

## The Good Shepherd Trust Trust Complaints Policy and Procedure

This policy is prescribed by The Good Shepherd Trust and all reference to 'the Trust' includes all Trust schools and subsidiary organisations.

Date adopted:	Nov 2021		Last reviewed:	Nov 23
Review cycle:	Every 3 years or earlier		Is this policy statutory?	Yes
Approval:	Trust Board		Author:	CEO
Next Review Date:	Nov 26			

### Revision record

Minor revisions should be recorded here when the policy is amended in light of changes to legislation or to correct errors. Significant changes or at the point of review should be recorded below and approved at the level indicated above.

Revision No.	Date	Revised by	Approved date	Comments
1	04/10/21	P Kennedy	n/a	Amended documentation for panel hearing outcomes and retention wording. Explicit need for trust annual review of complaints data.
2	27/1/23	P Kennedy		Included suspension rather than exclusion. Changes 'trustee' to 'trustee director'
3	06/11/23	P Kennedy		2.3 added clarification around headteacher complaints escalation
4	06/11/23	P. Kennedy		Changed title from 'procedure' to 'policy and procedure'
5	06/11/23	P. Kennedy		Added flowchart Appendix 4 and reference in section 2.5
6	06/11/23	P. Kennedy		Change contact details and job title in 8.4, 10.1, 10.2 and 10.7
7	06/11/23	P. Kennedy		13.1 review changed to 3 years for consistency
8	05/12/23	P. Kennedy		Removed old section 6 around informally dealing with a complaint, renumbered policy beyond that

## 1. Introduction

The Good Shepherd Trust (“the Trust”) is rooted within the Diocese of Guildford and our mission is to ensure the best possible educational outcomes for every pupil.

We believe that every pupil has the right to a broad and rich education to be achieved within a distinctively Christian context, valuing each child as an individual and enabling them to flourish by discovering and developing their God-given gifts.

Our purpose is to build a strong and high performing family of sustainable schools supported by first class shared services. Working together, we will enable our people to achieve excellent outcomes for pupils, and harness resources to secure the long-term future of our schools.

Each school within the Trust has an ‘Academy Complaints Procedure’ which must be followed for complaints relating to the school. That local policy sets out the procedure to be followed and facilitated by the Headteacher and Local Committee (“LC”) for all complaints relating to the particular school.

This document meets the requirements set out in part 7 of the schedule to [the Education \(Independent School Standards\) Regulations 2014](#), which states the need to have and make available a written procedure to deal with complaints from parents of pupils at the school.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on [creating a complaints procedure that complies with the above regulations](#), and refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).

This policy complies with our funding agreement and articles of association.

**This policy and procedure only applies to complaints about any aspect of the Trust that does not relate to a specific academy.**

When responding to complaints, we aim 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
- Respect complainants’ desire for confidentiality
- Treat complainants with respect and courtesy
- Ensure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement evaluation processes

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, 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, we will ensure we publicise the existence of this policy and make it available on the Trust website.

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

## **2. Scope**

- 2.1 This policy explains the steps that will be followed where a Trust issue arises that leads a stakeholder to make a complaint about provision of facilities or services that the Trust provides, or the exercise of oversight by the Trust, unless separate statutory procedures apply.
- 2.2 This procedure does not apply to complaints about:
- Admissions to school
  - Statutory assessments of Special Educational Needs (SEN)
  - School re-organisation proposals
  - Matters likely to require a Child Protection investigation
  - Suspension and permanent exclusion of children from school
  - Whistleblowing
  - Staff grievance and disciplinary procedures
  - Services provided by other providers who may use a school's premises or facilities
- 2.3 This Complaints Procedure does not provide a re-hearing of complaints that have been through all stages of an academy complaints procedure. This procedure is provided for complaints about the Trust, or those that are an escalation of a complaint against a headteacher/principal.
- 2.4 The Trust will not respond to anonymous complaints under this policy, however, the Chief Executive Officer and / or Chair of the Trust Board ("the Chair") will consider whether the issue and fear of identification are genuine or the issue is one of child protection. Please refer to the Trust's **Safeguarding** policy and the **Allegations of Abuse Against Adults** policy, both of which are available on Trust website.
- 2.5 This complaints policy is based on the principle that concerns expressed by a pupil, student, parent or any other individual or organisation should be resolved as quickly as possible without the need to escalate to the formal stage of the procedure. However, where resolution has not been achieved and the person raising the concern is unhappy and wishes to take the matter further, the formal procedure for dealing with complaints will be followed. The three stages are:

Stage 1: Formal complaint investigated by a member of the executive or person appointed by the CEO (e.g. independent consultant). Where the complaint is made about the CEO, the Chair of the Board will appoint the investigator (see 9.1)

Stage 2: Formal complaint investigated by a senior executive or person appointed by the CEO as appropriate (e.g. independent consultant)

Stage 3: Complaint heard before a Complaint Panel of the Trustees and an independent person.

Please see appendix 4 for a flowchart for all complaints in schools and the Trust to help clarify which policy applies.

- 2.6 Complaints made by members of staff should be dealt with under separate grievance procedures applicable to employees. Complaints made by employees will not be dealt with under this Complaints Policy.
- 2.7 Complaints made by a Trustee or LC member should be referred to the Chair of the relevant LC or the Chair as appropriate to be dealt with informally where possible. Complaints by a Trustee, or LC member will not be dealt with under this Complaints Policy.
- 2.8 Complaints about or relating to a pupil or student should be directed to the relevant school.

### **3. Definitions**

- 3.1 DFE 'best practice' recommends that the policy makes clear the distinction between a concern and a complaint. For the purposes of this policy:
  - A concern 'is an expression of worry or doubt over an issue considered to be important for which reassurances are sought'. The Trust will resolve concerns through day-to-day communication as far as possible
  - A complaint is 'an expression of dissatisfaction however made, about actions taken or a lack of action'

### **4. Unreasonable and/or persistent complaints**

- 4.1 The Trust is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. We will not normally limit the contact complainants have with the Trust. Operating from a position of mutual respect, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour including that which is abusive, offensive or threatening.
- 4.2 The Trust defines as unreasonable any complaint where the person making the complaint:
  - Refuses to articulate their complaint or specify the grounds of the 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 complaints procedure and good practice
- Introduces trivial or irrelevant information which they expect 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 comments 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 a complaint where the Trust's complaints procedure has been fully and properly implemented and completed, including referral to the Education Skills Funding Agency
- Seeks an unrealistic outcome
- Makes excessive demands on Trust 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.

If the person making the complaint does so whether face-to-face, by telephone, 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.

Or, where the frequency or nature of their contact with the Trust, hinders our consideration of their or other people's complaints.

#### **4.5 Duplicate complaints**

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

If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and the local process is complete
- Direct them to the DfE if they are dissatisfied with our original handling of the complaint

If there are new aspects, we will follow this procedure again.

## 4.5 Complaint campaigns

Where the Trust receives a large volume of complaints about the same topic or subject, it may respond to these complaints by:

- Publishing a single response on the Trust website
- Sending a template response to all the complainants

## 5. Policy

- 5.1 Concerns or complaints should be raised within three months of the incident or event to which the complaint relates (or, where the complaint relates to a series of incidents or events, within two months of the latest incident or event).
- 5.2 The Trust works on the principle that concerns should be resolved as quickly as possible without the need to escalate to the formal stage of the procedure. Where that is not possible, the Trust has three formal stages to its complaints procedure. The aim is to try to deal with the complaint, to the satisfaction of the complainant, at the earliest possible stage.

**See paragraph 2.5 above.**

- 5.3 All Complaints to the Trust will be acknowledged, logged and tracked, referring to the stage of investigation and complaint management. Only information relevant to the tracking process will be recorded and the principles of GDPR will be adhered to.

