



# Complaints and Concerns Policy

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## Document provenance

This policy was approved in August 2019

Frequency of review: Annually reviewed

ELT Owner: Director of Governance and Strategy

### Summary of changes at last review:

- Widened scope of the policy applicability to include all academy stakeholders
- Inclusion of definitions of concern and complaint
- Updated text to refer to more explicitly to meeting Part 7 of the Independent School Standards (DfE, April 2019)
- Clarification about the involvement of Academy Ambassadors in the concern and complaints process and their role as panel members at Stage 3.
- Removal of the term “vexatious”
- Inclusion of definition of unreasonable complaints
- Inclusion of process flowcharts for each stage of the concern and complaints policy.

### Related documents:

- Data Protection Policy
- Grievance Policy
- Whistleblowing Policy
- Information Records and Retention Policy

# Concerns and Complaints Policy

## 1. Introduction and purpose

- 1.1. This policy applies to E-ACT (the Trust) and all of its academies. It may be used by parents/carers or other members of the community to raise a concern or make a complaint to the Trust or any of its academies. If an E-ACT employee has a concern or wishes to raise a complaint they should refer to the E-ACT Grievance Policy.
- 1.2. At E-ACT we understand that feedback from all Academy stakeholders is an essential part of improving our organisation, from the education we deliver to the way we communicate with parents and pupils and all stakeholders as part of our organisational strategy. We want to encourage feedback, even when the feedback might be something an individual may not be happy about as we can only resolve concerns or complaints if we know about them
- 1.3. We aim to ensure that any concern or complaint is managed sympathetically, efficiently, quickly and at the appropriate level, and is resolved as soon as possible. We will try to resolve every concern or complaint in a positive way with the aim of putting right a matter which may have gone wrong and, where necessary, we will review our systems and procedures in light of the circumstances of the concern or complaint.
- 1.4. We recognise that a difficulty which is not resolved quickly and fairly can soon become a cause of resentment and so we need to know as soon as possible if there is any cause for dissatisfaction.
- 1.5. Individuals should never feel that a complaint will adversely affect a pupil or staff member, or their opportunities at one of our academies. This policy distinguishes between a concern or difficulty which can be resolved informally at Academy level and a formal complaint which will require investigation.
- 1.6. For the purposes of this policy the following definitions apply:
  - **'Parent/Carer'** means a current parent or carer or legal guardian.
  - **'You'** means the individual making a complaint.
  - **'Concern'** relates to a report of something which makes you worried or anxious within our academies or the Trust. This can be reported verbally or in writing to us.
  - **'Complaint'** is defined as a statement that something is unsatisfactory or unacceptable within our academies or the Trust.
  - **'Academy concern/complaint'** means a concern raised or complaint made about an E-ACT Academy.
  - **'Trust concern/complaint'** means a concern raised or complaint made about E-ACT, the national team or one of its regional teams.
  - **'Working days'** mean Monday to Friday when the Academy is open during term time for Academy concerns/complaints and Monday to Friday, excluding bank holidays or office closure over Christmas for Trust concerns/complaints.

## 2. Scope

- 2.1 This policy can be used by all Academy and Trust stakeholders to raise concerns or

complaints.

2.2 This policy does not apply to all concerns or complaints made to the Academy or Trust. Certain topics of complaint may mean that the concern or complaint should be paused whilst the content is investigated under a separate E-ACT process. Should this be the case, you will be advised. The following is an indicative list of such topics:

- Admissions appeals to schools<sup>1</sup>
- Safeguarding<sup>2</sup>
- Staff grievances and disciplinary procedures<sup>3</sup>
- Complaints about services provided by other providers using Academy premises or facilities<sup>4</sup>
- Whistleblowing<sup>5</sup>
- Permanent exclusion appeals of pupils from an Academy<sup>6</sup>.

### **3. Legislation and regulation**

3.1 This policy is written in line with the following legislation and guidance:

- Education Skills and Funding Agency (ESFA) guidance<sup>7</sup>
- The Education (Independent School Standards) Regulations 2014 Schedule 1, Part 7<sup>8</sup>.

### **4. Safeguarding**

4.1 We are committed to safeguarding and promoting the welfare of all pupils. If concerns raised by parents/carers relate to a possible safeguarding issue, the matter will be referred to the Designated Safeguarding Lead (DSL) on the senior leadership team in an Academy. This will be handled in line with our Trust-wide Child Protection and Safeguarding Policy, as well as under this complaints policy.

