TRANSFORM TRUST
'Together we Achieve'



Transform Trust Complaints Procedure

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1. Introduction

1.1 This procedure applies to all schools within Transform Trust and for any complaints received by or about the Trust itself. The Trustees may approve a transitional procedure for recently converted schools in exceptional circumstances. The Scheme of Delegation for each school within the Trust outlines the delegated responsibility for staffing matters and the pay and conditions of all staff.

1.2 It is a legal requirement for all academies to have a complaints procedure. This must meet the standards set out in the Education (Independent School Standards (England) Regulations 2014 (http://www.legislation.gov.uk/uksi/2014/3283/schedule/made) Schedule 1, Part 7, which sets out how complaints procedures should be drawn up and used effectively to handle complaints from parents of pupils.

1.3 All references to 'Headteacher' in this procedure include 'Executive Headteacher' or 'Head of School', depending on the leadership arrangements in place in the school at the time of the complaint.

2. Scope

2.1 This procedure covers all complaints about any provision of community facilities or services by our 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 raised with the local authority.
• Statutory assessments of Special Educational Needs	If you are concerned about a school's SEND support you should make your concerns known while your child is still registered at the school. This includes complaints that the school has not provided the support required by your child's SEND statement or education, health and care plan (EHCP). Follow the steps below: 1. Talk to the school's Special Educational Needs Co-ordinator (SENDCO). 2. Follow the school's complaints procedure. 3. Complain to your Local Authority: 4. Complain to the Department for Education (DfE) - https://tinyurl.com/y272935d There is a different process if you disagree with a decision your Local Authority has made about an SEN statement or EHCP https://tinyurl.com/y7yd82n9
• Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local

	responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).
• Exclusion of children from school	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.
• Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus. Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.
• Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.
• 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.
• Complaints about services provided by other providers who may use school premises or facilities	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
• National Curriculum - content	Please contact the Department for Education at: www.education.gov.uk/contactus

2.2 If other bodies are investigating aspects of the complaint, for example the police, local authority, 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.

2.3 If a complainant commences legal action against any of our schools in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

3. Who can make a complaint?

3.1 This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to our schools about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

3.2 Only stage one and stage two of the Complaints Policy will apply where a complaint is made from those who are not parents/carers of a pupil currently on roll at a school within Transform Trust.

4. The difference between a concern and a complaint

4.1 A concern may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'.

4.2 A complaint may be defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

4.3 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. Our schools take concerns seriously and will make every effort to resolve the matter as quickly as possible.

4.4 If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Headteacher, will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Headteacher 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.

4.5 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.

5. How to raise a concern or make a complaint

5.1 A concern or complaint can be made in person, in writing (including by email) or by telephone. They may also be made by a third party acting on behalf of a complainant, as long as they have the appropriate consent to do so. We may ask the complainant for evidence of this consent.

5.2 Complaints against school staff (except the Headteacher) should be made in the first instance, to the Headteacher via the school office. Please mark written complaints as 'Private and Confidential'.

5.3 Complaints that involve, or are about the Headteacher should be addressed to the Chair of Governors, c/o the Trust Governance Team. These can be submitted by email to complaints@transformtrust.co.uk, in writing to "Trust Governance Team, Unit 11 Castlebridge Office Village, Kirtley Drive, Nottingham, NG7 1LD" or by telephone: 0115 982 5090. Please mark written complaints as 'Private and Confidential'.

5.4 Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to the Trust Governance Team. These can be submitted by email to complaints@transformtrust.co.uk, in writing to "Trust Governance Team, Unit 11 Castlebridge Office

Village, Kirtley Drive, Nottingham, NG7 1LD" or by telephone: 0115 982 5090. Please mark written complaints as 'Private and Confidential'.

5.5 Complaints about the Chief Executive Officer (CEO) or a Trustee of the Trust, should be addressed to the Chair of Trustees, c/o the Trust Governance Team. These can be submitted by email to complaints@transformtrust.co.uk, in writing to "Trust Governance Team, Unit 11 Castlebridge Office Village, Kirtley Drive, Nottingham, NG7 1LD" or by telephone: 0115 982 5090. Please mark written complaints as 'Private and Confidential'.

