

The Four Stones Multi Academy Trust

Complaints procedure

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6.0	18 th Oct 2021	General updates-eg replacing 'associate headteacher' with 'headteacher'

We always strive to maintain good relations between the school, students, teachers and parents/carers based upon mutual respect and a desire for understanding. If there are concerns and complaints on either side, we will deal with these in accordance with this procedure. 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*'.

We hope that your son/daughter's time in The Four Stones Multi Academy Trust (MAT) is happy and productive. We are always keen to discuss matters with parents/carers, to ensure that every student achieves his/her full potential. If, at any time, you have concerns about your son/daughter at school, then please do not hesitate to contact the relevant school and, if necessary, make an appointment to see relevant staff members to discuss any issues.

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. We 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, we will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, we 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, we will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

It is important that parents/carers support the schools in the MAT in their constant drive to maintain excellent standards and we would much rather discuss a concern with you than it be discussed in other forums. Therefore, we would recommend that any concerns or issues are not discussed on social media sites as this could be potentially damaging for the MAT and its students.

Parents/carers can contact the 'Special Educational Needs Disabilities (SEND) Information and Support Service' on 01905 768153 or visit their website at www.SENDworcestershire.co.uk for help and support.

This complaints procedure is not limited to parents/carers of students that are registered at a school in the MAT. Any person, including members of the public, may make a complaint to a school in the MAT about any provision of facilities or services that we provide. Some complaints will be outside the scope of this procedure as there are separate procedures to deal with such issues. These include:

- Admissions to schools: Concerns about admissions should be handled through a separate process, either through the appeals process or via the local authority.
- Statutory assessments of Special Educational Needs
- School re-organisation proposals
- Matters likely to require a Child Protection Investigation: Complaints about child protection matters are handled under the relevant school's 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. Complaints about the application of the relevant school's behaviour policy can be made through this complaints procedure.
- Complaints about services provided by other providers who may use the MAT's premises or facilities. Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
- Content of the National Curriculum

- 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 whistle-blowers 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 one of the schools in the MAT should complain through this complaints procedure. You may also be able to complain direct to the local authority or the Department for Education depending on the substance of your complaint.
- Staff grievances: Complaints from staff will be dealt with under the MAT's internal grievance procedures.
- Staff conduct: Complaints about staff will be dealt with under the MAT'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 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 a school in the MAT in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

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 on a complainant, as long as they have appropriate consent to do so.

Complaints against school staff (except the headteacher) should be made in the first instance to the relevant headteacher via the school office. Please mark them as Private and Confidential.

Complaints that involve or are about the headteacher of one of the schools should be addressed to the chair of the relevant local governing body via the school office. Please mark them as Private and Confidential.

Complaints about the chair of the relevant local governing body, any individual governor or the whole local governing body should be addressed to the clerk to the local governing body via the school office. Please mark them as Private and Confidential.

Complaints about the chief executive officer (CEO) or a trustee of the MAT should be addressed to the chair of trustees via the trust office. Please mark them as Private and Confidential.

For ease of use, a formal complaint form is included at the end of this procedure (Annex C). If you require help in completing the form, please contact the relevant school's office. 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.

We are committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the schools in the MAT. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

A: General principles

This procedure contains advice for resolving complaints; information on time limits; and advice on the conduct of meetings.

Every attempt will be made to adhere to the time limits specified in this procedure, but these may in exceptional circumstances be exceeded e.g. if the the complaint is received in the fortnight prior to a school holiday or during public examinations in May and June. In such cases the relevant school will advise the reasons and set a new time-scale. We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

A complaint will usually be considered as 'out-of-time' if it is raised more than three months after the matter is known to the complainant.

Anonymous complaints will not be investigated, except in exceptional circumstances – such as child protection issues. The relevant headteacher or chair of the local governing, if appropriate, will determine whether the complaint warrants an investigation.

Occasionally, schools become the focus of a campaign and receive large volumes of complaints all based on the same subject and/or from complainants unconnected with the school. We will handle complaints of this nature by:

- sending a template response to all complainants
- publishing a single response on the school's website

The aim of this policy is to resolve concerns at the earliest opportunity, and effect reconciliation if there has been friction. If the complaint needs to be formalised, the complainant will be asked to write down the substance of the complaint on a form, an example of which is found in Annex C. This form will also invite a view about what actions might be felt to resolve the problem. If you require help in completing the form, please contact the relevant school office. You can also ask third party organisations like the Citizens Advice to help you.