### **5. The Data Protection Act 2018 and General Data Protection Regulations 2018**

5.1 We take data protection seriously and will comply with data confidentiality. For more information on how we handle data, please see our privacy policies. Should your complaint or concern relate to misuse of data, please contact the Data Protection Officer (DPO) for the Trust by email – [dpo@e-act.org.uk](mailto:dpo@e-act.org.uk)

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<sup>1</sup> Please refer to the admissions arrangements on each Academy website. If your complaint relates to an admissions decision, please note that this will be managed under the [School Admissions Appeal Code](#)

<sup>2</sup> Please refer to E-ACT's Child Protection and Safeguarding policy for the concurrent procedure to investigate these complaints.

<sup>3</sup> Please refer to E-ACT's grievance and disciplinary policies

<sup>4</sup> Providers should have their own complaints procedure and should be contacted directly. Where appropriate, E-ACT can assist you in this.

<sup>5</sup> Please refer to E-ACT's whistleblowing policy and procedure

<sup>6</sup> Please refer to E-ACT's behaviour and anti-bullying policy

<sup>7</sup> [ESFA Complaints Process Guidance](#)

<sup>8</sup> [Education \(Independent School Standards\) Regulations 2014](#)

## 6. Management of complaints

- 6.1 The Trust concerns and complaints procedure has three stages:
- **Stage 1 Informal Concern:** informal raising of a concern or difficulty with a member of staff orally or in writing
  - **Stage 2 Formal Complaint:** a formal complaint in writing
  - **Stage 3 Complaint Hearing:** a referral to the complaints panel where the complainant is not satisfied with the response to the complaint Stage 2.
- 6.2 The composition of a complaint hearing panel at Stage 3 will include at least one panel member who is independent of the academy, region and Trust. The panel will be a minimum of three people including at least one independent panel member. The panel clerk will endeavour to find two independent members to form part of the panel as a matter of good practice.
- 6.3 Further details of each of the three stages of the concern and complaint process can be found in the Complaints and Concerns Procedure in Appendix A at the end of this policy document.

## 7. Confidentiality

- 7.1 A written record will be kept of all concerns and complaints, and of whether they were resolved at Stage 1, Stage 2, or proceeded to a Stage 3 complaint panel hearing. The number of formal complaints registered during the preceding school year are posted on the Academy's website.
- 7.2 The regional team will retain a record of all concerns and complaints, action taken and resolution from Stage 1, Stage 2 and Stage 3. This is collated by the Regional Coordinator and reported at both the half termly Raising Achievement Boards and the six weekly Regional Performance Boards (RPBs).
- 7.3 Correspondence, statements and records relating to individual complaints will be kept confidential except where access is requested by the Secretary of State or where disclosure is required in the course of an Academy inspection or under other legal authority.
- 7.4 In accordance with data protection legislation principles, details of individual complaints will be kept only for as long as is considered to be reasonably necessary in the circumstances. Please see our E-ACT Information Records and Retention Policy for more information.

## 8. Anonymous Complaints

- 8.1 In so far as we are able, we will manage anonymous complaints as we do any other complaint. Anyone considering submitting an anonymous complaint should be aware that there may be instances where our ability to investigate a complaint thoroughly could be hindered by a lack of information – including our ability to speak to the complainant directly about their concerns.
- 8.2 We will always investigate the complaint as far as we are able based on the information given. However, we will only feedback on the outcome of any

investigation regarding one of our academies to a known parent of a pupil at the Academy.

- 8.3 All investigations of Academy complaints will be reported internally to the Regional Education Director (RED) for full oversight. At the half termly Regional Performance Boards, the Regional Education Director (RED) and the Regional Operations Director (ROD) are required to update the Executive Leadership Team (ELT) about complaints in their region.
- 8.4 All investigations of Trust complaints will be reported internally to the Director of Governance and Strategy for full oversight. The Director of Governance and Strategy will keep the Executive Leadership Team (ELT) apprised of any Trust complaints and report formally to the Board via the Audit and Risk Committee in the annual reporting cycle.

## **9. Expectations in relation to raising a concern**

- 9.1 Individuals who raise either informal concerns or formal complaints with the Trust or one of its academies, can expect:
- This policy to be available with the other policies on the E-ACT website and on each Academy website;
  - Response within a reasonable time<sup>9</sup> and with courtesy and respect;
  - A staff member to be available for consultation within reasonable time limits bearing in mind the needs of pupils within the Academy and the nature of the complaint;
  - An attempt to resolve concerns using reasonable means in line with this policy.
- 9.2 In turn, the Trust and its academies can expect anyone raising a concern to:
- Treat all staff with courtesy and respect;
  - Respect the needs and well-being of pupils and staff;
  - Avoid any use, or threatened use, of violence to people or property;
  - Avoid any aggression, verbal abuse or other intimidating behaviour;
  - Ensure that written communications state the facts surrounding the concern without using threatening or unpleasant language;
  - Recognise the time constraints under which members of staff in our academies work and allow the Academy a reasonable time to respond;
  - Recognise that resolving a specific problem can sometimes take some time.