### 5.4 The Principles of Investigating a Concern or Complaint:

- The 'investigating officer' has read this Complaints Policy to familiarise him/herself with the procedure
- Is aware of the time limits that apply to the relevant stage and ensures that he/she complies with them
- Establish the nature of the complaint or concern and what issues remain unresolved
- Establish what the complainant says has happened, who has been involved and what the complainant feels would put things right (the resolution being sought)
- Where required, interviews those involved in the matter
- Allows those complained about to be accompanied, e.g. by a colleague, during interviews, if they so wish
- Keeps a separate written record of each interview and asks the interviewee to sign and date the record, along with the signature of the investigation officer
- Establishes relevant facts, on a balance of probabilities, based on evidence not speculation, and keeps a written record of these

- Provides an effective, written response to the complaint, addressing all issues raised including, where relevant, complaints about the way in which the complaint has been dealt with in the earlier stages.
- Ensures that the response to the complaint includes, the appropriate recommended actions, where necessary
- Reports the complaint and the outcome of the complaint to the relevant leaders, which may include the Executive Team, so that services can be improved.
- Deals with the investigation in an impartial, objective, fair and timely manner, keeping in mind the privacy of the parties involved and GDPR requirements.

### **Principles of resolving a concern or complaint**

- 5.5 It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. The way in which the concern or complaint is dealt with after the complainant first raises the matter can be crucial in determining whether the complaint will escalate. To that end, members of staff will be annually reminded of the procedure in this Trust Complaints Policy, so that they will know what to do when a concern is raised with them.
- 5.6 At each stage of the complaints procedure, the investigator will consider how the complaint may be resolved. In considering how a complaint may be resolved, the investigating officer will give due regard to the seriousness of the complaint. It may be appropriate, in order to bring the complaint to a resolution, for the investigator to offer:
- An explanation
  - An apology
  - Reassurance that steps have been taken to prevent a recurrence of events which led to the complaint
  - Reassurance that the Trust will under a review of its policies and procedures in light of the complaint.
  - Mediation.

*None of the above will constitute an admission of negligence or an acceptance of liability on behalf of the Trust.*

### **Principles of notifying the outcome of a concern or complaint**

- 5.7 When all the facts have been established, the investigator will write to the complainant setting out all the issues in dispute, the result of the investigation, the decision made, the reasons for the decision and details of any action to be taken to resolve matters or prevent a reoccurrence. Alternatively, the investigator may wish to meet with the complainant to discuss the outcome of the investigation and share the written outcome, as above.

- 5.8 Strictly confidential procedures, such as staff disciplinary investigations or sanctions must **not** be referred to in the communication of the outcome.
- 5.9 The outcome of all concerns and complaints, whether dealt with formally or informally, must be recorded centrally by the Trust. Examples of outcomes include:
- There was insufficient evidence to reach a conclusion, so the complaint cannot be upheld;
  - The evidence did not substantiate the concern, so the complaint cannot be upheld;
  - The complaint was substantiated in part or full.
- 5.10 A brief description should be given of the remedial action being taken by the Trust following the complaint.

#### **Time Limits**

- 5.11 The Complaints Policy sets out the time limits for each stage of the complaints procedure. Those dealing with complaints will keep to these time limits. However, where a complaint is of a particularly complex nature, or further investigations are required to ascertain the facts, the Trust reserves the right to set new time limits. Changes to the time limits will be sent to the complainant with an explanation for the delay and confirmation of the revised date(s), within the time limits specified.

