



# COMPLAINTS POLICY

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# DOCUMENT CONTROL

## Who is this policy for?

This policy and procedure applies to all employees of OAK Multi Academy Trust (OAK).

## This Policy Statement

The aim of this policy and accompanying procedure is to achieve a fair, effective and speedy resolution of employee and stakeholder concerns relating to an Academy or the Trust, or to the services that we provide.

## Protective marking

Not protectively marked.

## Review date

This policy will next be reviewed before September 2022.

## Revision History

REVISION	DATE	DESCRIPTION	AUTHOR
1	Jan 2021	Original version	Stephen Mitchell
2	March 2021	Page 11 EFSA updates re appeal actions	Danni Ben-yon-Payne

## **ROLES AND RESPONSIBILITIES**

This policy and procedure applies to all employees of OAK Multi Academy Trust (OAK). Throughout this document, the term 'Headteacher' refers to the Headteacher or Head of Academy.

This policy has been approved by the OAK Board of Trustees. The responsibility for the implementation of this policy rests with the Headteacher /Head of Academy in Academies and with the CEO in the Central Team.

## **SUGGESTED AUDIENCE**

This policy and procedure provides a framework for parents/carers of pupils and students and wider stakeholders, including members of the public, to raise issues with the Trust and its academies. It does not apply to matters governed by employment legislation, which are covered by HR policies and procedures, or in respect of contractual arrangements with suppliers.

As part of their induction or professional development, all relevant staff will participate in training, which enables them to apply the principles and procedures defined in this policy.

## **GENERAL PRINCIPLES**

The aim of this policy and accompanying procedure is to achieve a fair, effective and speedy resolution of employee and stakeholder concerns relating to an Academy or the Trust, or to the services that we provide.

An anonymous concern or complaint will not be investigated under this procedure, unless there are exceptional circumstances.

To enable a proper investigation, concerns or complaints should be brought to the attention of the Academy or Trust, as soon as possible. In general, any matter raised more than six months after the event being complained of, will not be considered, though cases may be considered outside this timescale, if exceptional circumstances apply.

The Headteacher or Chair of the Local Governing Body will determine whether exceptional circumstances apply for a complaint about an Academy. The Chief Finance and Operations Officer will determine whether exceptional circumstances apply for a complaint about the Trust.

We will consider complaints made outside of term time to have been received on the first school day after the holiday period. Please note that for academy related complaints, the reference to working days in the following procedure refers to school term dates.

## **AVAILABILITY OF THE COMPLAINTS POLICY AND PROCEDURE**

This policy and procedure is available via the OAK Multi Academy Trust website and also via individual Academy websites. If pupils or students raise concerns and complaints under this policy and procedure, the Academy will involve parents/carers.

Copies of the Complaints Policy are available from the Headteacher at each Academy and from:

Governance and Operations Manager, OAK Multi Academy Trust, Copse Close, Oadby, Leicestershire, LE2 4FU. Email: [info@oaktrust.org](mailto:info@oaktrust.org)

## SCOPE

This policy and procedure is for the benefit of students and stakeholders. This policy and procedure will be applied to all stakeholder complaints, except in the cases summarised below.

Exceptions	Who to contact
Admissions to school	Admissions authority – details are provided on the admissions section of the relevant Academy website. Please contact the academy if you cannot access the information on the website.
Statutory assessments of Special Educational Needs	Local Authority carrying out the assessment.
Matters likely to require a Child Protection investigation	<p>Complaints about child protection matters are handled under the Child Protection and Safeguarding policy and in accordance with relevant statutory guidance. Please contact the Designated Safeguarding Lead at the relevant Academy</p> <p>Please contact the Academy if you cannot access the information on the website.</p> <p>If you have serious concerns, you may wish to contact <a href="mailto:safeguarding@Oaktrust.org">safeguarding@Oaktrust.org</a> or the relevant Local Authority Designated Officer.</p>
Exclusion from school	Parents and carers may use Academy procedures to challenge permanent exclusions and fixed term exclusions. Details of the processes to follow are provided in the documentation provided at the time of the exclusion. In the event of queries please contact the Academy for further details