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<sup>9</sup> Please see appendix 1 for response times

## 10. Persistent or unreasonable Complainants

- 10.1 Each complaint will be reviewed individually and responded to, based on the information received. However, E-ACT reserves the right to restrict contact with those who make persistent or unreasonable complaints as defined below.
- 10.2 For the purpose of this policy, a persistent complainant is someone who complains about issues, either formally or informally, or frequently raises issues that the complainant considers to be within the remit of the Trust and/or its academies, and whose behaviour is unreasonable.
- 10.3 Such behaviour may be characterised by:
- Actions which are obsessive, persistent, harassing, prolific, repetitious;
  - Prolific correspondence or excessive e-mail or telephone contact about a concern or complaint;
  - An insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes;
  - An insistence upon pursuing complaints in an unreasonable manner;
  - An insistence on only dealing with the Headteacher or senior member of the regional or national team on all occasions irrespective of the issue and the level of delegation in the Academy to deal with such matters;
  - An insistence upon repeatedly pursuing a complaint when the outcome is not satisfactory to the complainant but cannot be changed, for example, if the desired outcome is beyond the remit of the Trust or its academies because it is unlawful.
- 10.4 For the purpose of this policy, unreasonable is those who, because of the frequency or nature of their contacts with the academy, hinder consideration of their or other people's complaints<sup>10</sup>, for example:
- Refusing to articulate a complaint or specify the grounds of a complaint or the outcomes sought, despite offers of assistance;
  - Raising large numbers of detailed but unimportant questions;
  - Making unjustified complaints about staff who are trying to deal with the issues;
  - Changing the basis of the complaint as the investigation proceeds.
- 10.5 For the purpose of this policy, harassment is the unreasonable pursuit of such actions detailed above in such a way that they:
- a. Appear to be targeted over a significant period of time on one or more

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<sup>10</sup> Adopted from the maintained schools provisions in <https://www.gov.uk/government/publications/school-complaints-procedures/best-practice-advice-for-school-complaints-procedures-2019>

members of E-ACT staff, Trustees or AAG members, and/or

- b. Cause on-going distress to individual member(s) of Academy staff, and/or
- c. Have a significant adverse effect on the whole/parts of the Academy community; and/or
- d. Are pursued in a manner which can be perceived as intimidating and oppressive by the recipient. This could include situations where persistent demands and criticisms, whilst not particularly taxing or serious when viewed in isolation, have a cumulative effect over time of undermining confidence, well-being, physical and mental health.

#### **10.6 The Academy's actions in cases of persistent complaints or harassment.**

10.6.1 In the first instance the Trust/Academy will communicate either in writing or verbally (confirmed with a letter) to inform the complainant that their behaviour is considered to be becoming unreasonable/unacceptable and, if it is not modified, action may be taken in accordance with this policy.

10.6.2 If the behaviour is not modified the Trust/Academy will take some or all of the following actions as necessary, having regard to the nature of the complainant's behaviour and the effect of this on the Academy community:

- a. Inform the complainant in writing that their behaviour is now considered by the Trust/Academy to be unreasonable/unacceptable
- b. Inform the complainant that all meetings with a member of staff will be conducted with a second person present and that notes of meetings may be taken in the interests of all parties;
- c. Inform the complainant that, except in emergencies, all routine communication with the complainant to the Trust/Academy should be by letter only;
- d. In the case of physical, or verbal aggression or other forms of intimidating behaviour, take appropriate advice and consider warning the complainant about being banned from the Academy site; or proceed straight to a temporary ban;
- e. Consider taking appropriate advice on pursuing a case under anti-harassment legislation;
- f. Consider taking advice from the HR / legal services about putting in place a specific procedure for dealing with complaints from the complainant, i.e. the complainant will not be able to deal directly with the Headteacher but only with a third person, to be identified by the Regional Education Director, who will investigate, determine whether or not the concern/complaint is reasonable and then advise the Headteacher accordingly.

10.6.3 In the event of extreme situations or events, the Trust/Academy may take the decision to move implementing one of the above steps immediately. In this

situation the complainant will be informed in writing.

10.6.4 The Headteacher will keep the Regional Education Director (RED) informed at all times regarding any cases of persistent or unreasonable complaints or harassment.

10.6.5 Legitimate new complaints will still be considered, even if the person making them is, or has been, subject to sections 7 and 8 of this policy.