5.6 Complaints about the Chair of Trustees should be addressed to the Vice-Chair of Trustees, c/o the Trust Governance Team. These can be submitted by email to complaints@transformtrust.co.uk, in writing to "Trust Governance Team, Unit 11 Castlebridge Office Village, Kirtley Drive, Nottingham, NG7 1LD" or by telephone: 0115 982 5090. Please mark written complaints as 'Private and Confidential'.

5.7 Complaints about the Trust Governance Team should be addressed to the Chief People Officer. These can be submitted by email to complaints@transformtrust.co.uk, in writing to "Trust Governance Team, Unit 11 Castlebridge Office Village, Kirtley Drive, Nottingham, NG7 1LD" or by telephone: 0115 982 5090. Please mark written complaints as 'Private and Confidential'.

5.8 Our staff will deal with correspondence confidentially in order to reach the recipient securely and promptly (e.g. to the Chair of Governors or Trust Governance Team). This may mean that your correspondence is opened and scanned to be electronically provided to the recipient. All correspondence will be kept confidentially and appropriately in accordance with school systems and procedures.

5.9 For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the school office. You can also ask third party organisations like the Citizens Advice to help you.

5.10 Please note that a copy of the written complaint may be provided to the subject(s) of the complaint in order for them to be able to provide a full response. If you do not wish for the full written complaint to be provided to the person(s) you must indicate this in your written complaint or on the complaint form and state your reasons why this information should not be shared. In this case, a summary of the complaint will be agreed with the complainant and then provided to the person(s) they are complaining about in order for them to respond.

5.11 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.

6. Anonymous complaints

6.1 We will not normally investigate anonymous complaints. However, the Headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation. The outcome of any investigation cannot be provided to an anonymous complainant.

7. Timescales

7.1 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 timeframe if exceptional circumstances apply. The complainant will need to stipulate what they believe are exceptional circumstances which will then be considered by the school in liaison with a member of the Trust's Executive Team. The complainant will be notified of their decision accordingly.

7.2 Where we do not receive a response from a complainant, we will make further contact requesting a response within 10 school days. If no response is received within this timeframe, we will contact the complainant again to advise that the complaint will be closed if we do not receive a response within a further 10 school days.

7.3 If a complainant contacts the trust after a complaint has been closed due to non-response, the trust will consider any reasons why the complainant may have been unable to respond and whether any reasonable adjustments should be made to enable them to engage with the process

8. Complaints received outside of term time

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

9. Duplicate complaints

9.1 After a complaint has been closed, if the school receives a duplicate complaint from a partner, spouse, grandparent, child or other close contact/relation, the school can inform the new complainant that the school has already considered the complaint and the school's process is now complete. If there are any new aspects to the complaint, the new aspects alone will be considered in line with the full extent of the complaints procedure. The complainant is advised to contact the Department for Education (DfE), if they are dissatisfied with the school's handling of the original complaint.

10. Complaint campaigns

10.1 If the school becomes the focus of a campaign and receives large volumes of complaints:
- all based on the same subject
- from complainants unconnected with the school

10.2 The Headteacher, Chair of Governors (if the complaints are about the Headteacher) or CEO will appoint an appropriate person to investigate the complaints. In these circumstances it may not be possible to meet with all individual complainants or correspond with them individually.

10.3 Once the investigation is concluded, the investigating person may choose to write to each complainant with an outcome, or the school can respond with a template response to all complainants, or by publishing a single response on the school website. Complainants are advised to contact the Department for Education (DfE), if they are dissatisfied with the school's handling of the complaint.

11. Complaints raised using social media

11.1 Concerns or complaints must be raised using this complaints procedure in order to ensure the best outcome for all parties. Schools will not formally respond to complaints or concerns raised on social media platforms but may contact individuals to guide them to use the complaints procedure and to request the removal of such content on social media in line with school social media policies.

12. Resolving complaints

12.1 It is the intention of our schools, and the wider Trust, to resolve the complaint at the earliest possible stage. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

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

13. Withdrawal of a complaint

13.1 If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing. Once received, we will confirm in writing to the complainant that the matter is now closed and the complaints process will cease. If the complainant indicates verbally that they wish to withdraw the complaint, but does not confirm this in writing, we will write to the complainant to advise them that the complaint is now closed.