Whistleblowing	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. A copy is available on Academy and Trust websites. Please contact <a href="mailto:info@oaktrust.org">info@oaktrust.org</a> if you cannot access the information via the websites.</p> <p>Volunteer staff who have concerns should complain through the complaints procedure.</p>
Staff grievances and disciplinary procedures	<p>The Trust has staff grievance and discipline policies and procedures and a code of conduct in place. Complainants are not informed of the outcomes of actions under these procedures</p>
Staff conduct	<p>Complaints about staff will be dealt with under the Trust's internal procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary actions taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
Complaints about services provided by external bodies using a school's premises or facilities.	<p>Providers should be contacted directly and have their own procedures for such eventualities.</p>
Appeals relating to internal assessment decisions for external qualifications	<p>Separate appeals procedures apply – please contact the Academy for further details.</p>
Withdrawal from the curriculum	<p>The right of withdrawal does not apply to other areas of the curriculum where religious matters may be spontaneously raised by pupils or arise in other subjects such as history or citizenship.</p>

We will be clear about the difference between a concern and a complaint. For the purposes of this policy, we understand a concern to be 'an expression of worry or doubt for which reassurances are sought' and a complaint to relate to actions taken or not taken which have led to dissatisfaction.

We will take concerns seriously at the earliest stage to reduce the numbers that develop into complaints. It is normally appropriate to communicate directly with the member of staff concerned. This may be by letter, by telephone or in person by appointment, requested via the school office. Many concerns can be resolved by simple clarification or the provision of information and it is anticipated that most issues will be resolved by this approach.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In this case, the Headteacher will refer you to another staff member. On the same principle, if a member of staff directly involved feels unable to deal with a concern, the Headteacher will refer you to another member of staff. This 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 informal procedures fail to resolve the issue, a formal complaint about any matter not relating to the matters outside the scope of the policy as outlined above, must be given verbally or in writing:

- to the Headteacher or LGB Chair for Academy related issues
- to the central Trust team using the [info@oaktrust.org](mailto:info@oaktrust.org) email address or in hard copy to the address above.

When received verbally, we will make written notes, and agree with the complainant before processing further

For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing this form, please contact the school office. You can also ask third party organisations like Citizen's Advice to help you. Please contact us if you would like to request any reasonable adjustments to enable you to access and complete this complaints procedure. Correspondence, statements and records will remain confidential unless disclosure is required in the course of the Academy's inspection or where any other legal obligation prevails. Documents will be retained in accordance with the Trust Personal Data Retention Policy.

Any queries, concerns or complaints about SEND provision by parents or carers should initially be raised informally, whether by e-mail, letter or a telephone call with the Academy's SENDCo. The SENDCo will investigate and use reasonable endeavours to follow up with the parent/carer within a school week. If this contact does not resolve the matter, parents/carers should follow the formal process, as set out in this Complaints policy and procedure.

If other bodies are investigating aspects of the complaint, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those investigations are complete.



## COMPLAINTS PROCEDURE – UNDERLYING PRINCIPLES

OAK's complaints procedure will:

- Encourage resolution of problems by informal means wherever possible
- Be easy to obtain and clearly publicised
- Be simple to understand and use
- Be impartial
- Be non-adversarial
- Allow swift handling with clear time-limits for action and keep people informed of the progress
- Ensure a full and fair investigation by an independent person where necessary
- Respect people's desire for confidentiality wherever possible
- Address the points at issue and provide an effective response and appropriate redress, where necessary
- Provide information to the Academy's Local Governing Body and Headteacher so that service can be improved.

At each stage, the person investigating the complaint will ensure that they:

- Establish what has happened to date and who has been involved
- Clarify the nature of the complaint and what remains unresolved
- Meet or contact the complainant, if further information is required
- Clarify what the complainant feels would resolve the issue
- Interview those involved/complained about. (accompanied if they wish)
- Conduct any meetings or interviews with an open mind
- Keep factual notes of meetings/interviews held.
- Inform the complainant of progress if they are unable to meet the agreed timescales.