10.6.6 Advice should be sought from the Director of Governance and Strategy or Governance Manager who will ensure that the appropriate HR/legal advice is received. If a complainant's persistent complaining/harassing behaviour is modified and is then resumed at a later date within a reasonable period of time, the Trust/Academy may resume the process identified above at an appropriate level. In these circumstances, advice may be sought from the HR/legal services that the Trust subscribes to.

## **11. Complaints to the Education and Skills Funding Agency (ESFA)**

11.1 The Education and Skills Funding Agency (ESFA) has a responsibility to ensure that academies comply with their funding agreements.

11.2 If the ESFA receives a complaint regarding an E-ACT Academy or the Trust it will check whether the complaint has been dealt with properly.

11.3 ESFA will consider complaints about E-ACT or its academies that fall into any of the following three areas:

- a. where there is undue delay or the Trust/Academy did not comply with its own complaints procedure when considering a complaint;
- b. where the Trust/Academy is in breach of its funding agreement with the Secretary of State
- c. where the Trust/Academy has failed to comply with any other legal obligation.

11.4 ESFA will not overturn an Academy or our Trust's decision about a complaint. However, if ESFA find that an Academy or the Trust did not deal with a complaint properly they will request the complaint is looked at again and procedures meet the requirements set out in the Regulations<sup>11</sup>.

11.5 If any of the issues listed in 11.3 a-c apply, the Education and Skills Funding Agency can be contacted via:

- via the Department for Education's **schools complaints form**
- by post to Ministerial and Public Communications Division:  
*Department for Education (DfE)*  
*Piccadilly Gate, Store Street*  
*Manchester M1 2WD*

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<sup>11</sup> [The Independent School Standards](#)

## **12. Ambassadorial Advisory Groups (AAGs)**

- 12.1 All Academy Ambassadorial Advisory Groups work with E-ACT academies to support community collaboration and communication, celebration and provide AAG panel members who can support in hearing complaints at Stage 3.
- 12.2 The Trust recognises the vital role that our volunteer Academy Ambassadors play in sustaining high quality engagement with our communities and stakeholders. This supports the Trust and its academies in ensuring that any issues raised with AAG members can be swiftly resolved at Academy, regional and national level.
- 12.3 Academy Ambassadors are not expected to resolve issues or concerns. Any involvement within the informal stages of the complaints process at Stage 1 should be for the core purpose of sharing information with the Headteacher. The Headteacher can then resolve any concerns raised informally with AAG members that may have been raised by staff, parents or other stakeholders.
- 12.4 Academy Ambassadors do not investigate concerns or complaints.
- 12.5 Academy Ambassadors are given an opportunity to attend and receive training in order to sit as members on Stage 3 complaint hearing panels for their Academy or another E-ACT Academy in their region. On rare occasions Academy Ambassadors may be invited to sit on Stage 3 complaint hearing panels outside of their region at the request of Regional Directors.
- 12.6 In each region the Regional Coordinators will work with Regional Education Directors, Headteachers, Chairs of the AAGs and the governance team, to ensure that there are well-trained ambassadors who can be panel members in each Academy. Any ambassador who is involved in Stage 3 of the complaints process must be trained to recognise safeguarding concerns and be fully conversant with how to report safeguarding concerns.
- 12.7 When inviting ambassadors to sit on Stage 3 panels the Regional Education Directors (REDs) or Deputy Regional Education Directors (DREDs) and the Headteacher must give due consideration to any potential conflicts of interest in relation to the ambassadors' participation.
- 12.8 Ambassadors are volunteers and can decline invitations to participate on panels. Ambassadors are not required to give a reason for declining.

## **13. How we monitor and report on complaints internally**

- 13.1 In order to understand how we can improve our services and processes and ensure that we are responding to and managing complaints appropriately and consistently across E-ACT, we record all complaints and review termly reports on complaint activity, as follows:
  - The Regional Coordinator is required to keep a register of all Stage 1, 2 and 3 complaints.
  - Complaints and their resolutions are reviewed at the half termly Raising Achievement Board (RAB) meetings with the Regional Directors.

- Every half term at the Regional Performance Board (RPB) meetings, the Regional Education Director (RED) and Regional Operations Director (ROD) are required to report on complaints received at the academies in their region. The Executive Leadership Team (ELT) scrutinise reporting to ensure that all processes are followed in handling concerns and complaints and lessons learned are actioned in the regions.
- 13.2 The reports taken to the RPB meetings provide details about the action taken by the academies to resolve the concerns and complaints, regardless of whether or not they were upheld.
- 13.3 The reports help E-ACT understand what types of issues parents, pupils and other stakeholders are concerned about, as well as being able to monitor whether we are responding to complaints appropriately as an organisation and making necessary improvements following on from complaints.
- 13.4 Complaints received by the Governance Manger are passed to the appropriate ELT member by the Governance Manager. The ELT member will then either nominate an individual to handle to complaint or handle it themselves. The ELT member will report back to ELT on the outcome and work with the governance team on any necessary improvements to process.
- 13.5 Complaints relating to a member of ELT are handled by the Head of Internal Audit.
- 13.6 Each year Trustees receive an annual complaints report via the Audit and Risk Committee
- 13.7 Please note, in line with data protection and confidentiality, no personal details relating to complaints will be passed on as part of the complaint reports. Personal details will only be shared internally where it essential for responding to and resolving the complaint.

