



# Complaints Procedure

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# Complaints Procedure for Children First Multi Academy Trust

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# Complaints Procedure Children First Academy Trust Schools

## 1. Purpose of the Complaints Procedure

1.1 This procedure aims to deliver the following results:

- Ensure that complaints are handled consistently, appropriately and effectively
- Resolve concerns at the first point of contact, where possible
- Ensure that complaints are addressed and responded to in a timely manner
- Remedy failures appropriately and proportionately
- Learn from complaints and make improvement to services
- Monitor the effectiveness of the complaint process.

## 2. Scope of the Complaints Procedure

2.1 **A concern is defined as** “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”. The school will resolve concerns through day-to-day communication as far as possible.

**A complaint is defined as** “an expression of dissatisfaction however made, about actions taken or a lack of action”. The school intends to resolve **complaints** informally where possible, at the earliest possible stage.

It is in everyone’s interest that concerns and complaints are resolved quickly. **Many issues can be resolved informally**, without the need to use the formal stages of the complaints procedure. If an individual has difficulty discussing a concern with a particular staff member, his/her views will be respected and the school may refer him/her to another member of staff. 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. **However, the school understands that there may be occasions when complainants would like to raise a complaint formally.** This policy outlines the procedure relating to handling such complaints.

2.2 **This procedure deals with specified day-to-day complaints** against the management and/or operation of the school and will **not** cover the following:

- Initial request for a service
- Requests for information
- Disagreement with School policy or decisions
- Matters that would be more appropriately considered by an insurer
- Matters subject to a legal right to appeal or a review (e.g. school admissions, fixed term or permanent exclusions from school, SEN assessments)
- Cases in court proceedings or investigations by other appropriate bodies (e.g. Police)
- Matters upon which a Court, Tribunal or Appeal body has already ruled

- Child Protection or Safeguarding matters (e.g. concerns about a child or allegations relating to abuse, for which the school has separate procedures in place)
  - Whistleblowing (for which the school has a separate policy in place)
  - Matters relating to specific employment procedures e.g. staff grievances, allegations of professional misconduct, criminal offences or those that are potentially staff disciplinary issues. Such complaints will be dealt with under internal school procedures, if appropriate. The outcome will be confidential to the employee and employer. Complainants will not be informed of any disciplinary action taken as a result of a complaint but will be notified that the matter is being addressed
  - Complaints about services provided by other organisations who may use school premises or facilities. (The service provider should be contacted directly).
- 2.3 **If at any stage in the procedure it becomes apparent that for any reason the complaint falls outside of this general complaints procedure**, complainants will be informed.
- 2.4 **Complainants may be anyone with an interest in the work of the school** e.g. parents, guardians or carers, grandparents, neighbours of the school or the wider community. Any person, including members of the public, may make a complaint to the school about the provision of any of its facilities or services. The term ‘complainant’ is therefore used throughout the procedure as a generic term to include anyone with a complaint that falls within the areas covered by this Procedure.

### 3. Timescales

- 3.1 It is far easier to find out what happened and to put things right if complaints are received at the time. As time passes it becomes more difficult to investigate events fairly and fully – people’s memories fade, staff who were closely involved may have left the school, or records may no longer be available. For these reasons, **the school will normally only accept complaints made within three months of the incident or circumstances that led to it** (or, where a series of incident has occurred, within three months of the last of these incidents). However, if there are exceptional circumstances provided by the complainant for the delay in submitting the complaint, the school may make a discretionary decision to consider the matter. If the school receives a complaint and decides not to accept it because it is out of time we will advise the complainant and explain why.
- 3.2 **Complaints received out of term-time (or when the school is otherwise closed)** will be considered to have been received on the first school day after the school closure period.
- 3.3 **Complaints need to be considered, and resolved, as quickly and efficiently as possible.** The time limits set within this procedure will be adhered to wherever possible, however where further investigations are necessary, new time limits can be set and the complainant sent details of the extended deadline, with an explanation of the reasons for extending.

3.4 **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.

3.5 **Complainants should limit the numbers of communications with the school while a complaint is being progressed.** It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

## 4. Particular Circumstances

4.1 **If a complainant commences legal action** against the school 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.

4.2 **If a complainant has difficulty in writing their complaint**, for example where English is not their first language or they have a disability which prevents them from submitting a complaint in writing, assistance will be provided.

4.3 **Where a complaint is made concerning a student who has left the school**, the school will consider those complaints by the means of a management review.