At each stage of the procedure, we will seek to resolve the complaint. It may be appropriate to offer one or more of the following:

- An explanation
- An acknowledgment that the situation could have been handled differently or better
- An assurance and an explanation of the steps that have been or will be taken to help ensure that it will not happen again
- An undertaking to review Academy or Trust procedures in light of the complaint
- An apology

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

# STAGES IN OUR COMPLAINTS PROCEDURE

## Stage One – Informal Resolution

It is hoped that most concerns and complaints will be resolved quickly and informally.

The main contact person for each complainant will be the appropriate responsible person. The appropriate responsible person will be determined by the relevant Headteacher or CFOO, if it is not immediately obvious to all parties. In most cases, the matter should be resolved quickly by this means. If the appropriate responsible person cannot resolve the matter satisfactorily, it may be necessary for him/her to consult other staff.

The appropriate responsible person will make a written record of all concerns and complaints and the date on which they were received. They will inform other relevant colleagues, including the relevant line managers on the day of receiving any concern or complaint. This record will be kept for **one (1)** year after the individual leaves the organisation.

OAK and its academies will use their reasonable endeavours to resolve any informal complaint within **ten (10) working days** of it being raised. We will seek to resolve internal complaints as quickly as possible.

Should the matter not be resolved, or in the event that the appropriate responsible person and the complainant fail to reach a satisfactory resolution, then the complainant will be advised to proceed with their complaint in accordance with Stage Two of this Procedure.

## Stage Two – Formal Resolution

If the complaint cannot be resolved on an informal basis then the complainant should put their complaint in writing to the Headteacher, or the CFOO for complaints about the central team. Complainants should also outline how they wish their complaint to be resolved.

If the complaint is about the Headteacher the complaint should be passed to the CEO.

Complainants should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, copies of relevant documents and a clear statement of the actions that you would like the Academy to take to resolve the issue.

A Complaint Form is provided at Appendix 1, which should be completed and returned in a sealed envelope to the Trust office for it to be logged. If you are unable to complete the form yourself, please contact us so we can help to make alternative arrangements.

The Headteacher, or CFOO will normally delegate responsibility for undertaking an investigation of the complaint to an appropriate member of their team unless he/she deems it appropriate for him/her to deal with the matter personally.

The Headteacher, or CFOO will decide, after considering the complaint, the appropriate course of action to take.

In most cases, the Headteacher or CFOO will meet or speak to the complainant concerned to discuss the matter. If possible, a resolution will be reached at this stage.

The Headteacher or CFOO will use reasonable endeavours to speak to or meet complainants within **ten (10) working days** of the formal complaint being received. When the complaint is received in Academy holidays, the **ten (10) working days** will be counted from the start of the following school term.

It may be necessary to carry out further investigations.

A written record of all meetings, interviews and telephone conversations held in relation to the complaint will be kept. All stages of the process should be documented in a single file. All such records are subject to the Freedom of Information and Data Protection Acts. Content should be factual and objective.

Once the Headteacher or CFOO is satisfied that, so far as is practicable, all of the relevant facts have been established, a decision will be made. Complainants will be informed of this decision in writing and reasons for the decision will be given. This written decision should be provided no later **than ten (10) working days** after speaking to or meeting the complainant. The Headteacher or CFOO may also arrange to meet with the complainant to explain the decision.

A confidential written record of all formal complaints, including records of meetings and interviews held in relation to the complaint, and the decision reached, will be kept for **one (1) year** after the individual leaves the organisation.

If a complainant is dissatisfied with the response to their formal complaint, they have the opportunity to have their complaint considered by a Stage Three Appeal.

This will be communicated to them in the outcome letter.