14. Vexatious Complaints and Unreasonable Behaviour by the Complainant

14.1 It is considered that all complainants have the right to have their concerns examined in line with the relevant complaints procedure. In most cases, dealing with complaints will be a straightforward process; however, in a minority of cases, the complainant may act in a manner that is deemed unreasonable. Those identified will be treated consistently, honestly and proportionately whilst ensuring that the school and/or Trust as a whole suffers no detriment.

14.2 Complainants may act in a way that is considered abusive, unreasonably persistent or vexatious and by doing so it may hinder the school or Trust's ability to investigate their complaint or the complaints of others. This behaviour may occur at any time before, during or after a complaint has been investigated.

14.3 The time spent on dealing with all complaints should be proportionate to the nature of the complaint and consistent with the outcome that is being sought which should be realistic and achievable.

15. How is unreasonable behaviour defined?

15.1 It should be noted that raising a complaint about a school or the Trust does not in itself constitute unreasonably persistent behaviour and neither do complainants who escalate through all stages of the relevant complaints procedure or those who express criticism about the complaints process itself.

15.2 The Trust has adopted the Local Government Ombudsman's definition and the identified characteristics for unreasonable or unreasonably persistent complainants "*For us, unreasonable and unreasonably persistent complainants are those complainants who, because of the nature or frequency of their contacts with an organisation, hinder the organisation's consideration of their, or other people's, complaints*". Appendix A outlines both examples of unreasonably persistent behaviour as well as abusive and/or vexatious complainants.

16. How will unreasonable behaviour be dealt with?

16.1 Whenever possible, the Headteacher, Chair of Governors or the Complaints Case Worker (role description) will discuss any concerns with the complainant informally before determining the complainant's behaviour is unreasonable.

16.2 If the behaviour continues, the Headteacher, Chair of Governors the Complaints Case Worker will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact the school or Trust causing a significant level of disruption, we may specify methods of communication and limit the frequency of contact in a communication plan. This will be reviewed after six months.

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

17. Complaints procedure – Stage 1 – Concerns and Informal complaints

17.1 It is hoped that most concerns can be expressed and resolved on an informal basis.

17.2 Concerns should be raised with either the class teacher, phase leader, Headteacher or appropriate member of staff. Complainants should not approach individual governors 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.

17.3 There is no rigid timescale for resolving concerns at this informal stage, given the importance of dialogue through informal discussions. It is expected that the appropriate person investigating the concern/informal complaint will provide an informal written response within 10 school days of the date of receipt of the concern/informal complaint.

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

18. Complaints procedure – Stage 2 – Formal complaints (not about the Headteacher)

18.1 Formal complaints must be made to the Headteacher. This may be done in person, via the school office, by telephone or in writing, including by email (preferably using the Complaint Form).

18.2 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 5 school days.

18.3 Within this response, the Headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Headteacher can consider whether a face-to-face meeting is the most appropriate way of doing this. Note: The Headteacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.

18.4 During the investigation, the Headteacher 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. All correspondence, statements and records relating to the complaint are to be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Education and Skills Act requests access to them.

18.5 At the conclusion of their investigation, the Headteacher will provide a formal written response within 20 school days of the date of receipt of the complaint.

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

18.7 The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions our schools will take to resolve the complaint.

18.8 The Headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

19. Complaints procedure – Stage 2 – Formal complaints about the Headteacher

19.1 Complaints about the Headteacher should be addressed to the Chair of Governors, c/o the Trust Governance Team. These can be submitted by email to complaints@transformtrust.co.uk, in writing to "Trust Governance Team, Unit 11 Castlebridge Office Village, Kirtley Drive, Nottingham, NG7 1LD" or by telephone: 0115 982 5090. Please mark written complaints as 'Private and Confidential'.

19.2 Where a complaint is about the Headteacher, an investigator will be appointed to complete all the actions outlined in Stage 2 of the complaints procedure (sections 18.2-18.8).

20. Complaints about governors or the governing body

20.1 If the complaint is:
- about a member of the governing body;
- jointly about the Chair and Vice Chair or;
- about the entire governing body or;
- about the majority of the governing body.

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

21. Complaints procedure – Stage 3 – Panel Hearing (Committee Meeting)

21.1 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 with one panel member who is independent of the management and running of the school. This is the final stage of the complaints procedure.

