



# COLLABORATIVE LEARNING TRUST

Working Together to Secure Success



## TRUST POLICY: COMPLAINTS POLICY

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All schools in the Collaborative Learning Trust value good home/school relations and staff will, therefore, do everything they can to establish and maintain them. This includes seeking to resolve any concerns or complaints promptly, and to the satisfaction of all concerned. We welcome feedback on what parents feel we do well, or not so well. We will consider carefully all feedback, whether positive or negative, and will review our policies and practices accordingly. We will treat all concerns and complaints seriously and courteously and will advise parents and others of the school's procedures for dealing with their concerns. In return, we expect parents and other complainants to behave respectfully towards all members of the school community. In particular, any disagreement with the school should not be expressed inappropriately (e.g. through social media) or in front of students. Whilst we will seek to resolve concerns and complaints to the satisfaction of all parties, it may not be possible to achieve this in every case. We will, therefore, use our option to close a complaint before all the stages of the school's procedures have been exhausted if this appears to be appropriate.

## Who can make a complaint?

This complaints procedure is primarily aimed at parents or carers of children that are registered at the school. However, any person (including members of the public) may make a complaint to [the school](#) about any provision of facilities or services that they provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), the school will use this complaints procedure.

## 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 complaints procedure. [All Collaborative Learning Trust schools](#) take 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, [the school](#) will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, [the school](#) will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, [the school](#) will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

## How to raise a concern or make a complaint

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so. The majority of concerns or complaints will be raised and resolved informally, via communication at the appropriate level in school.

Complaints against school staff (except the head teacher) should be made in the first instance, to [the headteacher](#) via the school's email or postal address. Please mark them as Private and Confidential.

Complaints that involve or are about the headteacher should be in writing and addressed to the Chair of the Local Governing Committee, via the school's email or postal address. Please mark them as Private and Confidential.

Complaints about the Chair of the Local Governing Committee, any individual governor or the whole Local Governing Committee should be in writing, addressed to the Clerk to the Local Governing Committee via the school's email or postal address. Please mark them as Private and Confidential.

Complaints about the Chief Executive Officer (CEO) or a trustee of the Trust, should be in writing, addressed to the Chair of Trustees, via the trust's email or postal address (please see the website for details [www.collaborativelearningtrust.co.uk](http://www.collaborativelearningtrust.co.uk)). Please mark them as Private and Confidential.

If you require help putting your complaint in writing, please contact the school's office for support. You can also ask a third-party organisation for example like the Citizens Advice to help you.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

## Anonymous complaints

We will not normally investigate anonymous complaints. However, the headteacher or Chair of the Local Governing Committee, if appropriate, will determine whether the complaint warrants an investigation.

## Time scales

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.

## Complaints received outside of term time

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

## Scope of this complaints procedure

This procedure covers all complaints about any provision of community facilities or services by **the school** other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
Admissions to schools	Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority.
Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under each school’s child protection and safeguarding policy and in accordance with relevant statutory guidance. Information about this is available on each school’s website.
Exclusion of children from school*	Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a> .  <i>*complaints about the application of the behaviour policy can be made through this complaints procedure.</i>
Staff conduct	Complaints about staff will be dealt with under the school’s internal disciplinary procedures, if appropriate.  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.

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 this happens, we will inform you of a proposed new timescale.

If a complainant commences legal action against **the school** or the Trust in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

## Resolving complaints

At each stage in the procedure, **the school** wants to resolve the complaint. If appropriate, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made

- an undertaking to review school policies in light of the complaint
- an apology.

## Withdrawal of a complaint

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

## Procedures

The procedures are divided into three stages:

- **Stage 1** is the informal stage which aims to resolve the concern through informal contact at the appropriate level in school.
- **Stage 2** is the first formal stage at which written complaints are considered by the headteacher or an Investigating Officer
- **Stage 3** is the next stage once stage 2 has been worked through. It involves a Panel Hearing, and it is the last stage of the complaints procedure

The **next step** is referral to the Education and Skills Funding Agency (ESFA).