We reserve the right not to consider complaints that:

- are malicious (that is, they are instituted without sufficient grounds and serving only to cause annoyance)
- use obscenities, racist or homophobic language
- contain personally offensive remarks about members of our staff
- are repeatedly submitted with only minor differences after we have fully addressed the complaint
- are 'unreasonable'. We define unreasonable complainants as 'those who, because of the frequency or nature of their contacts with the relevant school, hinder our consideration of their or other people's complaints'. Please see Annex E for further information.

B. Possible resolutions

At each stage in the procedure, we want to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

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

C. Later stages

Where concerns are not resolved on an early timescale, the procedure allows for formal consideration by the relevant headteacher and later still, by a Complaints Panel of the relevant local governing body.

D. Unresolved complaints

Occasionally, a complainant may remain dissatisfied, even though this procedure has been used through all its stages. However, it will not normally be possible to re-open the same issue. In such circumstances, the chair of the relevant local governing body will inform the complainant that the procedures have been exhausted and that the matter is closed.

E. School complaints stages in detail

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. The MAT will monitor the concerns and complaints to endorse and ensure the continuation of our good practice.

It is acknowledged that, where concerns are raised, they are more often than not raised with a more senior person. The first stage, therefore, could, if appropriate be dealt with informally by one of a number of possible people. Complaints made at stage 2 must be made within 3 months of exhausting stage 1 of the complaints procedure and complaints made at stage 3 must be made within 3 months of exhausting stage 2 of the complaints procedure.

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

The following protocols will be adhered to with regards to the storage, retention and disposal of all documents involved with a complaint:

- All original documents and correspondence will be stored within the student's file and destroyed in line with the guidance in our 'Data Protection Policy'.
- If a complaint is received after the student has left the relevant school at the end of Year 11 or 13, then all original documents and correspondence will be stored within the student's file until they turn 25. The file will then be destroyed in line with the guidance in our 'Data Protection Policy'.
- If a complaint is received after the student has left the relevant school before the end of Year 11 or 13, then all original documents and correspondence will be stored securely at school and destroyed after 3 years in accordance with our 'Data Protection Policy'.

Please note that if records are to be kept for longer or shorter periods than identified above, the reasons for this will be documented and kept with the original documents and correspondence.

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.

Stage 1 (Informal)

Where any member of staff becomes aware of a voiced concern, they will deal with it themselves if it is appropriate, and they feel comfortable in doing so. Many concerns can be resolved by simple clarification or the provision of information. It is anticipated that most concerns can be readily resolved at this informal stage. Where the person approached feels uncomfortable with dealing with the matter directly, they will involve, for example, their line manager.

In the case of serious concerns (or where the relevant school deems it more appropriate to do so) it may be necessary to refer these matters directly to the relevant headteacher.

Where the complaint is specifically about the headteacher of one of the schools, similarly the complainant will discuss this with them at this stage first.

It is not appropriate for a complaint to be directed through a member, trustee or governor. Any member, trustee or governor receiving a complaint will give advice that there is an established procedure and refer the complainant to the appropriate person. This is because a member, trustee or governor acting unilaterally could prejudice the involvement of the relevant local governing body at a later stage.

The concern will be noted (including the outcome) and copied to the relevant headteacher. Where the subject of the complaint is the headteacher of one of the schools, they will copy the record to the chair of the relevant local governing body

Where informal attempts by the school have failed to bring about a satisfactory resolution for the complainant, the complainant is entitled to request that the complaint be treated more formally. Unless the complaint directly concerns the headteacher of one of the schools, it will be them who deal with this next stage (Stage Two).

If the complaint is specifically about the headteacher of one of the schools and they have had the opportunity in stage one to discuss the matter, the complainant can then directly contact the chair of the relevant local governing body about stage 2.

Stage 2 (Formal): Dealt with by relevant headteacher

If the complaint concerns the headteacher of one of the schools, the chair of the relevant local governing body will complete all the actions at Stage 2.

If the complaint is about a member of the relevant local governing body (including the chair or vice-chair) a suitably skilled governor will be appointed to complete all the actions at Stage 2.

If the complaint is: jointly about the chair and vice-chair of the local governing body; or the entire local governing body; or the majority of the local governing body, then the CEO will complete all the actions at Stage 2.

Otherwise, the relevant headteacher deals with this stage.

This stage can be initiated if/when dissatisfaction with the outcome of stage one is received by the school. At this point, a copy of these procedures will be sent to the complainant within 3 school days, together with the formal complaint form (Annex C). The form is structured so that each party has a common understanding about the complaint. As the main purpose of the process is to achieve reconciliation, complainants are also asked what actions might resolve the problem.