21.2 Prior to the meeting, the Panel will decide amongst themselves who will act as the Chair of the Panel Hearing. If there are fewer than two governors from the school, a member of the Trust Governance Team will source any additional, independent governors through another school from within the Trust, in order to make up the Panel.

21.3 Alternatively, the Director of Governance will appoint a Panel of at least three people who are not directly involved in the matters detailed in the complaint – at least one of which will be entirely independent of the management and running of the school.

21.4 A request to escalate to Stage 3 must be made to the Trust Governance Team within 5 school days of receipt of the Stage 2 response. The request can be submitted by email to

complaints@transformtrust.co.uk, in writing to "Trust Governance Team, Unit 11 Castlebridge Office Village, Kirtley Drive, Nottingham, NG7 1LD" or by telephone: 0115 982 5090. Please mark written complaints as 'Private and Confidential'.

21.5 The Trust Governance Team will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 3 school days.

21.6 Requests received outside of this timeframe will only be considered if exceptional circumstances apply.

21.7 In making a request to escalate a complaint to Stage 3, the complainant should:
• state specifically why they are not satisfied with the outcome at Stage 2, and
• state their desired resolution.

21.8 If the reasons for moving to Stage 3 are not clear, the Trust Governance Team may need to seek further clarity from the complainant. The reasons for moving to Stage 3 will be shared with the Headteacher/person who investigated the complaint at Stage 2 so that they can prepare a response for the panel to consider.

21.9 The Trust Governance Team will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 15 school days of receipt of the Stage 3 request. If this is not possible, the Trust Governance Team will provide an anticipated date and keep the complainant informed.

21.10 If the complainant rejects the offer of three proposed dates, without good reason, the Trust Governance Team 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.

21.11 If the complaint is:
• about a member of the governing body
• jointly about the Chair and Vice Chair or;
• about the entire governing body or;
• about the majority of the governing body
Stage 3 will be heard by the Trustees and an independent Panel member.

21.12 The Panel will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs. Where the panel has invited all parties to attend a meeting, some parties, or all parties, may instead choose to provide written representation rather than to attend the panel meeting.

21.13 The 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 Panel Hearing. 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.

21.14 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.

21.15 Representatives from the media are not permitted to attend.

21.16 At least 10 school days before the Panel meeting, the Trust Governance Team 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 7 school days before the meeting. All correspondence, statements and records relating to the complaint are to be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Education and Skills Act requests access to them.

21.17 Any written material will be circulated to all parties at least 5 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.

21.18 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.

21.19 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 notes taken.

21.20 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.

21.21 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.

21.22 The Chair of the Committee will provide the complainant and the school with a full explanation of their decision and the reason(s) for it, in writing, within 5 school days.

21.23 The letter to the complainant will include details of how to contact the Department for Education (DfE) if they are dissatisfied with the way their complaint has been handled by the school.

21.24 The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the school will take to resolve the complaint.

21.25 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 proprietor and the Headteacher.

21.26 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.

21.27 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 Education and Skills Act requests access to them.

22. Complaints escalated to/about the Trust, CEO or Trustee

22.1 If a complaint is escalated to Transform Trust or if a complainant wishes to complain directly about the Trust, then the complaint should be sent to the CEO to be investigated.

22.2 The CEO will write to the complainant acknowledging the complaint within 5 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 procedures and will confirm the date for providing a response to the complainant.

22.3 Following the investigation, the CEO will write to the complainant confirming the outcome within 20 school days of the date that the letter was received. If this time limit cannot be met, the CEO will write to the complainant within 10 school days of the date that the letter was received, explaining the reason for the delay and providing a revised date.

22.4 If the complaint concerns the CEO or a Trustee, the complaint should be investigated by the Chair of the Trust Board. If a formal complaint form is received about the Chair, the complaint will be referred to the Vice Chair of the Trust Board for investigation.
Note: Where the 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.

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

22.6 If the complainant is not satisfied with the outcome of the previous stage, the complainant should write to the Trust Governance Team asking for it to be heard before a Complaint Panel within 10 school days of receipt of the Stage 2 response.