## 5. Serial and Persistent Complaints

5.1 **Where a complainant remains dissatisfied and tries to re-open the issue with the school after the complaints procedure has been fully exhausted** and the school has done everything it reasonably can in response to the complaint, the chair of governors (or other appropriate person in the case of a complaint about the chair) will inform the complainant that the procedure has been completed and that the matter is now closed.

5.2 **If the complainant subsequently contacts the school again about the same issue, the school can choose not to respond.** The normal circumstance in which we will not respond is if:

- The school has taken every reasonable step to address the complainant's needs, and
- The complainant has been given a clear statement of the school's position and their options (if any), and
- The complainant is contacting the school repeatedly but making substantially the same points each time.

However, this list is not intended to be exhaustive.

5.3 **The school will be most likely to decide not to respond if:**

- We have reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience, and/or
- The individual's letters/emails/telephone calls are often or always abusive or aggressive, and/or
- The individual makes insulting personal comments about, or threats towards, school staff.

- 5.4 **Unreasonable behaviour** which is abusive, offensive or threatening may constitute an unreasonably persistent or serial complaint.
- 5.5 **Once the school has decided that it is appropriate to stop responding**, the complainant will be informed in writing, either by letter or email.
- 5.6 **Where a duplicate complaint is received after closing a complaint** at the end of the complaints procedure, for example, from a spouse, partner, grandparent or child, the new complainant will be informed that the school has already been considered and that the local process is complete.
- 5.7 **The school will ensure when making these decisions that complainants making any new complaint are heard**, and that the school acts reasonably.

## **6. Unreasonable Complaints**

- 6.1 **The school is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain.** We understand that people may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to a complaint being made to the school. This school does not view behaviour as unacceptable just because a complainant is forceful or determined, but the actions of complainants who are angry, demanding or persistent may result in unreasonable demands on the school and unacceptable behaviour towards the school's staff. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including where it is abusive, offensive or threatening. In exceptional circumstances, the school has the right to specify how the individual complaint will be handled and how future contact from the complainant will be permitted.
- 6.2 **The school defines unreasonable complainants** as 'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'.
- 6.3 **A complaint may be regarded as unreasonable when the person making the complaint:**
- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
  - refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved
  - refuses to accept that certain issues are not within the scope of a complaints procedure
  - insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice
  - introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales

- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- changes the basis of the complaint as the investigation proceeds
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed;
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Education and Skills Funding Agency
- seeks an unrealistic outcome
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and/or by telephone while the complaint is being dealt with.

6.4 **A complaint may also be considered unreasonable if the person making the complaint** does so either face-to-face, by telephone or in writing or electronically:

- maliciously
- aggressively
- using threats, intimidation or violence
- using abusive, offensive or discriminatory language
- knowing it to be false
- using falsified information
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

6.5 **Whenever possible, the headteacher, Chief Executive Officer (CEO), Chair of Governors or Chair of Trustees (as relevant to the circumstances) will discuss any concerns with the complainant informally** before applying an 'unreasonable' marking.

6.6 **If the behaviour continues the headteacher (or relevant person, as appropriate) will write to the complainant explaining that their behaviour is unreasonable 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 usually be reviewed after 6 months.

6.7 **In response to any serious incident of aggression or violence,** the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the school.

## 7. Anonymous Complaints

7.1 Anonymous complaints will not normally be investigated. However, the Headteacher, Chair of Governors, CEO, Chair of Trustees (as relevant), if appropriate, will determine whether the complaint warrants an investigation.

## 8. Complaint Campaigns

- 8.1 On occasion, the school may become the focus of a campaign and receive large volumes of complaints that are all based on the same subject and/or are from complainants unconnected with the school. In such exceptional circumstances, the school may decide to send a template response to all complainants and/or publish a single response on the school's website. This will depend upon the nature of the issue and all the prevailing circumstances at the time.

## 9. Resolving Complaints

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

## 10. How to Raise a Complaint - Summary of Stages in the Complaints Procedure

- 10.1 **A concern or complaint can be made in person, in writing or by telephone.** They may also be made by a third party acting on behalf of the complainant, as long as that person has appropriate consent to do so.

- 10.2 There are three stages available to complainants seeking to address concerns:

1) **Stage 1 – Informal Complaint**

The complaint should be raised informally with either the class teacher, subject lead/year head or the headteacher. The complainant may be referred to another member of staff if that is more appropriate to the circumstances.