After the formal complaint form is returned, the relevant headteacher will record the date the complaint was made, acknowledge receipt of the complaint in writing (either by letter or email) within 3 school days and commence the investigation.

This is the first stage of the formal complaints process and as a result, all communications between parties will be recorded.

Before proceeding with a formal investigation, the relevant headteacher may wish to meet with the individual and discuss their concerns and wishes. It may still be appropriate and satisfactory to reach an informal resolution at this point. If not, the relevant headteacher will decide whether the individual's complaint will be dealt with by this policy or another statutory procedure. In the latter case, the relevant headteacher will advise the complainant on what will need to be done.

The relevant headteacher may delegate the task of collating the information to another staff member, but not the decision on the action to be taken. The investigation will involve the review of any relevant documentation and information. If necessary, witnesses will need to be interviewed and statements taken from those involved. If the complaint centres around a student, the student will also usually be interviewed.

The outcome of the investigation will be communicated to complainants, either at a meeting (followed up in writing) or as a written response. This response will explain the outcome and will be supported by reasons for reaching this decision and what action, if any, will be taken. If management action is subsequently required against an employee of the school, the complainants will not have access to this information. This response will be provided within 10 school days of acknowledging the return of the formal complaint form.

If the complainant is still dissatisfied with the response given and would like to take the complaint further, they should make this clear in writing to the relevant headteacher. On receipt, s/he will send on the complaint form and all associated information to the chair of the relevant local governing body. In the case of a complaint concerning the headteacher of one of the schools, if the complainant is still dissatisfied, and wishes to take it further, the chair of the relevant local governing body will be so advised, and stage 3 initiated.

Stage 3 (Formal): Dealt with by the governors

On receipt of the information from the relevant headteacher, the chair of the relevant governing body will verify that the complainant has properly exhausted all stage 2 procedures. If not satisfied, the chair will refer the matter back to the relevant headteacher. When satisfied, the chair of the relevant governing body will contact the relevant clerk and liaise with them to make preparatory arrangements for a meeting of the Complaints Panel of the relevant local governing body. The Panel will consist of three people: two governors of the relevant school who have not previously been involved with the complaint; and another person independent of the management and running of the school, chosen by the chair of the relevant local governing body. For the avoidance of doubt, a governor of another local governing body within the MAT may be the person independent of the management and running of the school, as long as they are not an employee of that school or the MAT and they are sufficiently removed from the management and running of the school to be considered truly independent. The Panel will appoint its own chair.

If the complaint is: jointly about the chair and vice-chair of the local governing body; or the entire local governing body; or the majority of the local governing body, then stage 3 will be heard by the trustees and another person independent of the management and running of the school, chosen by the chair of trustees.

The clerk may be the clerk to the relevant local governing body, or, in exceptional circumstances, another governor acting as clerk (over and above those selected for the Panel).

The chair of the relevant local governing body or clerk to the Complaints Panel will acknowledge (to the complainant) receipt of the information from the relevant headteacher within 5 school days.

This letter will inform the complainant that the complaint will be heard by the Complaints Panel within 15 school days. In exceptional circumstances, the complainant will be notified where this time period will need to be extended and the reasons for this.

The clerk of the Complaints Panel will convene a meeting of the Complaints Panel (as identified by the chair of governors) and arrange a time and date for the meeting. 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. All relevant documentation from the relevant headteacher and the complainant will be distributed to all parties at least 5 school days before the meeting. The Complaints Panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The Complaints Panel will 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 Complaints Panel has discretion as to how it will carry out its duties, some of which are itemised in Annex B. As part of this, complainants will be asked to attend a meeting of the Complaints Panel. 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 Complaints Panel meeting. However, there may be occasions when legal representation is appropriate. For instance, if a school employee is called as a witness in a Complaints Panel meeting, they may wish to be supported by union and/or legal representation. 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 the MAT's staff disciplinary procedures, if appropriate, but outcomes will not be shared with them. Representatives from the media are not permitted to attend. The school representative will be the person who dealt with Stage Two.

The Complaints Panel 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 chair of the Complaints Panel needs to ensure that the complainant, relevant headteacher and chair of the local governing body are notified of the Complaints Panel's decision in writing within 5 school days of the meeting. The response will include action (if any) that needs to be taken and where appropriate, suggest changes to, or review of, the school's systems or procedures to ensure that similar problems do not happen again.