## **14. Training**

- 14.1 The Regional Coordinators are responsible for managing the complaints processes in their region. The Regional Coordinators receive training on appointment and will receive updates as appropriate throughout the year. Training is provided via our external HR partner and covers all stages of the complaints process.
- 14.2 E-ACT will ensure that professional training is available for staff and volunteers, such as AAG members, who will be asked to sit on complaints panels. Appropriate training will be provided annually and the governance team working with the Regional Educations Directors (REDs) and Regional Operations Directors (RODs), will ensure that in each region there is a group of staff and volunteers trained to sit on Stage 3 complaint panels within the region. On occasion requests may be made to share appropriately trained staff across regions for complaint panels. The Regional Coordinators are responsible for tracking attendance at the training and the governance team are responsible for ensuring the training is of a suitable quality.

## **15. Responsibilities**

- 15.1 The Trust Board has overall responsibility for the content of the policy and for ensuring the policy is adhered to. They delegate this responsibility as follows:

- The Executive Leadership Team (ELT) is responsible for monitoring the regional and national complaints reporting and improvement implemented through the reporting at the Regional Performance Boards (RPBs).
- The Regional Education Directors (RED) and Regional Operations Directors (RODs) are responsible for ensuring the policy is implemented and adhered to in the regions, including reporting at the half termly Raising Achievement Boards (RABs).
- Headteachers are responsible for ensuring Academy compliance with this policy.

## **16. Monitoring and compliance**

16.1 This policy will be reviewed annually, or when legislation or regulation alters.

## Appendix 1: E-ACT Concerns and Complaints Procedure

This procedure supports the implementation of the E-ACT Concerns and Complaints Policy.

It sets out how someone can raise a concern or make a complaint to the Trust or any of its academies and what can be expected at each stage of the process.

**The E-ACT Concerns and Complaints Procedure has three stages which are:**

- **Stage 1: Dealing with concerns informally**
- **Stage 2: Making a formal complaint**
- **Stage 3: Requesting a complaints panel hearing.**

### Stage 1: Dealing with concerns informally

#### Informal resolution of a concern

We expect that most concerns can be resolved informally.

For example, dissatisfaction about some aspect of teaching or pastoral care or a billing error should be able to be resolved by the relevant member of staff in the Academy.

Complaints of discrimination, harassment or victimisation are taken very seriously and should be dealt with at Stage 2 without action at Stage 1<sup>12</sup>.

**Disciplinary/behaviour concerns:** a problem over any disciplinary action taken or a sanction imposed against a pupil should be raised first of all with the member of staff who imposed it then with the senior leadership team.

#### Who to contact

Where appropriate, concerns should initially be raised as follows:

- **Educational issues:** if the matter relates to classroom practice, the curriculum or special educational needs/and disabilities, please speak or write to the relevant form teacher or head of year.
- **Pastoral care:** for concerns relating to matters outside the classroom, please speak or write to the class teacher, head of year or key stage coordinator.

A member of the public wishing to raise a **concern about an Academy** should refer their concern to the Regional Coordinator. The name and contact details for Regional Coordinators are available on Academy websites.

An individual wishing to raise a **Trust concern** (i.e. one that relates to E-ACT Trust or an E-ACT region, rather than an Academy) should contact the Governance Manager at [Governance.Team@E-ACT.org.uk](mailto:Governance.Team@E-ACT.org.uk)

When a concern is raised, we can help quicker if you, the complainant, provide information which makes it clear what the main issue is and explains how you wish the Trust/Academy to help resolve the concern.

A concern provided in writing will be acknowledged by telephone, email or letter within two

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<sup>12</sup> If these are made by a member of staff against another colleague, these should be managed under the Grievance and Disciplinary Policy.