#### **Late Complaints**

- 5.12 Where a concern or complaint is raised more than three months after the incident or event (or where the complaint relates to a series of incidents or events, more than two months from the date of the latest incident or event), the Trust reserves the right to refuse to investigate the concern or complaint under the procedure in this Complaints Policy, **if it appears reasonable and fair to do so, having regard to the circumstances surrounding the complaint.**
- 5.13 Where the Trust decides that a concern or complaint which was raised late will not be investigated, the Trust will write to the complainant notifying them of the decision within **5 school days** of the concern or complaint being raised.
- 5.14 Where the complainant is unhappy with the decision not to investigate a concern or complaint that was raised late, the complainant may write to the Chief Executive Officer at the Trust asking for the decision to be reviewed. Such a request must be received by the Chief Executive Officer within **5 school days** of the notification that the complaint 'will not be investigated'.
- 5.15 If the Chief Executive Officer agrees that a concern or complaint should be investigated, it will be dealt with under the procedure in this Complaints Policy in the usual way.
- 5.16 If the Chief Executive Officer upholds the decision not to investigate the concern or complaint, The complainant may refer the concern or complaint to the Education Skills Funding Agency using the procedure stated towards the end of this Complaints Policy.



- 5.17 In exceptional circumstances the Chief Executive Officer, can delegate the responsibility for the review to another person who has no link to the subject of the complaint, or if appropriate refer the matter to the Chair.

### **Anonymous Complaints**

- 5.18 The Trust will not investigate anonymous complaints under the procedure in this Complaints Policy.

## **6. Stage 1 – Formal Complaint Investigated by an Executive Officer / appointed investigator**

- 6.1 Where a complainant is not content with the way their concern was dealt with informally, the complainant should complete the formal complaint form at Annex 1 and send this to the Trust at [admin@goodshepherdtrust.org.uk](mailto:admin@goodshepherdtrust.org.uk)
- 6.2 On receipt of the completed formal complaint form, the Trust will identify an appropriate ‘investigating officer’ under Stage 1. The complaint will be acknowledged within **10 school days** of receipt and the complainant will be advised as to who will be undertaking the investigation.
- 6.3 A log of all correspondence in relation to the complaint will be kept in accordance with the Data Protection Principles.
- 6.4 The ‘investigating officer’ will consider all relevant evidence. This may include but is not limited to:
- Obtaining statements from the complainant and those involved with the complaint
  - Meeting the complainant and those involved in the complaint
  - Reviewing correspondence and other documents relating to the complaint.
- 6.5 After considering the available evidence, the investigator can decide to
- Uphold the complaint and direct that certain action be taken to resolve it
  - Uphold the complaint in part (in other words find an aspect or aspects of the complaint to be valid, but not the whole complaint) direct for certain action to be taken, or
  - Dismiss the complaint entirely.
- 6.6 The ‘investigating officer’ will inform the complainant of their decision in writing, the grounds on which it was made and any actions taken as a result of the complaint. This will normally be within 20 school days of having issued written acknowledgement of receipt of the complaint (see 6.2 above). The written notification shall also advise the complainant of their right to escalate the complaint to Stage 2 of the procedure if they are not satisfied with the outcome at Stage 1.
- 6.7 Where the complainant is not satisfied with the outcome at Stage 1, they must write to the Chief Executive Officer setting out the grounds of their dissatisfaction. This letter should be emailed to

[admin@goodshepherdtrust.org.uk](mailto:admin@goodshepherdtrust.org.uk) within 10 school days of the date of notification of the Stage 1 outcome.

## **7. Stage 2 - Formal Complaint Investigated by a Senior Executive (CEO/COO) or appointed person**

- 7.1 This applies where the complainant is unhappy with the outcome of the complaint, investigated under Stage 1 and has written to the CEO of the Trust asking for the complaint to be investigated under Stage 2 of this Complaints Policy.
- 7.2 The 'investigating officer' will write to the complainant to acknowledge receipt of the complaint within **10 school days** of the date that the written request was received from the complainant. The acknowledgement will confirm that the matter is now being investigated under Stage 2 of the Complaints policy. The letter will also advise the date by which the investigator will provide a response to the complaint.
- 7.3 Following investigation of the complaint, the 'investigating officer' will write to the complainant confirming the outcome. This will normally be within **10 school days** of the date of the letter of acknowledgement. If the matter is such that this time limit cannot be met, the 'investigating officer' will write to the complainant within 10 school days of the date the letter of complaint was received from the complainant, explaining the reason for the delay and providing a revised date.
- 7.4 The letter to the complainant should notify them that if he or she is unhappy with the outcome of the Stage 2 investigation, they should write to the Trust Head of Governance (who may be contacted at: [felicity.mackrory@goodshepherdtrust.org.uk](mailto:felicity.mackrory@goodshepherdtrust.org.uk)) within **10 school days** of receiving the outcome letter, asking for the complaint to be heard at Stage 3 by a Complaint Panel -the appeal stage of the Trust's Complaints Policy.

