



St Botolph's C of E Primary School

Ratified: September 2019

Complaints Procedure

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1. Introduction

The Diocese of Ely Multi Academy Trust (the “Trust”) is committed to ensuring that the highest standards are maintained, both in the provision of education to students and in every other aspect of the running of all its academies.

The Trust aims to deal positively with all complaints and the Complaints Procedure allows parents and others the opportunity to voice any concerns they may have through appropriate channels.

This policy sets out the procedure which has been adopted by the Trust to ensure a timely, systematic and fair approach to the resolution of such concerns.

2. Roles and Responsibilities

Although the Chief Executive Officer (CEO) of the Trust has overall responsibility for ensuring that there is a consistent approach to managing and resolving complaints, it is the Academy headteacher who has overall responsibility for the operation and management of this Academy Complaints Procedure.

It is expected that attempts will be made to resolve any difficulties informally with the class teacher/ key stage lead/pastoral manager/ support staff / senior member of staff before any Complaint is made pursuant to this Procedure.

If these are unsuccessful, this Complaints Procedure should then be followed, beginning with an Informal Complaint to be made in accordance with Paragraph 11. Members of staff should refer an Informal Complaint to their line manager or headteacher, as appropriate, if it cannot be resolved immediately to the satisfaction of the Complainant.

This Complaints Procedure is not limited to parents or carers of children that are registered at the Academy. Any person affected may make a complaint to St Botolph’s C of E Primary School 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), the Academy will use this Complaints Procedure.

3. 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 complaint’s procedure. St Botolph’s C of E Primary School 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, you may inform the headteacher who will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, he or she may inform the headteacher who will refer you to another staff member. The alternative 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. If having raised a concern, you consider that you have not received appropriate reassurance, you may make a Complaint pursuant to this Procedure, beginning with an Informal Complaint pursuant to Paragraph 11.

4. How to Raise a Concern or Make a Complaint

A concern can be made in person, in writing or by telephone. Complaints are initiated by the making of an Informal Complaint pursuant to Paragraph 11. Concerns and Complaints may also be made by a third party (but not a legal representative) acting on behalf on a Complainant with the consent of the headteacher, as long as they have appropriate consent by the Complainant to do so.

Concerns should be raised with either the class teacher or headteacher. If the issue remains unresolved, the next step is to make an Informal Complaint.

Complainants should not approach individual governors to raise concerns or complaints. Governors have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 2 of the procedure.

Complaints which relate to the conduct of specific members of staff (except the headteacher) should be made in the first instance, to the headteacher via the Academy office. Please mark them as Private and Confidential. However, whilst the subject of a complaint may be members of staff, the complaint itself must be made against the Academy itself.

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

Complaints about the chair of governors, any individual governor or the whole governing body should be addressed to the Clerk to the Governing Body via the Academy office. Please mark them 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 Academy office. Parents can request support in writing their complaint, and in following the formal procedure, from DEMAT (via Amy Weaver, Executive Director (Complaints)), by phoning 01353 656760 or from Peterborough General Enquiries 01733 864170. You can also ask third party organisations like the Citizens Advice Bureau to help you.

Complainants who directly contact the Diocese of Ely Multi-Academy Trust (DEMAT) Shared Services Team will be supported to access the Academy's own complaints procedure. Concerns around safeguarding reported directly to the Shared Services Team will be addressed immediately with the Academy.

To the extent required by the Equality Act 2010 reasonable adjustments will be made if required to enable Complainants to access and complete this Complaints Procedure. For instance, this may include providing information in alternative formats, assisting Complainants in raising a formal complaint or holding meetings in accessible locations.

5. Anonymous Complaints

We will not normally investigate anonymous Complaints. However, the headteacher or chair of governors, if appropriate, will determine whether the Complaint warrants an investigation.

6. Timescales

You must raise the Complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider Complaints made outside of this time frame if exceptional circumstances apply. However, we will consider Complaints made outside of term time to have been received on the first Academy school day after the holiday period.