22.7 The Trust Governance Team will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 3 school days.

22.8 Requests received outside of this timeframe will only be considered if exceptional circumstances apply.

22.9 The Trust Governance Team will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 15 school days of receipt of the Stage 3 request. If this is not possible, the Trust Governance Team will provide an anticipated date and keep the complainant informed.

22.10 If the complainant rejects the offer of three proposed dates, without good reason, the Trust Governance Team 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.

22.11 If the complaint is:
• jointly about the Chair and Vice Chair of the Trust Board or;
• about the entire Trust Board or
• about the majority of the Trust Board
Stage 3 will be heard by a completely independent committee Panel.

22.12 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.

22.13 One of the Complaint Panel 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.

22.14 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.

22.15 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.

22.16 Representatives from the media are not permitted to attend.

22.17 At least 10 school days before the Panel meeting, the Trust Governance Team 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 7 school days before the meeting.

22.18 Any written material will be circulated to all parties at least 5 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.

22.19 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.

22.20 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 notes taken.

22.21 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.

22.22 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 Trust's systems or procedures to prevent similar issues in the future.

22.23 The Chair of the Committee will provide the complainant and Transform Trust with a full explanation of their decision and the reason(s) for it, in writing, within 5 school days.

22.24 The letter to the complainant will include details of how to contact the Department for Education (DfE) if they are dissatisfied with the way their complaint has been handled by Transform Trust.

22.26 The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the Trust will take to resolve the complaint.

22.27 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 proprietor and the CEO.

22.28 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.

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

23. Next steps

23.1 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 Department for Education after they have completed stage 3.

23.2 The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by the academy or trust. They will consider whether the academy or trust has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed Part 7 of the Education (Independent School Standards) Regulations 2014.

23.3 The complainant can refer their complaint to the Department for Education) online at: (https://tinyurl.com/y272935d), by telephone on: 0370 000 2288 or by writing to:
Complaints
Ministerial and Public Communications Division
Department for Education
Piccadilly Gate
Store Street
Manchester M1 2WD

24. Monitoring and Review of the Policy

24.1 This Policy may be amended at any time to take account of changes in legislation. The normal cycle of review for this policy will be annual.

25. Complaint Form

Please complete and return to: Headteacher/Governance Team *(delete as appropriate)* who will acknowledge receipt and explain what action will be taken.

Your Name:
Pupil's Name (if relevant):
Your relationship to the Pupil (if relevant):
Address: **Postcode:** **Daytime telephone number:** **Evening telephone number: Email address:**
Please give details of your complaint, including whether you have spoken to anybody at the school about it.
What actions do you feel might resolve the problem at this stage?
Are you attaching any paperwork? If so, please give details.
Signature: **Date:**
Please note that a copy of the written complaint may be provided to the person(s) you are complaining about in order for them to be able to provide a full response. If you do not wish for the full written complaint to be provided to them you must indicate this in your complaint and state your reasons why this information should not be shared. In this case, an agreed summary of the complaint will then be provided to the person(s) you are complaining about in order for them to respond.
Official Use
Date acknowledgement sent:
By who:
Complaint referred to:
Action taken:
Date:

26. 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;
- in interviewing staff and children and other people relevant to the complaint;
- consideration of records and other relevant information;
- analysing information.

• liaising with the complainant and the Complaints Case Worker as appropriate to clarify what the complainant feels would put things right.

The investigator should:

a. conduct interviews with an open mind and be prepared to persist in the questioning;

b. keep notes of interviews or arrange for an independent note taker to record notes of the meeting;

c. ensure that any papers produced during the investigation are kept securely pending any appeal;

d. be mindful of the timescales to respond;

e. prepare a comprehensive report for the Headteacher 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 Case Worker

(This could be the Headteacher/designated complaints governor, CEO, Governance Team, Director of Safeguarding and Data Protection, Trustee, or other staff member providing administrative support).

The complaints Case Worker should:

• ensure that the complainant is fully updated at each stage of the procedure;

• liaise with staff members, Headteacher, Chair of Governors, CEO, Governance Team and Trust (if appropriate) 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.

Trust Governance Team

A member of the Trust Governance Team is the contact point for the complainant and the committee 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 or Stage 2 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale;

• record notes of the proceedings;

• circulate the contemporaneous notes of the meeting;

• notify all parties of the committee's decision.