2) **Stage 2 – Formal Complaint**

If the matter remains unresolved, the complainant should then address the matter to the Headteacher (unless the complaint involves or is about the Headteacher) via the school office. The complaint should be marked Private and Confidential.

**Complaints that involve or are about the Headteacher** should be sent to the school office addressed to the *Chair of Governors, via the Clerk to the LGB*. The complaint should be marked Private and Confidential.

**Complaints about the Chair of Governors and/or Vice-Chair, any individual Governor or, the majority of, or the whole Governing Body** should be addressed to the *Chair of Trustees, via the Trust Office*. The complaint should be marked Private and Confidential.

Complaints about the CEO or an individual trustee of the Trust (other than the Chair) should be addressed to the Chair of Trustees, via the Trust office. The complaint should be marked Private and Confidential.

Complaints about the Chair of Trustees should be addressed to the CEO, via the Trust office. The complaint should be marked Private and Confidential. (Complaints about the Chair will normally be investigated by the Vice Chair).

Complaints that are jointly about the Chair and Vice Chair of Trustees or that are about the majority, or the whole, of the Board of Trustees should be addressed to the CEO, via the Trust office. The complaint should be marked Private and Confidential. (Complaints will be investigated by an independent investigator in these circumstances).

The matter will then be investigated and a written response provided.

### **3) Stage 3 – Panel Hearing**

If the complainant remains dissatisfied, s/he can escalate the complaint to Stage 3. A request to escalate must be made to the Clerk to the Governing Body, via the School office, to ask for a panel to hear the complaint.

Following the Hearing, the Chair of the Panel will provide a full written explanation of the decision reached.

#### **10.3 For ease, a template complaint form is included as Appendix 2 to this Procedure.**

Complainants are encouraged to use the form to ensure that all relevant information is provided to enable full and proper investigation of the complaint. If assistance is required to complete the form, complainants should contact the school office. They may also ask a third party organisation, for example, the Citizens Advice Bureau, for help.

#### **10.4 In accordance with equality law, consideration will be given to making reasonable adjustments,** if required, to enable complainants to access and complete this complaints procedure. This may include, for example, providing information in different formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

#### **10.5 Complainants will be given the opportunity to complete this complaints procedure in full.** This applies UNLESS the school has clear evidence that the complaint meets the serial and persistent complaints criteria.

#### **Important Notes:**

- (i) Audio or Video Evidence: Complainants must obtain informed consent from all parties before recording conversations or meetings.** Electronic recordings

will not normally be accepted as evidence when considering complaints. However, independently notarised transcriptions of recordings may be accepted. The school may also ask for the written consent of all recorded parties. Unless exceptional circumstances apply, the Education and Skills Funding Agency (ESFA) will support the school in refusing to accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

- (ii) **Complaints or concerns should not be raised with individual governors or Trustees.** They have no power to act on an individual basis and it may also prevent them from considering complaints at a later Stage of the procedure.
- (iii) **The Local Authority has no statutory power to intervene in such issues beyond giving advice or making recommendations.** There is no right of appeal to the Director of Children’s Services or to Members of the Council. A final recourse for a complainant might be to apply to the High Court for judicial review.
- (iv) **The Education and Skills Funding Agency (ESFA) expects that complainants will have completed local procedures before escalating a complaint to ESFA. The exceptions to this include when children are at risk of harm or are missing education. ESFA cannot overturn the decision about a complaint.** ESFA’s role is to make sure the complaint is handled properly by following a published procedure that complies with the relevant legislation. See section 15. below for information on how to contact the ESFA.

## **11. Withdrawal of a Complaint**

- 11.1 If a complainant wishes to withdraw a complaint, s/he will be asked to confirm this in writing.

## COMPLAINTS PROCEDURE – STAGES

### 12. Stage 1: Informal

- 12.1 It is to be hoped that most concerns can be expressed and resolved on an informal basis. A complainant may informally raise a complaint directly with school staff verbally or in writing. This may be with a class teacher, a year head/subject lead or the Headteacher. The member of staff approached may refer the complainant to another member of staff if more appropriate to the circumstances.
- 12.2 If the staff member is unable to immediately resolve the complaint, s/he will contact the complainant **within three school days of receipt** to offer them a further appointment to address matters.
- 12.3 If the staff member needs to investigate the issue before responding, s/he will inform the complainant of this along with **a timescale of when investigations are expected to be completed and s/he can expect a response**. At the conclusion of his/her investigation, the appropriate person investigating the complaint will provide an informal written response.
- 12.4 **If the complainant remains dissatisfied, the next step is to make a formal complaint at Stage 2** of this Complaints Procedure. This request should be made **in writing within ten school days of receipt of the response** provided at the informal stage, explaining why the complainant remains dissatisfied and what s/he would like to happen.