## **8. Complaints against the CEO or a Trustee Director**

- 8.1 Where a formal complaint is received making a complaint about the CEO or a Trustee Director, the complaint will be referred directly to the Chair for investigation under Stage 2 of this Complaints policy. If a formal complaint is received making a complaint about the Chair, the complaint will be referred to the Vice Chair for investigation under Stage 2 of this Complaints Policy. The option for the complainant to request that the matter is heard by a Complaint Panel of the Trust Board remains, and the membership of that panel must be comprised of Trustee Director(s) and an independent panel member(s), who have no prior knowledge of the issue.

## **9. Stage 3 Complaint Heard at a Complaint Panel Hearing**

- 9.1 This applies where a complainant is unhappy with the outcome of the complaint under Stage 2 and has written to the Head of Governance asking for the complaint to be heard before a Complaint Panel, **within 10 school days** of the date of their letter requesting a Complaint Panel Hearing.
- 9.2 The Head of Governance will acknowledge receipt of the letter requesting a Stage 3

Complaint Panel hearing within **5 school days** of receipt. The letter will inform the complainant that the Complaint Panel Hearing will take place within **20 school days** of the date that the letter was received from the complainant and that arrangements to appoint the Complaint Panel and convene the Complaint Panel Hearing will be made by the Head of Governance, who will be the complainant's point of contact. Where it is not possible to find a mutually convenient date within that timescale, all reasonable steps will be taken to agree a time and date mutually convenient to all parties.

### **Appointment of the Complaint Panel**

- 9.3 The Complaint Panel will comprise three members. No member of the panel will have been involved in the incidents or events which led to the complaint or have been involved in dealing with the complaint at an earlier stage or have any detailed prior knowledge of the complaint.
- 9.4 One or two of the Complaint Panel members must be independent of the management and running of the Trust. This means that the independent Complaint Panel member will not be a Trustee Director, an LC member or an employee of the Trust.
- 9.5 The other Complaint Panel member(s) should be Trustee Director(s), as long as they fulfil the requirements of paragraph 9.3 above.
- 9.6 Where the complaint is about a Trustee Director or LC member, the complainant may request that the hearing is heard by an entirely independent panel. This is at the discretion of the Trust who will notify the Clerk of this decision. Where an entirely independent panel is required, timescales may be affected while the Trust sources appropriate individuals to serve on the hearing panel.

### **Convening the Complaint Panel hearing**

- 9.7 The Head of Governance will convene the Complaint Panel hearing on a date, time and venue which is convenient to the complainant, the Trust's representative and the three Complaint Panel Members. Head of Governance will write to all parties at least **5 school days** before the complaint Panel Hearing is due to take place confirming the date and time and circulating the relevant documents (see 9.11).
- 9.8 The panel may decide to invite the following to attend the panel hearing:
- The complainant
  - The person who investigated the complaint and made decisions at Stage 2
  - Relevant persons involved in the complaint
  - Persons, who in the view of the panel can provide relevant advice and information, relating to the subject of the complaint and the review of the process at Stage 2.
- 9.9 Both parties may invite witnesses relevant to the case. Such witnesses will attend the hearing at the appropriate point to provide evidence to and answer questions from the panel. They will be asked to leave once they have responded to the questions of the panel.

- 9.10 The complainant is entitled to be accompanied by a family member/friend/representative as appropriate. However, legal representatives are not permitted to attend the hearing.

