to the complainant.

Following the investigation, the CEO or the Chief Operating Officer will write to the complainant confirming the outcome within **20 school days** of the date that the letter was received. If this time limit cannot be met, the CEO or the Chief Operating Officer will write to the Complainant within **10 school days** of the date that the letter was received**,** explaining the reason for the delay and providing a revised date.

If the complaint concerns the CEO, the complaint will 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 Chief Operating Officer for investigation

**Note:** 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.

If the complainant is not satisfied with the outcome of the previous stage, the complainant should write to the Clerk to the Trust Board asking for the complaint to be heard before a Trust Complaint Panel, within 5 school days.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

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

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 20 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.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the Trust Complaint Panel. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

If the complaint is:

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

Stage 3 will be heard by a completely independent Trust Complaint Panel, which will include a representative from the Southwark Diocese Education Service.

The Trust 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.

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

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.

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.

*Note: 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.* Representatives from the media are not permitted to attend.

At least 10 school days before the hearing, the Clerk will:

- confirm to all concerned the date, time and venue of the hearing, ensuring that the venue and proceedings are accessible to all parties intending to attend
- request copies of any further written material to be submitted to the committee, to be received at least 5 school days before the meeting.

Any written material will be circulated to all parties at least 5 school days before the date of the meeting. The Panel will not normally accept as evidence recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The Panel will not consider any new complaints at this stage, nor accept evidence unrelated to the initial complaint. New complaints must be dealt with from Stage 1 of the procedure.

The hearing 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.

The Panel will consider the complaint and all the evidence presented relating to it. The Panel can:

- uphold the complaint in whole or in part

- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the Panel 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.

The Chair of the Panel will provide the complainant and the Trust with a full explanation of their decision and the reason(s) for it, in writing, within 10 school days.

The letter to the complainant will include details of how to contact the Department for Education (DfE) if they are dissatisfied with the way their complaint has been handled by the Trust. The letter will also detail any actions taken to investigate the complaint and provide an explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the Trust has taken or will take to resolve the complaint.

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. Where appropriate, a copy of the letter will also be sent or given to the person who complained about it.

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.

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

# 16. Referring complaints on completion of the Trust's procedures

If the complainant believes the School/Trust did not handle their complaint in accordance with this complaints policy or that they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the DfE after they have completed Stage 3.

The DfE will check whether the complaint has been dealt with properly. The DfE will not overturn the School or Trust's decision about a complaint but will intervene if the School or Trust has:

- Breached a clause in its funding agreement
- Failed to act in line with its duties under education law
- Acted (or is proposing to act) unreasonably when exercising its functions

If the complaints procedure is found not to meet regulations, the Trust will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:
www.gov.uk/complain-about-school

We will include this information in the outcome letter to complainants.

# 17. Persistent complaints

### Unreasonably persistent concerns/complaints

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

- Has made the same complaint before, and has already been resolved by following the Trust's complaints procedure;
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive;
- Knowingly provides false information;
- Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure;
- Pursues a valid complaint, but in an unreasonable manner e.g. the complainant refuses to articulate the complaint, refuses to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this policy and the time frames it sets out;
- Changes the basis of the complaint as the investigation goes on;
- Makes a complaint designed to cause disruption, annoyance or excessive demands on school time;
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value.

**Steps that will be taken**

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

It the complainant continues to contact the Trust or School in a disruptive way, we may put communications strategies in place. We may:

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

**Stopping responding**

The Trust or one of its School may stop responding to the complainant when all of these factors are met:

- The Trust or the School believe they have taken all reasonable steps to help address the complainant's concerns
- The Trust or the School have provided a clear statement of their position and the complainant's options
- The complainant contacts the Trust or School repeatedly, and the Trust or the School believe the complainant's intention is to cause disruption or inconvenience.

Where the Trust or the School stop responding, the Trust or the School will inform the complainant of its intention to do so. The Trust or the School will also explain that any new complaints made will still be considered. In response to any serious incident of aggression or violence, the Trust or the School will immediately inform the police and may take such other action as may be appropriate, including barring an individual from Trust/School premises. We will inform the complainant of the action taken in writing.

## Duplicate complaints

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

If the Trust or the School are satisfied that there are no new aspects, it will:

- Tell the new complainant that the Trust or the School has already investigated and responded to this issue, and the local process is complete
- Direct them to the DfE (see Section 16 if they are dissatisfied with our original handling of the complaint If there are new aspects, the Trust or the School will follow this procedure again).

## Complaint campaigns

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

- Publishing a single response on the Trust/School website
- Sending a template response to all of the complainants.

If complainants are not satisfied with the response from the Trust or a School, or wish to pursue the complaint further, the normal procedures will apply.

## 18. Record keeping

The Trust and its schools will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls. This material will be treated as confidential, held at the School or Trust (depending on the level of the complaint), and will be viewed only by those involved in investigating the complaint or on the review panel. This is except where the Secretary of State (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request (SAR) under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and the Trust Records Management Policy.

The details of the complaint, including the names of individuals involved, will not be shared with the whole local governance committee/Trust Board in case a review panel needs to be organised at a later point.

## 19. Learning lessons

Where appropriate, and respecting confidentiality, the Local Governance Committee / Trust Board

will review any underlying issues raised by complaints with Senior Leaders to determine whether there are any improvements that the School/Trust I can make to its procedures or practice to help prevent similar events in the future.

# 20. Monitoring arrangements

The Local Governance Committee and/or the Trust Board of Directors will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly, including tracking the number and nature of complaints, and will review any underlying issues such monitoring may reveal.

# Appendix 1 - 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.
- • ensure that the complaint is written in your own words and reflects your genuine concerns, so that the school can fully understand and respond effectively

## 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 head teacher 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.

## Complaints Co-ordinator (where appointed)

### (this could be the Headteacher, CEO, Chief Operating Officer, Trust director 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 Trust or the Clerk and to ensure the smooth running of the complaints 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.

## Clerk to the Local Governance Committee / 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 ensure redaction have taken place to maintain confidentiality of other pupils and staff 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.

## Panel Chair

The panel's chair, who is nominated in advance of the complaint hearing, 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 hearing 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 hearing 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 (and complaints co-ordinator, if the school has one).

## Panel Member

Panel members should be aware that:

- the hearing must be independent and impartial, and should be seen to be so

  No Local Governance Committee member / Trust Director may sit on the Panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the hearing 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 Panel 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 Panel 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 Panel 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 Panel considers is not in the child/young person's best interests.
- the welfare of the child/young person is paramount.