7. Time Limits

All Complaints will be considered, and resolved, as quickly and efficiently as possible and so far as possible within the time limits for each action within each stage. However, where further investigations are necessary, new time limits may need to be set to enable the Complaint to be effectively considered, in which case the Complainant will be sent details of the new deadline and an explanation for the delay.

8. Scope of this Complaints Procedure

The Trust recognises the need to be clear about the difference between a concern and a complaint. By taking informal concerns seriously at the earliest stage we aim to reduce the numbers that develop into formal complaints. We aim to ensure that concerns are handled, if at all possible, without the need for formal procedures.

The Academy Complaints Procedure is only necessary if efforts to resolve the concern informally are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

Any complaint will be kept confidential unless it is necessary to involve other parties and will be dealt with as quickly as possible.

This Procedure does not cover complaints against third parties who are providing services directly to the public on Academy premises, to whom complaints should be made directly.

This Procedure covers all complaints about any provision of community facilities or services by the Academy itself, 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• Statutory assessments of Special Educational Needs• Academy re-organisation proposals	Concerns about admissions, statutory assessments of Special Educational Needs, or academy re-organisation proposals should be raised with: Peterborough General Enquiries 01733 864170 Peterborough Schools Admissions 01733 864007

<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> <p>For Peterborough LADO telephone 01733 864038</p> <p>For the Cambridgeshire and Peterborough MASH team telephone 0345 045 1362 (office hours) or 01733 234724 (out of hours).</p>
<ul style="list-style-type: none"> • Exclusion of children from Academy* 	<p>Further information about raising concerns about exclusion can be found at: www.gov.uk/Academy-discipline-exclusions/exclusions.</p> <p><i>*complaints about the application of the Behaviour policy can be made through the Academy's complaints procedure on our website.</i></p>
<ul style="list-style-type: none"> • Whistleblowing 	<p>We have an internal whistleblowing procedure for all our employees & volunteers, including temporary staff and contractors.</p> <p>The Diocese of Ely Multi Academy Trust, the trust to which the Academy belongs has their own whistleblowing procedure and prescribed staff. If staff have any reasons for not telling their line manager, contact DEMAT's Shared Services team on whistleblowing@demat.org.uk</p>
<ul style="list-style-type: none"> • Staff grievances 	<p>Complaints from staff will be dealt with under the Academy's internal grievance procedures.</p>
<ul style="list-style-type: none"> • Staff conduct 	<p>Complaints which relate to staff will be dealt with as a Complaint against the Academy under this Procedure.</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 procedure to deal with complaints about service. Please contact them 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 a Complainant commences legal action against St Botolph's C of E Primary 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.

9. Resolving Complaints

At each stage in the procedure, St Botolph's C of E Primary 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 Academy policies in light of the complaint
- An apology

10. Withdrawal of a Complaint

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

11. Stage 1: Informal Complaint

The Academy will take informal complaints seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The Complainant should raise the Complaint as soon as possible with the relevant member of staff or the headteacher as appropriate, either in person or by letter, telephone or email. If the Complainant is unclear who to contact or how to contact them, they should contact the Academy office.

The Academy will acknowledge Informal Complaints within **2 school days** and investigate and provide a response within **5 school days**.

The informal stage may involve a meeting between the Complainant and the headteacher.

If the Complaint is not resolved informally, it may be escalated to a formal complaint by the Complainant.

12. Stage Two – Formal Complaint

Formal complaints must be made to the headteacher (unless they are about the headteacher), via the Academy office. This may be done in person, in writing (preferably on the complaint form in Appendix 1), or email. The Complainant must state that they wish the complaint to be regarded as a Formal Complaint if the complaint form is not used.

The headteacher will record the date the Complaint is received and will acknowledge receipt of the Complaint in writing (either by letter or email) **within 2 school days**, and as soon as practicably possible outside of term time.

As part of this response, the headteacher will seek to clarify the nature of the Complaint, ask what remains unresolved and what outcome the Complainant would like to see. The headteacher can consider whether a face to face meeting is the most appropriate way of doing this.

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

During the investigation, the headteacher (or investigator) will:

- If necessary, interview those involved in the matter, allowing them to be accompanied if they wish
- Keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of the investigation, the headteacher will provide a formal written response. The headteacher will seek to do this within **15 school days** of the date of receipt of the Complaint but if unable to meet this deadline, they will provide the Complainant with an update and revised response date.