**(Note: Complainants are encouraged to submit written complaints on the template Complaint Form at Appendix 2 to this document to ensure that all relevant information is provided to allow for proper investigation and consideration of the matter)**

### 13. Stage 2: Formal Investigation and Response

- 13.1 The Head Teacher will acknowledge the formal Stage 2 complaint in writing (either by letter or email) **within five school days of receipt**. Within this acknowledgement, the Head Teacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see if this is not already clear. The Headteacher can consider whether a face to face meeting is the most appropriate way of doing this. (If the Headteacher dealt with matters at the Informal Stage 1, then the formal Stage 2 will be carried out by a Governor appointed by the Chair of Governors).
- 13.2 The Headteacher will investigate the complaint and a written response will normally be made **within ten school days of receipt of the complaint**. If this is not possible, a letter will be sent explaining the reason for the delay and providing a revised target date. **For complex cases, the ten-day timeframe mentioned may be extended for up to a further 10 school days**.

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

- 13.3 During the investigation, the headteacher (or investigator) will:
- if considered necessary and appropriate, 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 the investigation
- 13.4 Where further information is required from the complainant, the response timeframe will be put on hold until such information has been received. In the absence of such information, the school may decide to close the complaint records.
- 13.5 In most cases, a written response will be provided to the complainant and this will include full reasons for the conclusions reached by the Headteacher (or Governor) and the reasons. Where appropriate, the response will include details of actions (if any), the school proposes to take to resolve the matter. However, in some cases, it may be more appropriate to first respond verbally (via telephone or face-to-face), followed by a written confirmation of the conversation and outcome.
- 13.6 **The response will also advise that if the complainant remains dissatisfied with the outcome or the way the complaint has been handled, they can escalate the complaint to Stage 3, the final Stage of the Complaints Procedure, by writing to the Clerk to the Governing Body within ten school days of receipt of the Stage 2 response.**
- 13.7 If the complaint is about the Headteacher, a member of the Governing Body (including the Chair or Vice-Chair) a suitably skilled Governor will be appointed to complete all the actions at Stage 2. Complaints about the headteacher or member(s) of the governing body must be made to the Clerk, via the school office.
- 13.8 If the complaint is about the CEO, a suitably skilled Trustee will be appointed to complete all actions at Stage 2. Complaints about the CEO must be made to the Clerk/Chair of Trustees, via the Trust office.
- 13.9 If the complaint is about a member of the Board of Trustees (including the Chair or Vice Chair) a suitably skilled Trustee will be appointed to complete all actions at Stage 2. Complaints must be made to the Clerk/CEO, via the Trust office.
- 13.10 If the complaint is:
- jointly about the Chair and Vice Chair of the Governing Body or
  - the entire governing body or
  - the majority of the governing body.
- Stage 2 will be referred to the CEO.
- 13.11 If the complaint is:
- jointly about the Chair and Vice Chair of Trustees or
  - the entire Board of Trustees or
  - the majority of the Board of Trustees.
- Stage 2 will be referred to the CEO.
- 13.12 If the complaint is about a member of the Trust Central Team, the complaint should be made to the CEO, via the Trust office. The CEO may delegate any investigation as appropriate.

## 14. Stage 3: Review by the Complaints Panel

14.1 Where the complainant has escalated the complaint to Stage 3 within 10 school days of receipt of the Stage 2 response\*\*, the Clerk will acknowledge the formal Stage 3 complaint in writing (either by letter or email) **within five school days of receipt**. The Clerk will inform the complainant, in writing, that the complaint will be heard by a Panel as soon as possible and ideally **within twenty school days of receiving the Stage 3 request**. (If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed).

*(\*\*Note: Requests to escalate the complaint received outside this timeframe will only be considered in exceptional circumstances).*

14.2 The Panel Hearing will consist of at least three people who were not directly involved in the matters detailed in the complaint, with one Panel member who is independent of the management and running of the school. (See paras 14.16 and 14.17 for particular arrangements that apply in relation to the Panel where the complaint is against the Governing Body or the Academy Trust). This is the final stage of the Complaints Procedure.