The decision of the Complaints Panel of the relevant local governing body is final and will not be investigated. If the complainant is dissatisfied with the response they have been given, and would like to take the complaint further, they will be referred to stage four of this procedure.

Equally, if the relevant headteacher perceives due process has not been followed, s/he will refer the matter to Stage 4.

Stage 4 (Formal)

If the complainant believes the school or MAT 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.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by the school or MAT. They will consider whether the school or MAT 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.

The complainant can refer their complaint to the ESFA online at: 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

Further guidance can be found at <https://www.gov.uk/government/publications/complain-about-an-academy>.

Complaints about The Four Stones Multi Academy Trust

There may be a time when a complaint is received that is regarding the actions of the MAT and/or a member of staff employed to work in the MAT's executive or central teams. In these instances the procedures for dealing with such complaints differ from those regarding the individual schools.

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

The CEO 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 procedures and will confirm the date for providing a response to the complainant.

Following the investigation, the CEO will write to the complainant confirming the outcome within 10 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 5 school days of the date that the letter was received, explaining the reason for the delay and providing a revised date.

If the complaint concerns the CEO or a trustee, the complaint should be investigated by the chair of trustees. If a formal complaint form is received about the chair, the complaint will be referred to the vice-chair for investigation. Where the chair of trustees 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 not satisfied with the outcome of the previous stage, the complainant should write to the Clerk to the Trust Board asking for the complaint to be heard before a Complaint Panel. The procedures for the Complaints Panel will be exactly the same as for the Complaints Panel for the local governing body except:

- The clerk to the trust board will be the clerk to the Complaints Panel.

- The Complaints 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. One of the Complaints Panel members will be independent of the management and running of the MAT. This means that the independent Complaints Panel member will not be a trustee or an employee of the MAT.
- If the complaint is: jointly about the chair and vice-chair of the trust board; or the entire trust board; or the majority of the trust board, then stage 3 will be heard by completely independent Complaints Panel.
- The chair of the Complaints Panel needs to ensure that the parent/carer, CEO and chair of trustees are notified of the Complaints Panel's decision in writing within 5 school days of the meeting.

Annex A: 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, students 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 relevant headteacher 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, CEO, governor or trustee or other staff member providing administrative support)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, relevant headteacher, CEO, chair of the local governing body, chair of trustees or the clerk and 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 student
- keep records.

Clerk to the Local Governing Body/Trust Board

The Clerk 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 and the Data Protection Act (DPA) 2018
- 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 decision.

Annex B: Model procedure for the conduct of the local governing body's Complaints Panel Hearing to consider a complaint

It is important that the members of the Complaints Panel are impartial and independent, and seen to be so. The Panel members will have had no prior involvement with the case and be sensitive to the constitution of the Panel with regard to issues of equality.

It may be the case that parents/carers feel anxious that they will not be provided with opportunities for them to be heard or that the procedure is not seen to be fair (i.e. complainants may perceive the governors' view to be weighted in the school's favour). Panel members need to be aware these perceptions may exist and endeavour to demonstrate openness and objectivity in their actions.

The Hearing

Reports and statements submitted to the Panel will be made available to all parties in advance of the hearing.

The chair of the Panel must determine in advance the most appropriate method of conducting the hearing into the complaint so that the Panel may achieve 'best evidence'. The decision will be influenced by the contents of the Complaints Form and other information to hand. Some possibilities are listed below, but they are not exhaustive:

Option One

To consider the written statements, reports and evidence provided in advance, and to question the originators about their substance. This approach is likely to be least effective, as it might result in a time-consuming search for additional information and cross-referencing.

Option Two

Interviewing separately the complainant and the relevant schools' representative, and other parties deemed relevant by the chair, in order to hear statements and collect additional directly related evidence.

Option Three

With the agreement of all parties, to hold a hearing with both sides present and available to respond to questions put by the Panel, and through the chair. Such a meeting will be non-adversarial.

Option Four

With the agreement of all parties, to hold a meeting with both sides present, to follow an agenda on the lines of the following model. Witnesses are only required to attend for the part of the hearing in which they give their evidence.

Model agenda

1. Complainant explains reasons for making the complaint, and calls witnesses if desired.
2. Relevant headteacher and Panel members may ask questions
3. Relevant headteacher invited to explain the school's actions and call witnesses if desired
4. Complainant and Panel members may ask questions
5. Complainant is invited to sum up the complaint
6. Relevant headteacher is invited to sum up the relevant school's actions and response to the complaint
7. The parties leave together and the Panel considers its decision

It is essential to recognise at all times, that the procedure for any of the above options deals only with establishing the validity of a complaint and does not constitute a hearing connected with any disciplinary process.