## Documents

- 9.11 The Clerk to the Complaint Panel will provide the following documentation to all parties. An agenda and a copy of all correspondence, statements (including witness statements) and records relating to the complaint, including all notes and minutes relating to the investigation at the previous stages, to all parties. Documents should be circulated **at least 5 school days** before the Complaint Panel Hearing is due to take place.

## Clerking

- 9.12 A Clerk will be assigned to attend the Complaint Panel Hearing and keep a written record of the proceedings. The Clerk will usually be the Clerk to the Board of Trustee Directors; however, another suitable person may be appointed to this role if the Clerk to the Board is not available.

## Panel Decision

- 9.13 After considering the complaint and reviewing the available evidence, the panel can decide to:
- Uphold the complaint and direct that certain action be taken to resolve it
  - Uphold the complaint in part (in other words find an aspect or aspects of the complaint to be valid, but not the whole complaint) and direct for certain action to be taken
  - Dismiss the complaint entirely.
- 9.14 Irrespective of the decision taken, the panel may also recommend steps that the complainant and the Trust should take to move forward from the presenting issues in the best interests of all concerned. The panel may also recommend steps to be taken to reduce the likelihood of a similar complaint being made in the future.
- 9.15 The complainant will be informed in writing of the outcome of the hearing no later than **10 school days** after the date of the hearing. The Chair of the panel will also advise Trust officers of the outcome and any changes to practice which are recommended and the Trust Board of the outcome.
- 9.16 This letter will be provided to the complainant, and, where relevant, the person complained about. This letter will also be available on GST premises for inspection by the CEO.
- 9.17 This is the **final stage** at which the Trust will consider the complaint. If the complainant remains dissatisfied and wishes to escalate the complaint further, they should refer to the section below.

## 10. Complaint referred to the Education and Skills Funding Agency

- 10.1 If the complainant is unsatisfied with the outcome of the Trust's complaints procedure, they can refer their complaint to the ESFA. The ESFA will check whether the complaint has been dealt with properly by the Trust. The ESFA will not overturn a Trust's decision about a complaint.

However, it will look into:

Whether there was undue delay, or the Trust did not comply with its own complaints procedure;

Whether the Trust was in breach of its funding agreement with the Secretary of State;

Whether the Trust has failed to comply with any other legal obligation.

If the Trust did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the Trust's complaints procedure is found to not meet regulations, the Trust will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

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

## 11 **Record keeping and monitoring of complaints**

The Trust will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved following the formal procedure, whether the complaint proceeded to a panel hearing and the final outcome of the complaint. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

The Trust will also record the action taken as a result of those complaints, regardless of whether the complaint was upheld or not.

This material, including correspondence, statements and records relating to the complaint, 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.

This is except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and our records management policy/record retention schedule.

The details of the complaint, including the names of individuals involved, will not be shared with the whole trust board in case a review panel needs to be organised at a later point.

Where the Trust Board is aware of the substance of the complaint before the review panel stage, the Trust will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they have reasonable grounds to believe there is likely to be bias in the proceedings. The decision to approve this request is made by the Trust Board, who will not unreasonably withhold consent.

The CEO will report annually to the Trust Board on the number of formal complaints received and the levels at which they have been resolved. No details identifying the complaint or any member of staff will be published.

The Trust Board will review any underlying issues raised by complaints with the CEO, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the Trust can make to its procedures or practice to help prevent similar events in the future.

## **12 Trust Complaints Policy Review**

- 12.1 The Trust Board will review this policy every 3 years, or sooner if there are any legislative changes or recommendations to the Trust.

**Appendix 1****Complaints Form**

<b>Name of complainant:</b>	
<b>Contact details:</b>	<b>Address:</b>
	<b>Telephone:</b>
	<b>Email:</b>
<b>Outline of your complaint and how it has affected you (the complainant)</b>	
<b>Have you discussed the matter already with a member of Trust staff, if so, who? What was the outcome?</b>	
<b>What would you like to happen as a result of your complaint?</b>	
<b>Signature:</b>	
<b>Date:</b>	

**For Trust use:**

<b>Date received:</b>	
<b>Date acknowledged and by whom:</b>	
<b>Summary of action taken:</b>	



## Appendix 2

### Summary of 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 Trust 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 or elsewhere 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 to clarify what the complainant considers would resolve the complaint.