The headteacher may arrange an appointment with the Complainant to discuss the Complaint during this time.

The formal written response to the complaint will detail the 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 Academy will take to resolve the complaint.

The headteacher will advise the Complainant of how to escalate their Complaint should they remain dissatisfied with the outcome of **Stage 2**.

If the Complaint against the Academy relates to the headteacher, or 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 of the governing body must be made to the clerk to the governing body, 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

Or there is no governor available to undertake Stage 1, then **Stage 1** will be considered by an investigator from outside the Academy (but who may be from within DEMAT) appointed by the governing body or a member of the DEMAT Shared Services team. At the conclusion of their investigation, the investigator will provide a formal written response.

Possible outcomes of the making of a Formal Complaint include:

- Complaint withdrawn by the Complainant;
- Complaint dismissed;

- Complaint dealt with under another procedure;
- Complaint upheld.

The upholding of a complaint may in rare cases lead to the taking of disciplinary action against an individual. This is an internal matter for the Academy. The Trust's disciplinary procedures require that proceedings remain confidential, and consequently the Complainant will not be informed of the details or outcome.

13. Stage 3 – Governing Body Review

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** – Review by the Chair of the Academy's governing body. If the consideration of the Complaint at Stage 2 was undertaken by a member of the Governing Body or an investigator from outside the Academy, the Complaint will be reviewed by [a member of the DEMAT Trust Board or Executive or an alternative Trust Governing Body.

Applications must be made to the Chair of the Governing Body in writing within **10 academy working days** from the written decision being given in Stage 2. In exceptional circumstances, this may be extended.

The chair will review the Complaint and all related evidence and correspondence. The chair may arrange to meet with the Complainant, or they may ask someone to undertake further investigations.

Once all relevant details have been collated and reviewed, the chair will make a decision and written confirmation will be provided to the Complainant. The outcome will also be recorded on the Academy complaints file.

This stage should be completed within **15 school days** of receipt of the **Stage 3** complaint.

14. Stage 4 – Complaints Panel

Where the Complainant remains dissatisfied, the Complainant may request the complaint is dealt with at **Stage 4** by completing Appendix B. Any such request must be set out in writing, stating why the Complainant remains dissatisfied, and what remedies are being sought. The request must be lodged within **10 school days** of the Complainant receiving the written confirmation of the findings of **Stage 3**. The request must be addressed to the Trust Executive Director (Complaints) Amy Weaver, amy.weaver@demat.org.uk specifying that the Complainant wishes to refer to **Stage 4** of the Academy's complaints procedure.

The clerk of the Governing Body or nominated Trust administrator will invite the Academy to put in writing its response to the Complainant's reasons. The Academy will provide this to the Trust within **10 school days**. The Complainant will be informed by the clerk of the timescale for the Trust investigation in preparation for the hearing. This would normally be within **15 Academy working days** of receipt of the Stage 4 request, but the length of time will depend upon the nature of the complaint and other variable factors. If the investigation is likely to exceed **15 Academy working days**, realistic time limits will be set, and the Complainant advised accordingly.

At the end of that period (whether or not the Academy has responded) the clerk or nominated Trust administrator will convene a complaints panel. That meeting will be held as quickly as practicable given the need to find a date that is reasonably convenient for the Complainant, the Academy and the members of the complaints panel. Whenever possible, the meeting will be held within **15 school days** of the end of the investigation timescale. The complaints panel will be convened, supported by a nominated person to act as clerk to the appeal panel.

If the Complainant rejects three successive proposed dates, the clerk/administrator may decide when to hold the meeting. It will then proceed in the Complainant's absence on the basis of written submissions from both parties. The Chair of the panel will determine the timetable for the provision of written submissions by the parties, including when, in advance of the panel each party's submission will be shared.

At any meeting, the Complainant will be entitled to be accompanied by a friend (who must not be a Trust employee) but legal representation will not be allowed. The clerk will contact the Complainant to gather information regarding any accompanying friend. Representatives from the media are also not permitted to attend.

