

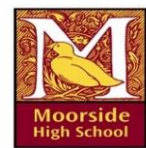
Complaints Policy and Procedure

July 2023

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Potteries Educational Trust: Complaints procedure

Policy Family	Governance
Reference	GOV-04

Responsible Manager	Governance Professional
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Introduction

The Potteries Educational Trust strives to ensure that its pupils are healthy, happy and safe, so that they are able to achieve their full potential. We recognise that parents, guardians or carers play an important part in making this happen. Co-operation between parents, staff, governors and trustees leads to a shared sense of purpose and a good culture and ethos in our academies.

The Trust and its academies will ensure that all concerns, difficulties or complaints are dealt with in accordance with the following principles:

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

Equality Act 2010

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

- Eliminate discrimination, harassment, victimisation and other conduct prohibited by the Equality Act 2010;
- Advance equality of opportunity between those who share a relevant protected characteristic and those who do not, by having regard to the need to:
- Remove or minimise disadvantages connected to a relevant protected characteristic;

- Take steps to meet the different needs of those sharing a relevant protected characteristic; and encourage those who share a relevant protected characteristic to participate in Academy life and activities in which participation is disproportionately low;
- Foster good relations between those who share a relevant protected characteristic and those who do not, by having regard to the need to tackle prejudice; and promote understanding.

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

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

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

Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at a Potteries Educational Trust Academy. Any person, including members of the public, may make a complaint to the Potteries Educational 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.

The difference between a concern and a complaint

A **concern** may be defined as ‘*an expression of worry or doubt over an issue considered to be important for which reassurances are sought*’.

A **complaint** may be defined as ‘*an expression of dissatisfaction however made, about actions taken or a lack of 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 Potteries Educational Trust and its academies takes 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, and similarly if the member of staff directly involved feels unable to deal with a concern 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, we will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

How to raise a concern or make a complaint

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.

Complaints against academy staff (except the headteacher/principal) should be made in the first instance, to the headteacher/principal of the individual academy via the academy office. Please mark them as Private and Confidential.

Complaints that involve or are about the headteacher/principal should be addressed to the Chair of Governors, via the academy office. Please mark as Private and Confidential.

Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to Sue Hawley (Governance Professional) via email to: info@potteries.ac.uk or by post to the Trust Central Office, Potteries Educational Trust, c/o City of Stoke-on-Trent Sixth Form College, Leek Road, Stoke-on-Trent, ST4 2RU. Please mark as Private and Confidential.

Complaints about the Chief Executive Officer (CEO) or a trustee of the Trust, should be addressed to Chair of Trustees, via the Governance Professional, email info@potteries.ac.uk by post to the Trust Central Office, Potteries Educational Trust, c/o City of Stoke-on-Trent Sixth Form College, Leek Road, Stoke-on-Trent, ST4 2RU. Please mark as Private and Confidential.

For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the office at the individual academy. You can also ask a third-party organisation for example like the Citizens Advice to help you.

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.

Anonymous complaints

We will not normally investigate anonymous complaints. However, the headteacher/principal or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

Time scales

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.

Complaints received outside of term time

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

Scope of this complaints procedure

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

Exceptions	Who to contact
<ul style="list-style-type: none"> Admissions to schools 	<p>Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority.</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 or the Multi-Agency Safeguarding Hub (MASH).</p>
<ul style="list-style-type: none"> Statutory assessments for Special Educational Needs 	<p>Concerns about statutory assessments of Special Educational Needs should be raised with the relevant Local Authority</p>
<ul style="list-style-type: none"> Exclusion of children from school* (i.e. Statutory Education) 	<p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.</p> <p><i>*complaints about the application of the behaviour policy can be made through the academy's complaints procedure.</i></p>
<ul style="list-style-type: none"> Whistleblowing 	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus.</p> <p>Volunteer staff who have concerns about our Trust or any of its academies should complain through the Trust complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p>
<ul style="list-style-type: none"> Staff grievances 	<p>Complaints from staff will be dealt with under the Trust / Academy internal grievance procedures.</p>
<ul style="list-style-type: none"> Staff conduct 	<p>Complaints about staff will be dealt with under the Potteries Educational Trust and its academies 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>
<ul style="list-style-type: none"> Complaints about services provided by other providers who may use academy premises or facilities 	<p>Providers should have their own complaints policy and procedure to deal with complaints about service. Please contact the provider directly.</p>

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 Potteries Educational Trust or one of its academies in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

Investigating complaints

The person appointed to investigate the complaint will:

- Establish what has happened so far and who has been involved.
- Clarify the nature of the complaint and what remains unresolved.
- Meet with the complainant or contact them if further information is required.
- Clarify what the complainant feels would put things right.
- Conduct any interviews with an open mind and be prepared to persist in the questioning.
- Complete all necessary notes.