## Stage 1 – Informal complaints

It is to be hoped that most concerns can be expressed and resolved on an informal basis when you make them known to the school and will be acknowledged by school within 3 school days.

Concerns should be raised with either the class teacher / year leader / key stage or progress leader / subject or faculty leader / assistant headteacher / deputy headteacher. Complainants should not approach individual members of the Local Governing Committee to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 3 of the procedure.

At the conclusion of their investigation, the appropriate person investigating the complaint will provide a response (via telephone, email or a meeting) within 15 school days of the date of receipt of the complaint.

If the issue remains unresolved, the next step is to make a formal complaint.

## Stage 2 – Formal complaints

Formal complaints must be made to the headteacher (unless they are about the headteacher), via the school's email or postal address. This should be done in writing, but if this is difficult then help can be provided – please contact the school office for support.

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 3 school days.

Within this response, the headteacher may 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 school'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 and/or those complained of, 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 their investigation, the headteacher will provide a formal written response within 15 school days of the date of receipt of the complaint.

If the headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

If the complaint is about the headteacher, or a member of the Local Governing Committee (including the Chair or Vice-Chair), a suitably skilled governor or nominated person 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 Chair of the Local Governing Committee or the Clerk of the Local Governing Committee, via the school's email or postal address.

If the complaint is:

- jointly about the Chair and Vice Chair of the Local Governing Committee or
- the entire Local Governing Committee or
- the majority of the Local Governing Committee

Stage 2 will be escalated to the CEO of the Trust.

### **Stage 3 – Panel Hearing**

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 – a panel hearing consisting of at least three people who were not directly involved in the matters detailed in the complaint (usually members of the Local Governing Committee) with one panel member who is independent of the management and running of the school. This is the final stage of the complaints procedure.

A request to escalate to Stage 3 must be made to the Clerk of the Local Governing Committee, via the school's email or postal address, within **10 working** days of receipt of the Stage 2 response.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk will record the date the request is received and acknowledge receipt of the complaint in writing (either by letter or email) within **3** school days of receiving the request.

#### **Panel Hearing**

The Clerk to the Local Governing Committee (or an appropriate member of the school's administrative team) will write to the complainant to inform them of the date of the panel hearing. The appointed panel will aim to convene a meeting within **20** school days of receipt of the Stage 3 request. If this is not possible, an anticipated date will be provided and the complainant will be kept informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk (or the appropriate member of the school's administrative team dealing with the

matter) will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

If the complaint is:

- jointly about the Chair and Vice Chair of the Local Governing Committee or
- the entire Local Governing Committee or
- the majority of the Local Governing Committee

Stage 3 will be heard by the trustees and an independent panel member.

A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. Interpreting facilities may also be requested by the complainant and the school will endeavour to make these available. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.

For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

*Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under (Human Resources) staff disciplinary procedures, if appropriate. Where this is the case, the complainant will be informed, but outcomes will not be shared with them.*

Representatives from the media are not permitted to attend.

At least 5 school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the committee at least 4 school days before the meeting.

Any written material will be circulated to all parties at least 2 school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

The meeting will be held in private. 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 committee 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.

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint

- where appropriate, recommend changes to the school’s systems or procedures to prevent similar issues in the future.

The Chair of the Panel will provide the complainant and headteacher with a full explanation of their decision and the reason(s) for it, in writing, within 15 school days.

The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by the school. See 'Next Steps' section on page 10 of this policy for guidance.

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the school premises by the CEO and the headteacher.

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 Trust, CEO or Trustee

Where a complaint is regarding a member of the Trust’s Central Team, the CEO, a trustee or trustees, or the Chair of Trustees then this should first be raised directly with the person concerned to try and resolve the issue informally. If the complainant has tried to resolve the issue at Stage 1 but is not satisfied with the outcome they should notify the relevant person in writing, as set out below, who will then begin Stage 2 of the complaints process.