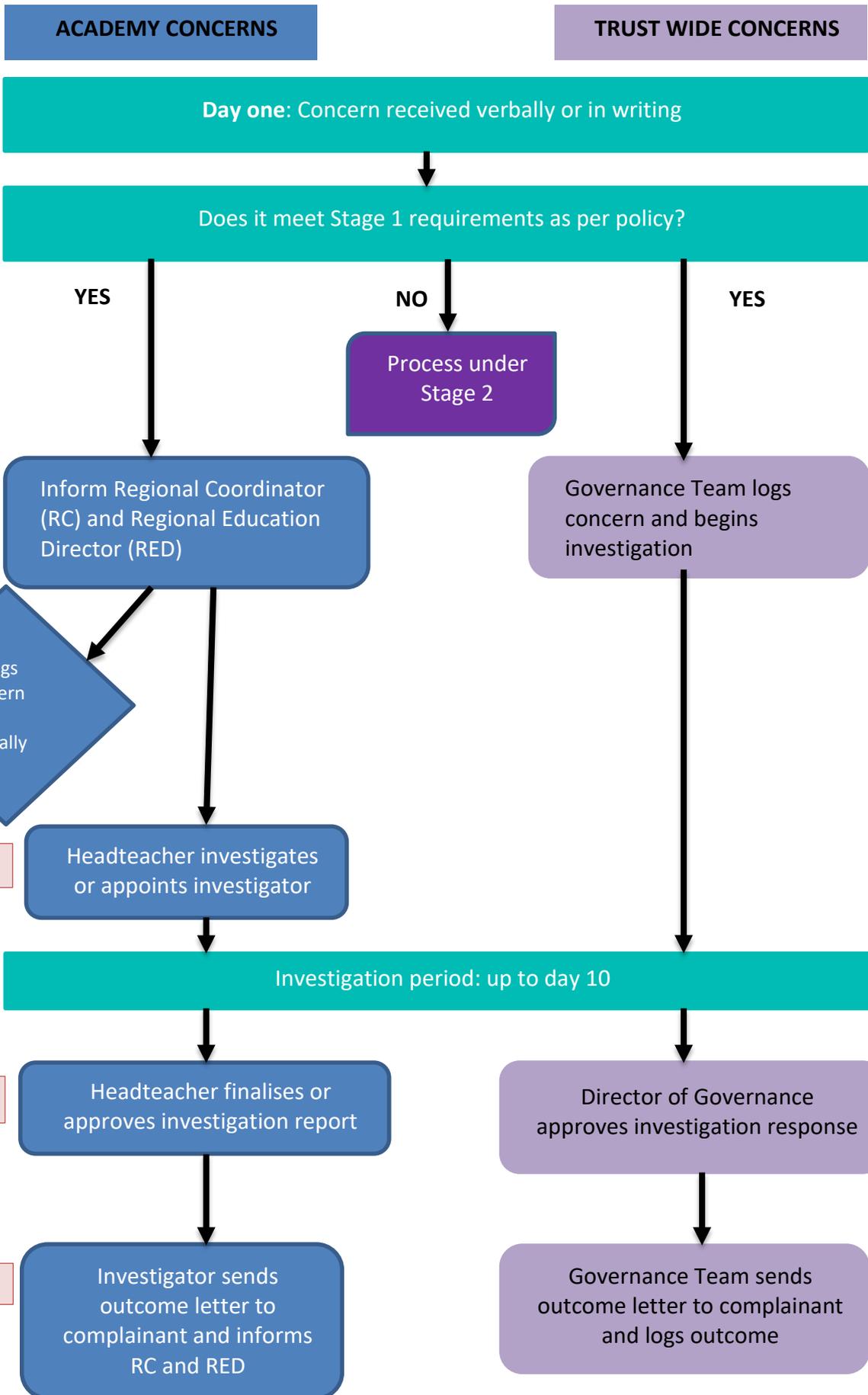
working days of receipt during term time and as soon as practicable during the holidays.

A matter raised orally will not necessarily be acknowledged in writing.

A concern which has not been resolved by informal means within 15 working days should be notified in writing as a formal complaint using the procedure set out in Stage 2.

If you are not satisfied with the outcome of the informal Stage 1, an individual may make a formal complaint within ten working days of the Trust/Academy's decision about the concern raised at Stage 1.

# STAGE 1



## Stage 2: Making a formal complaint

### How to make a formal complaint?

If you are dissatisfied with the response to the concern raised under Stage 1, or the complaint requires investigation or involves dissatisfaction with some aspect of the Trust/Academy policies or management, the complaint must be made under Stage 2.

### Academy complaints

The full details of the complaint should be set out in writing and sent with all the relevant documents and full contact details to the Regional Coordinator.

The Regional Coordinator will ensure that the complaint is:

- a. Logged with the date and time of receipt as part of the regional complaints tracking process and the Regional Coordinator will acknowledge receipt of the complaint
- b. Passed to the Academy Headteacher or, in the event the complaint is about the Headteacher, passed to the Regional Education Director (RED).