### **Stage Three - Appeal**

If a complainant is dissatisfied with the Headteacher or CFOO's decision in respect of their formal complaint, they may request that their complaint be further considered by a Stage Three Appeal. This request must be made in writing addressed to the Headteacher for Academy related issues or to the CEO for central team issues.

Complainants must lodge their appeal in writing and within **ten (10) working days** of the date of the Stage Two decision. Complainants should provide details of the complaint made and the reasons why they believe the complaint has not been resolved by the Stage Two Procedure. Complainants should also outline how they wish their complaint to be resolved.

The Stage Three appeal is only obliged to consider the complaint(s) lodged in the 'initial submission' although they may use their discretion to consider other relevant and related matters that may subsequently arise.

When a request to move to Stage Three of this process is received by the Headteacher or CEO a stage three appeal will be arranged as soon as possible to consider the matter. This will normally be no later than **twenty (20) working days** after receipt of the request. However, timing will depend upon the availability of the stage three appeal members.

We will aim to agree a mutually convenient date for the appeal hearing. However, if despite best efforts, it is not possible to arrange the hearing within a reasonable time scale, the CEO may determine that the hearing proceeds on the basis of written submissions from both parties.

Any written material will be circulated to all parties at least five school days before the date of the meeting. The hearing will not accept as evidence recordings of conversations obtained without informed consent of all parties, unless exceptional circumstances apply.

For Academy related complaints, the Stage Three Appeal will consist of three Members, drawn from the Executive Team and/or Trustees, who have not previously been involved with the complaint. One of the members of the panel must be independent of the management and running of the academy. This may be an Headteacher from another OAK academy or a Trustee. For central team complaints, the Stage Three Appeal will consist of the Chief Executive and two other members of the Executive Leadership Team, who have not previously been involved with the complaint. The Academy/OAK Central Team will inform complainants in writing, that they can attend the panel hearing and, if they wish, be accompanied.

The hearing will be held in private. Electronic recordings of meetings are not permitted unless this is a specified reasonable adjustment for any party.

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

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

At the conclusion of the Stage Three hearing, a decision on the response to the complaint will be taken. Complainants will be informed of this decision, the reasons for it and any recommendations made, in writing. This written decision should be provided no later than **ten (10) working days** after the Stage Three Appeal.

The Stage Three Appeal's findings will be sent to:

- the complainant
- the Trust central team via [admin@oaktrust.org](mailto:admin@oaktrust.org)
- where appropriate, the person complained about.

A written record of all complaints, decisions and findings will be kept for **one (1) year** after the individual leaves the organisation. All records will be made available for inspection and indicate whether the complaint was resolved at the preliminary stage or proceeded to a panel hearing, along with what actions have been taken, regardless of the decision.

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

## **Complaints about the CEO**

In the event of a complaints in respect of the CEO, the following modifications to the procedures apply:

Stage two - a formal complaint should be submitted to the Chair of the Board of Trustees, OAK Multi Academy Trust. Copse Close, Oadby, Leicestershire, LE2 4FU

The Chair will either investigate the matter or nominate another Trustee to investigate your complaint.

Stage three – the Stage Three Appeal will consist of three other members of the Board of Trustees who have not previously been involved with the complaint.

### **Complaints about GDPR and Subject Access Requests.**

If the school does not comply with a Subject Access Request within 1 month (subject to any extension), or refuses all or part of the request, written reasons will be provided, setting out the principles for the refusal.

The Trust's Data Protection Officer is responsible for dealing with all complaints in line with this procedure. The complaints policy will still be the basis for dealing with Data Protection Complaints and appeals. A written outcome will be provided.

If you feel that the school/trust have not dealt with your matter satisfactorily you can complain to the Information Commissioner

By post:  
Customer Contact  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
SK9 5AF

Or by email: [casework@ico.org.uk](mailto:casework@ico.org.uk)

More information is on the ICO website [www.ico.org.uk/](http://www.ico.org.uk/)

## **PROCEDURES FOR HANDLING UNREASONABLY PERSISTENT, HARASSING, VEXATIOUS, UNREASONABLE OR ABUSIVE COMPLAINTS**

Everyone involved in governance at OAK is committed to the improvement of our Academies. We welcome feedback from parents/carers and will always try to resolve any concerns, requests for clarification or complaints as quickly as possible.