Complaint Regarding:	Person to Notify (If not resolved informally)
Member of Trust’s Central Team	CEO
CEO	Chair of Trustees
Trustee	Chair of Trustees
Chair of Trustees	Vice Chair of Trustees

The notified person will write to the complainant acknowledging the complaint within **3 school days** of the date that the written request was received. The acknowledgement will confirm that the complaint will now be investigated under Stage 2 of this Complaints Policy.

Following the investigation, the notified person will write to the complainant confirming the outcome within **15 school days** of the date that the complaint was received. If this time limit cannot be met, the notified person will write to the complainant explaining the reason for the delay and providing a revised date.

*NB. Where the Chair or Vice Chair of the Trust Board has investigated the complaint, they will write the letter of outcome to the Complainant and provide a copy to the CEO.*

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 – a panel hearing consisting of at least three people who were not directly involved in the matters detailed in the complaint (usually members of the Trust Board) with one panel member who is

independent of the management and running of the Trust. This is the final stage of the complaints procedure.

A request to escalate to Stage 3 must be made to the Clerk of the Trust Board, via the trust's email or postal address, within 10 working days of receipt of the Stage 2 response. Please see the website for address details [www.collaborativelearningtrust.co.uk](http://www.collaborativelearningtrust.co.uk).

The Clerk will record the date the request is received and acknowledge receipt of the complaint in writing (either by letter or email) within 3 school days of receiving the request.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 20 school days of receipt of the Stage 2 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

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

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire trust board or
- the majority of the trust board

Stage 3 will be heard by a completely independent committee panel.

The Complaint Panel will consist of three members. None of the three members of the Complaint Panel will have been involved in the incidents or events which led to the complaint, or have been involved in dealing with the complaint in the previous stages, or have any detailed prior knowledge of the complaint.

At least one of the Complaint Panel members will be independent of the management and running of the Academy Trust. This means that the independent Complaint Panel member will not be a Trustee or an employee of the Trust.

A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.

For instance, if a trust employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

*Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.*

Representatives from the media are not permitted to attend.

At least 5 school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible

- request copies of any further written material to be submitted to the committee at least 4 school days before the meeting.

Any written material will be circulated to all parties at least 2 school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

The meeting will be held in private. 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 committee 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.

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

The Chair of the Committee will provide the complainant and [the CEO](#) with a full explanation of their decision and the reason(s) for it, in writing, within 15 school days.

The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by the Collaborative Learning Trust. See 'Next Steps' section below.

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the Trust premises by the CEO.

A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed 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.

## Next Steps

If the complainant believes the school / 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 ESFA after they have completed Stage 3.

Complainants should be aware that the ESFA will not reinvestigate the substance of the complaint or overturn any decisions made by the school or the Collaborative Learning Trust.

They will consider:

- Whether there was undue delay, of the school / trust did not comply with its own complaints procedure
- Whether the school / trust was in breach of its funding agreement with the secretary of state
- Whether the school / trust has failed to comply with any other legal obligation

If the school / trust is found to have met any of the three points above it may be asked to re-investigate the complaint. If the trust's complaints procedure is found not to meet regulations, the trust will be asked to correct its procedure accordingly.

The complainant can refer their complaint to the ESFA online at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by telephone on: 0370 000 2288 or by writing to:

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

## Serial and Vexatious Complaints

The Collaborative Learning Trust is committed to dealing with all complaints fairly and impartially, and to provide a high quality service to those who complain. However, there may be occasions when the complaint is serial, vexatious or unreasonable and is having a detrimental impact on the effective operation of the school or trust.

This may result in the headteacher / CEO / Chair of Local Governing Committee or Chair of Trust Board deviating from the complaints procedure set out as Stage 1, 2 or 3 of this policy, or making a decision deciding to stop responding to the complainant.

If the complaint is at school level the decision is made by the headteacher who will always inform the CEO and Chair of Local Governing Committee, explaining the nature of the complaint and the reasons for the decision. The CEO or Chair may deem it appropriate to direct the headteacher to continue with the investigation and / or respond to the complainant.