Membership of the Complaints Panel

None of the appeal panel members will have had any previous connection to the complaint and one of them will act as chair.

The complaints panel will comprise at least three people, which will include one person who is independent of the management and running of DEMAT, such as a member of a governing body from another Academy within the Trust.

The complaints panel may include one or more persons from the following categories:

- (i) A member of the governing body of the academy from which the complaint emanated, but who has not previously been involved with the complaint
- (ii) A member of a governing body from another Academy within the Academy trust
- (iii) A member of the trust executive or nominated officer
- (iv) A member of the Trust Board

The clerk/administrator will write to the Complainant, the headteacher, chair of the panel and appeal panel members giving details of the meeting, requesting copies of any documents to be put before the meeting and the names of any witnesses that either party may wish to attend.

As with all meetings under this procedure, 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 meeting is not a court case, it will be held in private, and will be as informal as circumstances allow. The Complainant will have the opportunity to put forward their reasons for dissatisfaction and to enlarge on them but may not introduce reasons that were not previously put in writing. The Academy will have the opportunity to put its side of things and each side, as well as the panel members, will be able to ask questions. The Complainant will have the opportunity to make final comments to the panel.

The procedure at the hearing will be sensitive and appropriate for the circumstances and is at the discretion of the chair of the complaints panel, but is likely to involve:

- Presentation of the complaint
- A reply by the headteacher or governor
- Questioning of all parties
- Representation about ways to resolve the complaint satisfactorily

If necessary, the panel will withdraw to consider their findings of fact on the evidence put before them and their conclusions, which may include measures to redress problems identified.

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.
- Decide on the appropriate action to be taken to resolve the complaint
- Where appropriate, recommend changes to the Academy's procedures to prevent similar issues in the future.

This is the final stage of the Trust Complaints policy: The decision of the Trust complaints appeal panel is final.

After the hearing the clerk will send a copy of the findings and any recommendations of the panel by letter to the Complainant and, where relevant, to the person complained about, within **5 school days**. A copy of this letter will be retained by the headteacher.

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 any actions the Academy is to take to resolve the complaint.

The response will also advise the Complainant of how to escalate their complaint should they remain dissatisfied.

15. Next Steps

If the Complainant believes the 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 Department for Education after they have completed **Stage 3**.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by the Trust. They will consider whether the Trust has adhered to education legislation and any statutory policies connected with the complaint.

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

Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD

16. Serial or Persistent Complainants

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may be considered invalid if the person seeking to make the complaint:

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

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

If the Complainant continues to contact the Academy in a disruptive way, we may put communications strategies in place. We may:

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

We may stop responding to the Complainant when all these factors are met:

- We believe we have taken all reasonable steps to address their concerns
- We have provided a clear statement of our position and their options
- The Complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from our Academy site.

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.

Where the Academy receives a large volume of Complaints about the same topic or subject, especially if these come from Complainants unconnected with the Academy, the Academy may respond to these Complaints by:

- Publishing a single response on the Academy website
- Sending a template response to all of the Complainants

If Complainants are not satisfied with the Academy's response, or wish to pursue the Complaint further, the Stages set out above will apply.

17. Confidentiality

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

18. Record Keeping

A written record will be kept of all Complaints that were resolved at the formal stage of the Complaints Procedure. The Trust reserves the right to record meetings. Records will contain details of whether the Complaint was resolved at **stage 2**, **stage 3** or proceeded to a **stage 4** panel hearing.

The action taken by the Academy or the Trust as a result of a Complaint (regardless of whether they are upheld) will also be recorded.

19. Monitoring, Evaluation and Review

The Academy will review this procedure within two years and assess its implementation and effectiveness.

20. Data Protection

Unless stated elsewhere in this policy the data gathered during this management process is processed in line with our Data Protection policy which can be found on the Trust's website <http://demat.org.uk/gdpr/>

Any data gathered during this process will be held in line with our Records Retention policy which can be found on the Trust's website <http://demat.org.uk/gdpr/>

If you have any questions about the way your data has been gathered or will be retained, please contact the DEMAT Trust Data Protection officer at dpo@demat.org.uk

Appendix 1

Complaint Form

Please complete and return to: The Headteacher (**Stage 2**), via the Academy office if nec.
The Clerk to Governors (**Stage 3**), via the Academy office
Amy Weaver (**Stage 4**) at amy.weaver@demat.org.uk

Your Complaint will be acknowledged, and an explanation of actions that will be taken will be provided.