The Regional Coordinator is the first point of contact for all complaints in order to help ensure that complaints are dealt with consistently, efficiently and to a high standard across all academies within the region.

### Trust complaints

Individuals making a formal complaint regarding the Trust, rather than an Academy, should send their complaint to the Governance Manager at [Governance.Team@E-ACT.org.uk](mailto:Governance.Team@E-ACT.org.uk)

All formal complaints will be acknowledged by, email or letter within two working days during term time, and as soon as practicable during the holidays, indicating what action is being taken and the likely timescale.

### Investigation

#### Academy complaints:

The Headteacher may ask a senior member of staff to act as investigator for the Academy complaint at Stage 2. The Regional Education Director (RED) or Regional Operations Director (ROD) reserve the right to appoint an investigator in the rare occurrence where they may not agree with the choice made by the Headteacher.

On occasion the Headteacher may also ask for additional support and expertise from the Regional System Leaders by agreement with the Regional Education Director (RED)

All Stage 2 complaints received by the Regional Coordinator must be reported to the Regional Education Director within one working day of receipt.

If the complaint is about the Headteacher, the Regional Education Director may ask a member of the educational or operational regional team to undertake the investigation. This must be of senior status in the region. They can also request a regional Education Director or Regional Operations Director from another region undertake the investigation.

#### Trust complaints

A member of the Executive Leadership Team (ELT) will investigate the complaint or appoint another member of the national team to act as investigator in line with the Scheme of

Delegation.

The investigator(s) may request additional information from you the complainant and will probably wish to speak to you personally and to others who have knowledge of the circumstances.

Written records will be kept of all meetings and interviews held in relation to the complaint.

The investigator(s) will prepare a report on the investigation which will be considered by another member of ELT or the Trustees if appropriate.

### **Decision**

The Headteacher/Regional Education/ELT member will then notify you by telephone, email or letter of their decision and the reasons for it within 10 working days from the receipt of the complaint. Where there are exceptional circumstances resulting in a delay, you will be notified of this and informed of the new timescales as soon as possible.

Any complaint received within one week of the end of a term or half term is likely to take longer to resolve owing to the Academy holidays and the unavailability of personnel required for the investigation to be undertaken properly.

***Please note:*** *Where a complaint is made by a parent in the EYFS setting, the complaint will be investigated in accordance with this procedure and you will be notified of the outcome within 28 days of the complaint being received.*

## STAGE 2

ACADEMY COMPLAINTS

TRUST WIDE COMPLAINTS

Day one: Concern received in writing

Does it meet Stage 2 requirements as per policy?

YES

NO

YES

Process under  
Stage 1

Inform Regional Coordinator  
(RC) and Regional Education  
Director (RED)

Governance Team logs complaint  
and notifies appropriate ELT  
member

RC logs  
concern  
and  
formally

By day 2

Headteacher or RED  
investigates or appoints an  
investigator

ELT member investigates or  
appoints investigator

Investigation period: up to day 7

By  
day 8

Headteacher finalise or  
approves investigation

ELT member finalises or approves  
investigation response

By day  
10

Investigator sends outcome  
letter to complainant and  
informs RC & RED

Governance Team logs  
outcome and ELT member  
updates ELT.

### **Stage 3: Requesting a complaints panel hearing**

#### **What is a complaints panel hearing?**

If you as the complainant are not satisfied with the outcome of your complaint at Stage 2, you may escalate your complaint to Stage 3 of the procedure.

This means that a panel can hear the complaint and undertake a review of the decisions taken after investigation of the complaint at Stage 2.

The panel will not consider any new areas of complaint which have not been previously raised at Stage 1 and Stage 2 of the complaint procedure.

The role of the panel is to establish the facts surrounding the complaints that have been made and to reach a decision, on the balance of probability, as to whether the complaint has been handled properly by considering:

- the documents provided by both parties; and
- any representations made by you, and the Academy/Trust.

It is not within the powers of the hearing panel to make any financial award, nor to impose sanctions on staff, pupils or parents.

The hearing panel may make recommendations on these matters or any other issues to the Headteacher and / or to the Regional Education Director, as appropriate.

#### **How to request a complaints panel hearing:**

A request for a hearing before a complaints panel must be put in writing to the Regional Coordinator (Academy complaints) or Governance Manager (Trust complaints) within ten working days of the Stage 2 decision being communicated.

The written request should include:

- a copy of all relevant documents and full contact details;
- details of all the grounds of the complaint and the outcome desired;
- a list of the documents which the parents believe to be in the Trust/Academy's possession and wish the panel to see; and
- whether you wish to be accompanied to the hearing as outlined below.