The clerk to the Panel will be responsible for inviting participants into the room at the relevant times and make introductions as necessary.

The clerk to the Panel will keep an accurate record of the discussion at the meeting. The members of the Panel may need to refer to this to assist them in their consideration of the case. It may be helpful to the complainant for them to be informed if these notes will be made available to them. If, as a result of the complaint being upheld there is any disciplinary action towards a member of staff, the complainant is not permitted any knowledge of this. Therefore, if any notes are made available to complainants, any such references will be removed before being sent.

The chair will explain the Panel's remit and that the purpose of the hearing is to review the complaint and try to resolve the issues to enable reconciliation between the complainant and the school. It may only be possible to establish the facts and recommend future actions.

The chair will reassure all parties that they will have every opportunity to state their case.

The chair will explain the procedure decided upon for the hearing. It may be helpful to have printed copies of this available to all parties.

The remit of the Complaints Panel

The Panel can:

- Dismiss the complaint in whole or in part
- Uphold the complaint in whole or in part
- Decide on appropriate action to be taken to resolve the complaint (See 'B. Possible Resolutions on page 1)
- Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur

The Panel will consider:

- The evidence (written and oral) from the school representatives and the parent/carer.
- The school policies and procedures (e.g. anti-bullying, race equality, dress code, and discipline).
- The extent to which the school's action is consistent with the appropriate school policy (i.e. have the school managed the issue in the manner defined in their documentation?).
- The response of the Panel to the complaint, having considered the information made available to them, providing reasons for their decision.
- Areas of agreement identified between the parties.
- Misunderstandings identified, which can be remedied.
- Any recommendations to review/ revise school policies and procedures as necessary. This will identify a reasonable timescale and a nominated person who will be responsible for this to be achieved, and progress will be monitored by the governing body.
- The appropriate action to be taken by the relevant school, if necessary.
- Recommendations on changes to school policies and procedures in the light of this experience, if necessary.

Reminder: If as a result of the complaint being upheld, there is disciplinary action contemplated towards a member of staff, the complainant is not permitted any knowledge of this.

Annex C: Complaint Form

Please complete and return to the relevant headteacher who will acknowledge receipt. The procedure, at stage 2, explains what action will be taken after receipt.

Your name:

Student's name (where applicable):

Your relationship to the student (where applicable):

Address:

Postcode:

Day time 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.
(Whom did you speak to, when, and what was the response)?

The form continues overleaf.....

What actions do you feel might resolve the problem?

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

Signature:

Date:

Official use

Date acknowledgement sent:

By whom

Complaint referred to:

Date:

Annex D: Complaints relating to the Code of Practice on the English Language Requirement for Public Sector Workers

What is the requirement?

The MAT has a duty to ensure that all employees in roles requiring contact with members of the public (pupils, parents, etc.) as an integral part of their role, are able to converse fluently and accurately in English. The recruitment and performance management processes are designed to ensure that our employees meet the required standards. If you feel that we have not met this duty you are able to make a complaint.

When can I make a complaint?

You can make a complaint if you feel that an employee in a customer-facing role has insufficient proficiency in spoken English for the performance of their role.

What is not covered in the Code of Practice?

Complaints about regional or international accents, dialect, manner or tone of communication, origin or nationality are not considered legitimate complaints under the fluency duty. The MAT will also not take forward any vexatious, oppressive, threatening or abusive complaints in relation to this fluency duty. Complaints which are without foundation and/or which are intended to result in harsh or wrongful treatment of the person who is the subject of the complaint.

How do I make a complaint?

Please follow the complaints procedure. All legitimate complaints will be investigated in accordance with the complaints procedure and the school will assess the merits of the complaint against the necessary standard of spoken English fluency required for the role in question. Any member of staff who is the subject of the complaint has a right to be notified of the complaint and any action being taken in relation to it. Where a complaint is upheld the MAT will consider what steps can be taken to meet the fluency duty.

Annex E: Unreasonable Complainants

We are committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

We define unreasonable complainants as *'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'*.

A complaint may be regarded as unreasonable when the person making the complaint:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Education and Skills Funding Agency (ESFA);
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the relevant headteacher or chair of the relevant local governing body will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the relevant headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the school causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the relevant school's premises.