14.3 One of the members should act as Chair of the Panel. No member of the Panel should have had prior involvement or detailed knowledge of the complaint, nor should there be any conflict of interest relating to a member of the Panel. If necessary, an entirely independent committee may be convened to hear the complaint at Stage 3.

14.4 The complainant will be invited to attend the meeting regarding the complaint. The Clerk will convene a Panel meeting at an appropriate venue, having consulted with all parties on convenient times. The date, time and venue for the meeting will be confirmed to all parties at least **10 school days in advance of the meeting**.

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

14.5 The complainant will also be informed of the right to submit any written information they wish, and that this must be made available to the Clerk **no later than seven 7 school days before the date of the CP meeting**.

The letter will also set out:

- The right for both parties to call witnesses to the meeting, subject to the approval of the Chair of the Panel
- The right of the complainant to bring someone along to provide support. This can be a relative or friend
- The fact that a Clerk will also attend the meeting to take minutes and advise the Panel on the process.

14.6 The Clerk to the Panel will send a copy of the Stage 3 letter of complaint to the Head Teacher/Chair of Governors/Governor/CEO/Chair of Trustees/Trustee (as appropriate to the circumstances) and request a written response **no later than seven**

**school days before the date of the Panel meeting.** The right to call witnesses, subject to the approval of the Chair, will also be explained.

- 14.7 Note that the parties are discouraged from bringing legal representation to the meeting. These meetings are not a form of legal proceedings. (However, there may be occasions when representation is appropriate. For example, if a school employee is called as a witness in a complaint hearing, s/he may wish to be supported by union representation).
- 14.8 The names of all parties and witnesses (if any) to attend the meeting and all relevant documents to be referred to at the meeting will also be provided by the Chair of the Panel to:
- The complainant
  - The Chair of Governors/Head Teacher/Governor/Independent Investigator (as appropriate to the circumstances)
  - Each panel member.
- This will be provided as soon as possible and, in any event, **at least five school days prior to the meeting.**
- 14.9 The meeting will be held following the procedures for hearing a complaint detailed in Appendix 1.
- 14.10 The Panel will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint. New complaints must be dealt with from Stage 1 of the procedure.
- 14.11 The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless there are communication difficulties and/or 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.
- 14.12 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.
- 14.13 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.
- 14.14 **A written decision will be provided** to the complainant and the Chair of Governors /Head Teacher/Governor (as appropriate to the circumstances) by the Chair of the Panel **within ten school days of the meeting**, together with details of any actions taken to investigate the complaint and a full explanation of the decision made and the reason(s) for it.
- 14.15 The decision of the Panel represents the end of the school's complaint procedure and in the decision letter the complainant will be informed of the options that remain open to them should they remain dissatisfied. (See 15. below).

- 14.16 If the complaint is:
- Jointly about the Chair and Vice-Chair of the Governing Body or
  - The entire Governing Body or
  - The majority of the Governing Body
- Stage 3 will be heard by the Trustees and an Independent Panel member.

- 14.17 If the complaint is:
- Jointly about the Chair and Vice-Chair of the Board of Trustees or
  - The entire Trust Board or
  - The majority of the Trust Board
- Stage 3 will be heard by a completely independent Committee Panel.

## 15. After the End of Stage 3

- 15.1 For the vast majority of complaints there is no right of further complaint or appeal to the Local Authority beyond the Academy Trust's arrangements for Stage 3 of the Complaints Procedure. Complainants may contact the Local Authority for further advice but there is no right of a further stage of formal investigation by the Local Authority. The exception to this is where a complainant has raised a complaint with the school about the way a school is providing for a child's Special Educational Needs.
- 15.2 In the case of complaints about Special Education Needs provision in school for their child, complainants can complain further to Enfield Council. The Complaints and Access to Information team will then progress matters in line with the Council's own corporate complaint procedure.
- 15.3 **If the complainant believes the school or Trust did not handle the complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, s/he can contact the Education and Skills Funding Agency (ESFA) after completion of Stage 3 of this procedure.**

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by the school or Trust. They will consider whether the school/Trust has adhered to education legislation and any statutory policies connected with the complaint and whether they have complied with Part 7 of the Education (Independent School Standards) Regulations 2014.