The investigator should:

- Conduct interviews with an open mind and be prepared to question evidence for clarification.
- 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 to a Complaints Panel
- Be mindful of the timescales to respond
- Prepare a comprehensive report for the Chief Executive Officer/the Chair, or Complaints Panel, as appropriate that sets out the facts, identifies solutions and recommends courses of action to resolve problems.
- The Chief Executive Officer, Chair or Vice Chair of the Trust or Complaints Panel (depending on stage) will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

## **Head of Governance**

The Head of Governance is the contact point for the complainant and the Complaints Panel 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 up the hearing – see Section 7 of the Complaints Policy – with a Clerk.

## **Complaint Panel Chair**

The Complaint Panel 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 panel is explained to the complainant, along with possible outcomes of the panel meeting and when the complainant will be advised of the outcome.
- 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 Trust 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 and key findings of fact are made.
- The panel is open-minded and acts independently
- No member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- They liaise with the Clerk and the meeting is minuted.

## **Complaint Panel Member**

All panel members should be aware that:

- The meeting must be independent and impartial and be seen to be so
- No committee member may be part of the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it
- The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant
- It is recognised 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 to make recommendations
- Many complainants will feel nervous and inhibited in a formal setting
- Parents/carers often feel nervous and inhibited in a formal setting
- Extra care needs to be taken when the complainant is a child/young person and present during all or part of a meeting
- Careful consideration should be given to the atmosphere and proceedings to ensure that the child/young person does not feel intimidated
- The panel should respect the view 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 with their complaint
- Where the child/young person's parent is the complainant, the panel should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend
- 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.

### Appendix 3 – Example Procedure/agenda for a Complaint Panel Hearing

<b>The Chair of the Complaint Panel welcomes the attendees and invites introductions.</b>
The Chair explains that the hearing is a confidential process under the GDPR regulations and there no audio or video recording should be made during the meeting. Proceedings will be immediately concluded if unauthorised recordings are discovered during the meeting. . If the meeting is recorded, no recording may be submitted as evidence at a later date.
The Chair will acknowledge that the hearing will be addressing difficult issues and should the complainant require an adjournment that will be accommodated.
The complainant will be invited by the Complaint Panel to give an account of their complaint.
The Trust’s representative will be invited to ask the complainant questions, if any.
The Complaint Panel will ask the complainant questions, if any.
The complainant’s relevant witness (first witness) will be invited into the room to give an account of what they saw or know.
Where the complainant has more than one witness, witnesses will be invited into the room individually to provide their account and to be questioned as outline above. After the questioning, all witnesses must leave the room.
The Trust’s representative will be invited by the Chair of the Complaint Panel to respond to the complaint and make representation on behalf of the Trust.
The complainant will be invited to as the Trust’s representative questions, if any.
The complaint Panel will ask the Trust’s representative questions, if any.
The Trust’s relevant (first witness) will be invited into the room to give an account of what they saw or know.
The complainant will be invited to ask the Trust’s witness questions, if any.
The Complaint Panel will ask the Trust’s witnesses questions, if any.
Where the Trust has more than one witness, witnesses will be invited into the room individually to provide their account and to be questioned as outline above. After the questioning, all witnesses must leave the room.
The complainant will be invited by the Chair of the Complaint Panel to summarise their complaint.
The Trust’s representative will be invited by the Chair of the Complaint Panel to summarise their response to the complaint and the Trust’s stance.
The Chair will conclude the Complaint Panel Hearing and the complainant and the Trust’s representative will be asked to leave.
The Complaint panel will meet in private, either immediately after the Complaint Panel Hearing or at a subsequent date and will consider all the documentation, all they have and determine the outcome.

## Appendix 4 – Flowchart for all complaints