Records of complaints

A confidential written record will be kept of all complaints and any action taken by the academy as a result of the complaint, regardless of whether they were upheld, resolved at the informal stage or proceeded to a panel hearing.

Records of complaints will be available for inspection on the premises by the Trust Board, and the headteacher/principal.

Findings and recommendations of any panel hearings will also be available for inspection on the premises by the Trust Board and the headteacher/principal.

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

Reviewing complaints

The Local Governing Body and/or Trust Board, as appropriate, will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. The headteacher/principal will report any official complaints in the headteacher/principal's report to governors and an overview provided in the CEO report to the Multi-Academy Trust Board. As well as addressing an individual's complaint, the process of listening to and resolving complaints will contribute to academy improvement. When individual complaints are heard the Local Governing Body may identify underlying issues that need to be addressed. The monitoring and review of complaints by the academy and the Local Governing Body will be a useful tool in evaluating the academy's performance.

Resolving complaints

At each stage in the procedure, the Potteries Educational Trust and its academies wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part, or is not upheld. In addition, we may offer one or more of the following:

- an explanation
- an admission* that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review academy policies in light of the complaint
- an apology.

*Note * An admission that the academy could have handled things better is not the same as an admission of negligence.*

Acceptable Behaviour

Whilst the Trust and its academies recognise that the process of raising a concern or a complaint can be very stressful, we will not tolerate aggressive, violent, abusive or anti-social behaviour towards anyone on the academy sites. Parents and members of the public are required to behave in a polite and courteous manner. Academy staff are expected to behave in a courteous and professional manner when dealing with parents and members of the public at all times.

Persistent or Vexatious Complaints / Harassment

If, despite all stages of this procedure being followed, the complainant remains dissatisfied, they are not entitled to reopen the same issue. In such cases action may be taken in accordance with the Trust Dealing with Persistent or Vexatious Complaints / Harassment Policy.

Withdrawal of a complaint

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

Stage 1 – Informal complaints

It is to be hoped that most concerns can be expressed and resolved on an informal basis.

Concerns should be raised with either the **class teacher, year or phase leader / subject head or headteacher / principal**. Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 3 of the procedure.

At the conclusion of their investigation, the appropriate person investigating the complaint will provide an informal written response within **10 academy days** of the date of receipt of the complaint.

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

Stage 2 – Formal complaints

Formal complaints must be made to the **headteacher/principal** (unless they are about the headteacher), via the academy office. This may be done in person or in writing (preferably on the Complaint Form) or by telephone.

The headteacher/principal will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within **5 academy days**.

Within this response, the headteacher/principal will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The headteacher/principal can consider whether a face to face meeting is the most appropriate way of doing this.

Note: The headteacher/principal may delegate the investigation to another member of the academy's senior leadership team but not the decision to be taken.

During the investigation, the headteacher/principal or appointed 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 their investigation, the headteacher/principal will provide a formal written response within **10 academy days** of the date of receipt of the complaint.

If the headteacher/principal is unable to meet this deadline, they will provide the complainant with an update and revised response date.

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

The headteacher/principal 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/principal, or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled governor (or Trustee if appropriate) will be appointed to complete all the actions at **Stage 2**.

Complaints about the headteacher/principal or member of the governing body must be made to the Governance Professional, via the academy office.

If the complaint is:

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

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

Stage 3 –Complaints Committee (Academy Level)

If the complainant is dissatisfied with the outcome at **Stage 2** and wishes to take the matter further, they can escalate the complaint to **Stage 3** – a complaints committee consisting of at least three people who were not directly involved in the matters detailed in the complaint with one panel member who is independent of the management and running of the academy. (The independent member could be a Trustee or governor from another academy of the Potteries Educational Trust who has no prior knowledge of the complaint or conflict of interest)

This is the final stage of the complaints procedure.

A request to escalate to **Stage 3** must be made to the Trust Governance Professional, via the academy office, within **10 academy days** of receipt of the Stage 2 response.

The Governance Professional will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within **10 academy days**.

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

The Governance Professional will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within **15 academy days** of receipt of the Stage 3 request. If this is not possible, the Governance Professional will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Governance Professional 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.

If the complaint is:

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

Stage 3 will be heard by Trustees and an independent panel member.