The complainant can refer the complaint to the ESFA online at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus) by telephone on 03700 000 2288, by using ESFA's [contact form](#) or by writing to:

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

## **16. Records and Record Keeping**

- 16.1 Any minutes of meetings attended by the complainant will be made available to him/her as soon as possible after the conclusion of that stage of the proceedings. It should be noted that minutes may be subject to redactions required under the Data Protection Act 2018 and the GDPR.
- 16.2 Records of all conversations and meetings with complainants to resolve complaints will be kept. Records will be kept of 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. Record keeping will also include notes of conversations and/or meetings with complainants, as well as copies of letters and emails.
- 16.3 This material will be treated as confidential and held centrally and will be viewed only by those involved in investigating the complaint or on the review panel.
- 16.4 This is except where the Secretary of State (or someone acting on their behalf), ESFA or the complainant requests access to records of a complaint through a freedom of information (FOI) request or under the terms of the Data Protection Act, or where the material must be made available during a school inspection.
- 16.5 Records of complaints will be kept for at least three years and, where it is concerning a pupil, for at least one year after the pupil leaves the school.
- 16.6 The details of any complaint, including the names of individuals involved, will not be shared with the whole governing body in case a Panel needs to be organised at a later point.

### **Stage 3: Complaints Panel - Procedure for Hearing the Complaint**

#### **Introduction**

The aim of the meeting is to resolve the complaint and achieve reconciliation between the school, Trust and the complainant.

As set out in the main body of this Complaints Procedure, the meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless there are communication difficulties and/or 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 Chair of the Complaints Panel (CP) will ensure that the meeting is properly minuted.

Although the meeting will follow the structured order below, given potential sensitivities and anxieties, the Chair will endeavour to ensure that the proceedings are as informal as possible and that all parties are put at their ease.

The introduction of new information or witnesses, previously not notified to all parties, would be reason to adjourn the meeting so that everyone has time to consider and respond to the new information.

#### **Order of the meeting**

1. The Chair welcomes the complainant and his/her companion and the Head Teacher and/or the Chair of Governors/Trustees/another Governor/Trustee/CEO/Independent Investigator (depending upon the circumstances of the complaint and who the matter has been addressed by at Stage 2) and introduces the CP.
2. The Chair explains the purpose of the meeting, the procedure, and that all written evidence has been made available to all parties.
3. The complainant/companion explains the complaint, calling in witnesses if appropriate.
4. The CP may question the complainant/companion and witnesses.
5. The Head Teacher/Chair of Governors/Trustees/Governor/Trustee/CEO/Independent Investigator present a response to the complaint, including action taken to address the complaint at stages 1 and 2 of the procedure and calling witnesses, if appropriate.
6. The CP may question the Head Teacher/Chair of Governors/Trustees/Governor/Trustee/CEO/Independent Investigator and witnesses.

7. The Head Teacher, together with the Chair of Governors/Trustees/Governor/Trustee/CEO/Independent Investigator, where applicable, is invited make a final statement.
8. The complainant/companion is invited make a final statement.
9. The complainant/companion, Head Teacher, Chair of Governors/Trustees/Governor/Trustee/CEO/Independent Investigator and any witnesses leave the meeting.
10. The CP considers the complaint and reaches a unanimous or majority decision. The CP also decides what action (if any) to take to resolve the complaint and any organisational learning for the school/Trust.
11. The outcomes are confirmed in writing to both parties in accordance with the Complaints Procedure. (See main body of this Complaints Procedure for details to be included in the letter)
12. The records of the CP meeting including a copy of the decision letter are retained in school along with all other records of the complaint.

*(Name of School)*

## **Formal Complaint Form**

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

<b>Your name:</b>	
<b>Pupil's name (if relevant):</b>	
<b>Your relationship to the pupil (if relevant):</b>	
<b>Your Address:</b>	
<b>Postcode:</b>	<b>Day time telephone number:</b>
	<b>Evening telephone number:</b>
	<b>Email address:</b>
<b>Please give details of your complaint, including whether you have spoken to anybody at the school about it.</b>	

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

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

**Signature:**

**Date:**

**Official use only**

**Date acknowledgement sent:**

**Acknowledgement sent by (name, status):**

**Complaint referred to:**



**Children First Academy Trust  
Complaints Stage 3**

In order that we can understand your complaint thoroughly please complete the form below with as much detail as possible and return to the clerk to the Governing Body – Via the school office.

<p>Please outline your original complaint.</p>	
<p>What steps have been taken to resolve the complaint at Stage 1 – informally- by the school?</p>	
<p>What steps have been taken to resolve the complaint at Stage 2.</p>	
<p>Please outline your reason for escalating your complaint to stage 3</p>	
<p>What do you think needs to happen to resolve the complaint?</p>	