If assistance with the request to attend and be accompanied at the panel is required, for example because of a disability, please inform the Regional Coordinator/Governance Manager who will be happy to make appropriate arrangements.

You have the right to attend the panel hearing and may be accompanied by another person, for example a relative, teacher or friend.

The Regional Coordinator/Governance Manager will acknowledge the request for a hearing in writing within two working days of receipt during term time and as soon as practicable during the holidays.

Every effort will be made to enable the hearing to take place within 15 working days of receipt of the request. However, note that the panel will not normally sit during half terms or Academy holidays.

## **Planning the hearing**

A panel clerk appointed will be appointed (usually the Regional Coordinator or, for Trust complaints, a member of the governance team) to arrange the hearing, including coordination of all paperwork and taking minutes at the hearing.

As soon as reasonably practicable, and in any event at least ten working days before the hearing, the panel clerk will send written notification to each party of the date, time and place of the hearing.

Copies of any additional documents you wish the panel to consider should be sent to the panel clerk to be received at least five working days prior to the hearing.

You may be accompanied to the hearing by another person, for example a relative, teacher or friend. The panel hearing is not a legal proceeding and so legal representation is not usually necessary.

The panel clerk will circulate a copy of the bundle of documents to be considered by the panel to all parties at least three working days prior to the hearing.

## **Composition of the Panel**

The panel for either Academy or Trust complaints will normally comprise a minimum of three individuals who have no detailed prior knowledge of the circumstances of the complaint.

The composition of the panel and the role of the Chair is set out in E-ACT's Scheme of Delegation.

For Academy complaints relating to Academy senior leadership (or roles below this), the panel must include at least one independent member who has no connection with the governance, management and running of the Academy or the Trust. This must not be a member of the Academy AAG, regional team or another E-ACT AAG or regional team member.

Although the minimum required is at least one independent member, the panel clerk must endeavor to find two independent members to form part of the panel as a matter of good practice.

The second panel member may be another Academy ambassador, a member of staff from another E-ACT Academy or even a member of staff or governor from another school in the borough. If it is not possible to find a second independent panel member the reasons why must be recorded in the hearing documentation.

You may ask the panel clerk to tell them who has been appointed to sit on the panel ahead of the hearing. The panel clerk must consult the trust's Scheme of Delegation to ensure that the panel composition is correct based on whom the complaint is about.

**The Panel hearing** All those present at the hearing shall have the opportunity to ask questions and make comments in an appropriate manner. The hearing is not a legal proceeding and the panel shall be under no obligation to hear oral evidence from witnesses but may do so and/or may take written statements into account.

At the hearing, the panel will, in general:

- Explain the purpose of the hearing and the procedure;
- Invite you to explain your complaint and ask you further questions;

- Invite the investigator and Stage 2 lead to explain how they handled the complaint;
- Question any witnesses.

All statements made at the hearing will be unsworn. All present will be entitled, should they wish, to write their own notes for reference purposes.

All those attending the hearing are expected to show courtesy, restraint and good manners or, after due warning, the hearing may be adjourned or terminated at the discretion of the Chair. If terminated, the original decision will stand. Any person who is dissatisfied with any aspect of the way the hearing is conducted must say so before the proceedings go any further and their comment will be minuted.

The Chair may, at their discretion, adjourn the hearing for further investigation of any relevant issue. This may include an adjournment to take legal advice.

A hearing before the complaints panel is a private proceeding. No notes or other records or oral statements about any matter discussed in or arising from the proceeding shall be made available directly or indirectly to the press or other media.

### **The decision**

The panel will reach a decision on a balance of probabilities unless there is an agreed position.

The decision, findings and any recommendations will be provided to the complainant, and where relevant the person complained about, in writing by electronic mail, normally within five working days of the hearing.

If you do not wish to receive the decision by electronic mail, please inform the panel clerk of this and a copy will be given or couriered to you.

The Regional Education Director reviews findings and recommendations as part of quality assurance work to ensure that lessons learned from complaints can inform the work in our regions. They will work with the Regional Coordinator to ensure that the written record is retained of all outcomes of all concerns and complaints and their formal or informal resolution at Stages 1, 2 to 3 and ensure that action is taken by an academy whether a complaint is upheld or not.

The decisions, findings and any recommendations will also be available for inspection by the Board of Trustees, the Executive Leadership Team, the Regional Team and the Headteacher.

This represents the conclusion of the E-ACT's complaints procedure.

If you are still dissatisfied with the outcome of your complaint you may be entitled to complain to the Education and Skills Funding Agency, as set out in section 11 of this Concerns and Complaints Policy.

### STAGE 3