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address:
Postcode:
Day-time telephone number:
Evening telephone number:
Please give details of your Complaint, including whether you have spoken to anybody at the Academy about it.

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

Date acknowledgement sent:

By whom:

Complaint referred to:

Date:

Appendix 2

Stage One: Sample letter of Outcomes from Headteacher

Dear <insert name>,

I acknowledge receipt of your letter/email (delete as appropriate) dated <insert date>.

Further to our meeting on <insert date>, I wish to confirm the outcome of my investigation into the matter.

<Insert summary of discussion and outcomes> I have investigated your Complaint by:

-
-

I found the following:

-

Further Action/Recommendations:

-

I hope that you are satisfied that your concerns have been dealt with appropriately. You have the right to progress to the second stage of our Complaints Procedure if you remain dissatisfied. If so, please write to the Chair of the Governing Body, c/o the Academy office.

For information and advice on how to proceed with your concern please contact the Diocese of Ely Multi Academy Trust on 01353 656760.

Thank you for the time you have taken in conveying your concerns to the Academy. We value your comments.

Yours sincerely,

Appendix 3

Stage 3 Sample letter of outcomes from Chair of the Local Governing Body or Nominated Governor

Dear <insert name>,

Further to our meeting on <insert date> OR Further to your letter dated <insert date> I have now had an opportunity to investigate your concerns and am able to report the following:

<insert a summary of concerns raised, investigation and outcomes>

I hope that you are satisfied that your concerns have been dealt with appropriately. You have the right to progress to the third stage of our complaints procedure if you remain dissatisfied. If so, please write to the Chair of the Governing Body, c/o the Academy office within 10 working days of receiving this letter.

For information and advice on how to proceed with your concern please contact the Diocese of Ely Multi Academy Trust on 01353 656760

Thank you for the time you have taken in conveying your concerns to the Academy. We value your comments.

Yours sincerely,

Appendix 4

Stage 4 Letter of outcome from Appeal Panel meeting

Dear <insert name>

I am writing to let you know the conclusions and recommendations we reached at the Stage Four panel meeting.

<insert summary of conclusions and recommendations>

A record of your Complaint will be kept on file by the Academy.

Should you remain concerned that the governors have acted or are proposing to act unreasonably, or that the Complaints Panel has failed to discharge its duties under legislation, the final course of action available to you is to write to the Secretary of State

Education at Sanctuary Buildings,
Great Smith Street, Westminster,
London SW1P 3BT

to ask for your case to be reviewed.

It is the panel's hope that you will feel that your Complaint has been reviewed fairly and that all issues have been investigated appropriately.

Yours sincerely

<insert name> Chair of the Complaints Panel

cc headteacher <insert name of Academy>

Appendix 5

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 headteacher or Complaints panel that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The headteacher or Complaints panel 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 headteacher / designated Complaints governor 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, chair of governors, clerk and local authorities (if appropriate) to ensure the smooth running of the Complainant's 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 Governing Body

The clerk is the contact point for the Complainant and the panel and should:

- Ensure that all people involved in the Complaints 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 panel's decision.

Panel Chair

The panel'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 panel 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
- The issues are addressed
- 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
- The meeting is minuted
- They liaise with the clerk (and Complaints Co-ordinator, if the Academy has one).

Panel Member

Panel members should be aware that:

- The meeting must be independent and impartial, and should be seen to be so
- No governor may sit on the panel if they have had a prior involvement in the Complaint or in the circumstances surrounding it
- The aim of the 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 panel should respect the views of the child/young person and give them equal consideration to those of adults.

If the child/young person is the Complainant, the panel should ask in advance if any support is needed to help them present their Complaint. Where the child/young person's parent is the Complainant, the panel should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.

However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the panel considers is not in the child/young person's best interests.

- The welfare of the child/young person is paramount.