Sometimes, however, parents or carers pursuing complaints or other issues treat staff and others in a way that is unacceptable and or behave in an unacceptable manner. Whilst we recognise that some complaints may relate to serious and distressing incidents, we will not accept threatening, inappropriate or harassing behaviour.

### **What do we mean by 'an unreasonable complainant'?**

An unreasonable complainant may be anyone who engages in unreasonable behaviour when making a complaint. This will include parents and carers who pursue complaints in an unreasonable manner and those who do not act in an appropriate manner towards staff at the Academy or Trust.

Unreasonable behaviour may include actions which are:

- out of proportion to the nature of the complaint, and/or
- persistent – even when the complaints procedure has been exhausted, or
- personally harassing, or
- unjustifiably repetitious or
- obsessive, harassing, or prolific.

Unreasonable behaviour may include an insistence on:

- Pursuing unjustified or unmeritorious complaints and/or
- pursuing justifiable complaints in an unreasonable manner e.g., using abusive or threatening language; or
- making complaints in public or sharing information relating to the complaint, staff, pupils, the Trust or the Academy inappropriately on social media; or
- refusing to attend appointments to discuss the complaint; or
- unrealistic outcomes to unjustified complaints.

### **What can you expect from us?**

Anyone who raises informal or formal concerns, issues or complaints can expect us to:

- follow the Trust's complaints procedure;
- respond within a reasonable time;
- be available for consultation within a reasonable time limit, bearing in mind the needs of pupils at the Academy and the nature of the complaint;
- respond with courtesy and respect;
- attempt to resolve problems using reasonable means in line with the Trust's complaints procedure, other policies and practice and in line with guidance from the trust in accordance with the Secretary of State's legislation and guidance for academies; and
- keep those involved informed of progress towards a resolution.

### **What we expect of you**

We expect anyone who wishes to raise concerns to:

- treat all staff with courtesy and respect;
- respect the needs of pupils and staff;
- never to use violence (including threats of violence) towards people or property;
- recognise the time constraints under which members of staff work and allow a reasonable time to respond to a complaint;
- recognise that some problems may not be resolved in a short time;
- follow the Trust's complaints procedure;
- speak politely and respectfully using appropriate language and avoid any aggression or verbal abuse, including name-calling;
- raise concerns/complaints in an appropriate place and at an appropriate time (for example not in front of other parents or pupils and not in an open public space);
- be prepared to work towards a resolution and in partnership.

### **Responses to unreasonably persistent or vexatious complaints, unreasonable complaints or harassment**

In cases of unreasonably persistent complaints or harassment, we may take any or all of the following steps, as appropriate:

- Refer the matter to the relevant member of the Trust leadership
- Inform the complainant informally that his/her behaviour is now considered to be unreasonable or unacceptable, and request a changed approach.
- Inform the complainant in writing that we consider his/her behaviour to be unreasonable or unacceptable, and request a changed approach
- Require all future meetings with a member of staff to be conducted with a third person present. In the interests of all parties, notes of these meetings may be taken.
- Inform the complainant that, except in emergencies, we will respond only to written communication
- Inform the complainant in writing that his/her behaviour is now considered to fall under the terms of this policy and that this complaint will not be investigated further until it is pursued in a manner we consider to be reasonable
- Place restrictions on the individual's access to Academy and/or staff
- Cease all correspondence and communication with the complainant other than that necessary for the health and safety of any child/adult and to provide parents and carers with the information they are entitled to under The Education (Pupil Information) (England) Regulations 2005, within the statutory timeframe.
- We have a duty of care to staff and pupils and will take emergency measures, should these become necessary in extreme cases.