If the complaint is at trust level the decision is made by the CEO who will always inform the Chair of Trust Board, explaining the nature of the complaint and the reasons for the decision. The Chair of Trust Board may deem it appropriate to direct the CEO to continue with the investigation and / or respond to the complainant.

The decision to deviate from the policy or to stop responding will never be taken lightly. If this is decided the complainant will be informed in writing, either by letter or email.

### **Serial Complaints:**

This is where a complainant tries to re-open the issue after the complaints procedure has been fully exhausted and the school / trust has done everything it reasonably can in response to the complaint. The chair of the Local Governing Committee or other appropriate person will inform the complainant that the matter is closed.

If the complainant subsequently contacts the school / trust again about the same issue, the correspondence may then be viewed as 'serial' and the headteacher or Chair of Local Governing Committee or Chair of Trust Board may choose not to respond if:

- The school / trust has taken every reasonable step to address the complainant's needs, and
- The complainant has been given a clear statement of the school / trust's position
- The complainant is contacting the school or trust repeatedly but making substantially the same points each time

However, this list is not intended to be exhaustive

### **Vexatious Complaints:**

The Office of the Independent Adjudicator defines vexatious complaints as:

- Complaints which are obsessive, persistent, harassing, prolific, repetitious
- Insistence upon pursuing unmeritorious [groundless or unjustified] complaints
- Insistence upon pursuing meritorious [credible] complaints in an unreasonable manner
- Insistence upon pursuing unrealistic outcomes beyond all reason
- Complaints which are designed to cause disruption or annoyance
- Demands for redress that lack any serious purpose or value

Vexatious or unreasonable complaints may, in rare circumstance, lead to deviation from Stage 1, 2 or 3 of the Trust's complaints procedure. This includes, but are not necessarily limited to:

- Where the complainant's behaviour towards staff, members of the Local Governing Committee or Trustees is unacceptable, for example, is abusive, offensive, threatening or discriminatory (in letters, emails or telephone calls)
- Where the complainant's complaint is vexatious and/or has patently insufficient grounds
- Where the frequency of their contact is hindering the consideration of their or other people's complaints and /or the proper running of the school / trust.
- Where the complainant makes insulting personal comments about, or threats towards staff or governors / trustees
- Where the complainant refuses to cooperate with the relevant complaints procedures
- Where the complainant refuses to accept that certain issues are not within the scope of the complaints procedure
- Where the complainant changes the basis of the complaint as the investigation proceeds
- Where excessive demands are made of the time of staff, governors or trustees by frequent, lengthy or complicated contact with staff (in person, in writing, by email or by telephone)

- Where the complainant publishes unacceptable information on social media or other public forums

In these circumstances an appropriate person from the school / trust may choose to:

- Inform the complainant that their behaviour is unacceptable and unreasonably persistent and ask them to change it.
- Restrict the complainant's access to the school / trust e.g. requesting contact in a particular form such as letters only, or requiring contact with a named person only, restricting number / times of telephone calls, banning the complainant from the school premises.
- Conduct a Stage 3 Panel on the papers only – complainant and staff members not present.
- Refuse to consider the complaint.

The complainant will be informed, in writing, of the action to be taken and the reason for the action.

## 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 school 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 head teacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The headteacher or complaints committee 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 or CEO / or another nominated 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, CEO, Chair of Governors, Chair of Trust or the Clerk and to ensure the smooth running of the complaints 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 / Trust Board (or appropriate administrative officer)

The Clerk (or appropriate administrative officer) is the contact point for the complainant and the Stage 3 panel and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set 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, school 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 committee's decision.

## Stage 3 Panel Hearing Chair

The Panel Chair, who is nominated in advance of the complaint hearing, 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 committee 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 school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee 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 school has one).

## Panel Hearing Member

Panel members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so  
No governor / trustee may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant

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 committee 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 committee 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 committee 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 committee considers is not in the child/young person's best interests.

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



# COLLABORATIVE LEARNING TRUST

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01943 262203

[www.collaborativelearningtrust.com](http://www.collaborativelearningtrust.com)

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