Complaints Committee Chair

The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

• both parties are asked (via the Trust Governance Team) 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;

• 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;

• notes of the meeting are taken;

• they liaise with the member of the Governance Team (and Complaints Case Worker, if the school has one).

Complaints Committee (Panel) Member

Committee 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 and present during all or part of the meeting.

If the child is the complainant, the Committee should ask in advance if any support is needed to help them present their complaint. Where the child's parent is the complainant, the Committee should give the parent the opportunity to say which parts of the meeting, if any, the child needs to attend.

However, the parent should be advised that agreement might not always be possible if the parent wishes the child to attend a part of the meeting that the Committee considers is not in the child's best interests. The welfare of the child is paramount.

Careful consideration of the atmosphere and proceedings should ensure that the child does not feel intimidated.

The Committee should respect the views of the child and give them equal consideration to those of adults.

Companion Role

Complainants and respondents may wish to be accompanied during the complaints process. Companions should be there in a supportive role and should not normally be speaking for the person they are accompanying, unless an individual's needs, or circumstances require this. Please note that companions are not able to fulfil a dual role of being a companion and a witness.

27. Complaints procedure flowchart

Stage One - Informal Stage

- Informal concerns raised with the class teacher, phase leader, appropriate member of staff or Headteacher.
- Member of staff responds to the complainant within 15 school days of the date of receipt of the complaint.
- However, if the complainant requests a meeting, a meeting will be held within 10 school days and the member of staff will respond within 5 school days of the meeting.
- A record of the complaint and the outcome is recorded by the school and copy sent to the complainant where appropriate.



Stage Two - Formal

- Complaint form completed (or letter of complaint) and sent to the school if they remain unhappy.
- Within 5 school days the Headteacher or a member of the Trust Governance team will acknowledge the complaint.
- Initial investigation conducted and outcome provided in writing within 20 school days of receipt of the complaint.



Stage Three - Panel

- Complainant writes to the Trust Governance team if they remain unhappy (or writes to the Trust).
- A member of the Trust Governance team acknowledges receipt within 3 school days.
- Within 15 school days the date and time of a panel hearing will be notified to the complainant and papers will be collated and sent to all parties 5 school days in advance of the panel meeting.
- Within 5 school days of the Panel meeting the outcome will be communicated to the complainant in writing detailing how to contact the Department for Education (DfE) if they remain dissatisfied.

DfE

The complainant may refer their complaint the Department for Education if they remain unhappy.

28. Appendix A - Examples of unreasonably persistent behaviour:

(Note: this list is not exhaustive, nor does one single characteristic on its own imply that the person will be considered as being in this category).

• Refusing to specify the grounds of a complaint, despite offers of help.

• Refusing to cooperate with the complaints investigation process.

• Refusing to accept that certain issues are not within the scope of the school or Trust's jurisdiction or within the scope of a complaints procedure.

• Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.

• Making unjustified complaints about staff who are trying to deal with the issues, and/or seeking to have them replaced.

• Changing the basis of the complaint as the investigation proceeds.

• Denying or changing statements they made at an earlier stage.

• Introducing trivial or irrelevant new information at a later stage.

• Raising many detailed but unimportant questions, and insisting they are all answered.

• Submitting falsified documents from themselves or others.

• Adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue with various members of staff and/or organisations.

• Making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous staff, or detailed frequent letters, and expecting immediate responses.

• Submitting repeat complaints with minor additions/variations, which the complainant insists make these 'new' complaints.

• Refusing to accept the decision; repeatedly arguing points with no new evidence.

• Seeks an unrealistic outcome.

Examples of abusive and/or vexatious complainants:

The school and/or Trust will take steps to protect its staff and other adults from those who are behaving in a way which is considered abusive and/or vexatious. This may include physical or verbal abuse and could include the following (however this list is not exhaustive):

• Speaking to the member of staff/adult in a derogatory, abusive or discriminatory manner which causes offence.

• Swearing, either verbally or in writing despite being asked to refrain from using such language.

• Using threatening language towards any member of staff/adult which provokes fear or intimidation

• Repeatedly contacting a member of staff/adult regarding the same matter which has already been addressed.

• Publishing unacceptable information on social media or other public forums.