However, we must ensure that:

- procedures relating to Freedom of information (FOI) and Data Protection (DP) correspondence continue to be followed. Any such requests must be forwarded to [dpo@Oaktrust.org](mailto:dpo@Oaktrust.org)
- we continue to act reasonably and consider any new complaint. Anyone has the right to raise a new complaint at any time and failure to respond could result in the school failing to act reasonably.

### **Physical or verbal aggression**

OAK will not tolerate any form of physical or verbal aggression or personal harassment against staff. If staff are subject to this type of aggression we may:

- prohibit the individual from entering the relevant site, with immediate effect – this may involve issuing a warning letter or formal section 547 notice under the Education Act 1996.
- This prohibition will be for a fixed period of 13 weeks in the first instance but may be extended subsequently in 13 week periods;
- inform the individual that communication with them will cease other than in an emergency.

### **Time frame and Review**

If a complainant's harassing/persistent behaviour is modified and is then resumed at a later date within a reasonable period of time, we may resume the process identified above.

If a complainant's harassing/persistent complaining behaviour is modified and the complaint still lies within the time limit specified within the Trust's complaints policy, we will use our discretion and may resume the investigation of the complaint. We will review as appropriate, and at a minimum of once a year, any sanctions applied in the context of this policy.

Legitimate new complaints, if not pursued in a harassing or unreasonable way, will be considered.

### **Duplicate complaints**

After closing a complaint at the end of the complaints procedure, we may receive a duplicate complaint from:

- a spouse
- a partner
- a grandparent
- a child.

We will review the submission to establish whether there are any new aspects to the complaint that have not previously been considered. If this is the case, these new aspects will be investigated and dealt with to the full extent of the complaints procedure.

If the complaint is about the same subject and rises no new aspects, we will inform the new complainant that the school has already considered that complaint and the local process is complete.

### **Complaint campaigns**

Occasionally, an Academy or the Trust may become the focus of a campaign and receive large volumes of complaints. These may be:

- all based on the same subject
- from complainants unconnected with the school.

The CEO will determine whether complaints constitute a complaint campaign.

In the event of a complaint campaign, we may take any or all of the following steps, as appropriate:

- Refer the matter to the relevant member of the Trust leadership team.
- Send a template response to all complainants
- Publish a single response on the school/Trust website.

## **DEPARTMENT FOR EDUCATION**

We hope that we will be able to resolve any complaint concerning OAK or its Academies using this complaints procedure. If you feel this is not the case, you can complain to the Education and Skills Funding Agency, which handles complaints about Academies and Free schools. The following link provides guidance on their procedure for dealing with complaints about academies and links to the ESFA complaints form.

[ESFA complaints form](#)

## **MONITORING AND REVIEW**

OAK's Executive Team will review this policy at least every two years and assess its implementation and effectiveness. A summary report of complaints made under the policy will be provided to the Local Governing Body for Academy related complaints and to the Audit and Risk Committee for all complaints on an annual basis. The policy will be promoted and implemented throughout OAK and our Academies.



# APPENDIX 1 – OAK MULTI ACADEMY TRUST COMPLAINT FORM

Please complete and return to the Trust office, (via [admin@oaktrust.org](mailto:admin@oaktrust.org)), who will acknowledge receipt and explain what action will be taken.

Complainant name:

Pupil / student's name (if applicable):

Your relationship to the pupil / student (if applicable):

Address:

Daytime telephone number:

Evening telephone number:

Please give details of your complaint:

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

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

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

Signature:

Date:

**Official use**

**Date acknowledgement sent:**

**By whom:**

**Complaint referred to:**

**Date:**

## **APPENDIX 2 – ROLES AND RESPONSIBILITIES**

### **The Complainant**

The complainant or person who makes the complaint will receive a more effective response to the complaint if he/she:

- co-operates with the school in seeking a solution to the complaint;
- expresses the complaint in full as early as possible;
- responds promptly to requests for information or meetings or in agreeing the details of the complaint;
- asks for assistance as needed;
- treats all those involved in the complaint with respect.