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 an academy 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 complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under (Human Resources) staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

Representatives from the media are not permitted to attend.

At least **5 academy days** before the meeting, the Clerk for the Committee will:

- confirm and notify all parties of the date, time and venue of the meeting, ensuring that, the dates are convenient to all parties and that the venue and proceedings are accessible

- request copies of any further written material to be submitted to the committee at least 5 academy days before the meeting.

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

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

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

Prior to the meeting, the complaints committee will decide amongst themselves who will act as the Chair for the hearing. If there are fewer than three governors from the Local Governing Body available, the Governance Professional will source any additional, independent governors through another Potteries Educational Trust academy, in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 3.

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

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

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

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

The Chair of the Committee will provide the complainant and academy with a full explanation of their decision and the reason(s) for it, in writing, within **5 academy days**.

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

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

Furthermore, they will be available for inspection on the academy premises by the Trust Board and the headteacher/principal.

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.

Stage 3 - Complaints escalated to / about the Trust, CEO or Trustee (Trust Level)

If a complaint is escalated to the Potteries Educational Trust or if a complainant wishes to complain directly about the Trust, then the complaint should be sent to the CEO to be investigated.

The CEO will write to the complainant acknowledging the complaint within **5 academy days** of the date that the written request was received. The acknowledgement will confirm that the complaint will now be investigated under **Stage 3 Complaints (Trust Level)** of this Complaints Policy and will confirm the date for providing a response to the complainant.

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

If the complaint concerns the CEO or a Trustee, the complaint should be investigated by the Chair of the Trust Board. If a formal complaint form is received about the Chair, the complaint will be referred to the Vice Chair for investigation.

NB. 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.

Stage 3 - Complaints escalated to complaints committee (Trust Level)

If the complainant is not satisfied with the outcome of the previous stage, the complainant should write to the Governance Professional asking for the complaint to be heard before a Complaints Committee, within **10 academy days**.

The Governance Professional will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 10 academy days.

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

The Governance Professional will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 15 academy days of receipt of the Stage 3 request. If this is not possible, the Governance Professional will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Governance Professional 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.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire trust board or
- the majority of the trust board

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

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

One of the Complaint Panel members will be independent of the management and running of the Academy Trust. This means that the independent Complaint Committee member will not be a Trustee 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 complaints 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 **5 academy days** before the meeting, the Clerk for the Committee will:

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

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

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

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

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

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

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

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

The Chair of the Committee will provide the complainant and Trust with a full explanation of their decision and the reason(s) for it, in writing, within 5 academy days.

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

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

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection at the Trust Central Office by the Trust Board and the CEO.

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.

Next Steps

If the complainant believes the academy / trust did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the ESFA after they have completed **Stage 3**.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by the Trust or its academies. They will consider whether the Potteries Educational Trust and its academies has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed [Part 7 of the Education \(Independent School Standards\) Regulations 2014](#).

The complainant can refer their complaint to the ESFA online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Academy Complaints and Customer Insight Unit
Education and Skills Funding Agency
Cheylesmore House
5 Quinton Road
Coventry
CV1 2WT

Appendix 1 – Formal Complaint Form



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

Your Name		Pupil / student name	
Your relationship to pupil / student		Pupil / student Date of Birth Academy and class	
Your address and postcode		Day time telephone Evening telephone	

Full details of complaint (including the names of all persons involved and the dates of incidents referred to):

--

What action, if any, have you already taken to try and resolve your complaint (for example, who did you speak to and what was the response)?

--

What actions do you feel might resolve the problem at this stage?

--

Are you attaching any paperwork? If so, please give details

--

Signature		Date	
-----------	--	------	--

For Official Use

Date Acknowledgement sent		Complaint referred to:	
Signature		Date	

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 academy 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 head teacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.
- The headteacher / principal 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

(this could be the head teacher or CEO / designated complaints governor or trustee or other staff member providing administrative support)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, headteacher/principal, CEO, Chair of Governors, 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 Trust Board / Governance Professional

The Governance Professional 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 academy 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, academy 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.

Committee Chair

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.
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 academy 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 Governance Professional / Clerk (and complaints co-ordinator, if the academy has one).

Committee Member

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so
- no governor / trustee may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the academy and the complainant
- we recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- many complainants will feel nervous and inhibited in a formal setting
Parents/carers often feel emotional when discussing an issue that affects their child.
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting
- careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.
- the committee should respect the views of the child/young person and give them equal consideration to those of adults.
- if the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.
- however, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.
- the welfare of the child/young person is paramount.



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