### **The Appropriate Responsible Person**

The appropriate responsible person should:

- ensure that the complainant is fully updated at each stage of the procedure;
- ensure that all people involved in the complaint procedure will be aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 2018 and Freedom of Information Act 2000;
- liaise with staff members, Headteacher/Head of Academy, Chair of LGB and Clerk to ensure the smooth running of the complaints procedure;
- keep records;
- be aware of issues regarding:
  - sharing third party information;
  - additional support - this may be needed by complainants when making a complaint including interpretation support.

### **The Investigator**

The Investigator is the person involved in Stages 1 and 2 of the procedure. The Investigator's role can include 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;
- consideration of records and other relevant information;
- interviewing staff and children/young people and other people relevant to the complaint;
- analysing information
- effectively liaising with the complainant and the Academy as appropriate to clarify what the complainant feels would put things right;
- identifying solutions and recommending courses of action to resolve problems;
- being mindful of the timescales to respond; and
- responding to the complainant in plain and clear language.

The person investigating the complaint should make sure that they:

- 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.

## **The Panel Clerk**

The Clerk is the contact point for the complainant for the panel meeting and is expected to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record in note form the proceedings;
- circulate the minutes of the panel hearing;
- notify all parties of the panel's decision;
- liaise with the complaints co-ordinator.

## **The Panel Chair**

The Panel Chair has a key role in ensuring that:

- the meeting is minuted;
- the remit of the panel is explained to the complainant and both they and the Academy have the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents/carers and others who may not be used to speaking at such a hearing are put at ease – this is particularly important if the complainant is a child/young person;
- the hearing is conducted in an informal manner with everyone treated with respect and courtesy;
- the layout of the room will set the tone – care is needed to ensure the setting is informal and not adversarial;
- 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;
- both the complainant and the Academy are given the opportunity to state their case and seek clarity;
- witnesses are only required to attend for the part of the hearing in which they give their evidence.
- pupils/students may not appear as witnesses, but they may provide statements.
- written material is seen by everyone in attendance – 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 hearing;
- liaison takes place with the Clerk.

## **Panel Member**

Panellists will need to be aware that:

- It is important that the review panel hearing is independent and impartial, and that it is seen to be. An LGB Member may not sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- The aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it must be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously;
- Many complainants will feel nervous and inhibited in a formal setting.

- Parents/carers often feel emotional when discussing an issue that affects their child.

The panel Chair will ensure that the proceedings are as welcoming as possible;

- Extra care needs to be taken when the complainant is a child/young person and present during all or part of the hearing; Careful consideration of the atmosphere and proceedings will ensure that the child/young person does not feel intimidated. 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 hearing, if any, the child/young person needs to attend. The parent should be advised however that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting which the panel considers not to be in the child/young person's best interests;
- the welfare of the child/young person is paramount.

## **APPENDIX 3 – OUTLINE AGENDA – STAGE THREE HEARING**

### **Agenda for a Stage Three Hearing**

All parties will be welcomed by the Chair of the panel.

1. All parties will be asked to introduce themselves
2. The complainant will be asked to outline their complaint, inviting any witnesses to also present.
3. If witnesses are called, they will be first asked questions by the complainant, then by the Head of Academy/ Headteacher and finally by the panel.
4. The complainant will conclude their presentation of their complaint.
5. The Head of Academy /Headteacher will be invited to ask questions of the complainant.
6. The Panel will ask questions of the complainant.
7. The Head of Academy /Headteacher will be invited to present their response to the complaint.
8. The complainant will be invited to ask questions of the Headteacher.
9. The Panel will ask questions of the Headteacher.
10. The Headteacher will be asked to sum up their response.
11. The complainant will be asked to sum up their complaint.
12. All parties will be thanked for their attendance and contribution and the Chair will confirm that a written response will be sent to both parties within 10 school days.

The Panel reserves the right to modify the above procedure, for example requiring the parent and the academy representative to present their complaint/actions separately to the Panel in the absence of the other party.