



# EBOR ACADEMY TRUST

Policy Number

5

Complaints Policy

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## **Ebor Academy Trust Complaints Procedure - Complaints relating to schools**

### **1. Rationale**

Ebor Academy Trust takes concerns very seriously. This complaints procedure is not limited to parents or carers of children that are registered at an academy with the Trust. Any person, including members of the public, may make a complaint to an academy about any provision of facilities or services that they provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

### **2. Aim**

The policy provides clear guidance on the complaints procedure which endeavours to ensure every effort is made to resolve matters as quickly as possible. It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. The Trust endeavour to resolve all complaints informally, without the need to use the formal stages of the complaints procedure.

### **3. General Principles**

The Ebor Academy Trust's Complaints Procedure will:

- a. encourage resolution of problems by informal means wherever possible.
- b. be easily accessible and publicised.
- b. be simple to understand and use.
- c. ensure impartiality.
- d. be non-adversarial.
- e. allow swift handling with established time-limits for action and keep all involved informed of the progress.
- f. ensure a full and fair investigation by an independent person where this is required.
- g. respect people's desire for confidentiality.
- h. address all the points at issue and provide an effective response and appropriate redress, where necessary.

In addition to the above it is also important that:

- j. at all stages the nature of the complaint is fully clarified with the complainant
- k. those dealing with the complaint ensure the complainant is clear about which stage of the complaints procedure the complaint is currently at, and once the stage is completed, what further action can be taken should the complainant still not be satisfied.

At each stage in the procedure, Ebor Academy Trust wants to resolve the complaint. If appropriate, it will be acknowledged that the complaint is upheld in whole or in part. In addition, one or more of the following may be offered:

- l. an explanation
- m. an admission that the situation could have been handled differently or better
- n, an assurance that the academy will try to ensure the event will not recur
- o. 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
- p. an undertaking to review school policies in light of the complaint

#### 4. Timelines

- 4.1 Complaints must be raised within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. Complaints made outside of this time frame may be considered if exceptional circumstances apply.
- 4.2 Academies will consider complaints made outside of term time to have been received on the first school day after the holiday period.
- 4.3 If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on the Trust’s ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.
- 4.4 If a complainant commences legal action against the academy in relation to their complaint, the Trust will consider whether to suspend the complaints procedure in relation to the complaint until those legal proceedings have concluded.
- 4.5 If a complainant wants to withdraw their complaint, a request to confirm this in writing will be required.

#### 5. Scope

This procedure covers all complaints about any provision of community, facilities or services by academies within Ebor Academy Trust, or the Trust itself, other than complaints that are dealt with under other statutory procedures, including those listed below

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>● Admissions to schools</li> <li>● Statutory assessments of SEN</li> </ul>	Concerns about admissions or statutory assessments of Special Educational Needs should be raised with the Local Authority.
<ul style="list-style-type: none"> <li>● Matters likely to require a Child Protection Investigation</li> </ul>	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 should contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).
<ul style="list-style-type: none"> <li>● Exclusion of children from school*</li> </ul>	Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a> . <i>*complaints about the application of the behaviour policy can be made through the school’s complaints procedure.</i>
<ul style="list-style-type: none"> <li>● Whistleblowing</li> </ul>	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. <a href="#">Ebor Academy Trust Whistleblowing Policy</a> 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 directly with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a> . Volunteer staff who have concerns about our school should complain through the school’s complaints procedure. You may also be able to complain directly to the Department for Education (see link above), depending on the substance of your complaint.
<ul style="list-style-type: none"> <li>● Staff grievances</li> </ul>	Complaints from staff will be dealt with under the Trust grievance and disciplinary procedures.

<ul style="list-style-type: none"> <li>● Staff conduct</li> </ul>	<p>Complaints about staff will be dealt with under the Trust grievance and disciplinary procedures.</p> <p>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.</p>
<ul style="list-style-type: none"> <li>● Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them directly.</p>
<ul style="list-style-type: none"> <li>● National Curriculum - content</li> </ul>	<p>Please contact the Department for Education at:  <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a></p>

## 6. 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’*.

### 6.1 Informal Procedure

The Trust endeavour to resolve all complaints informally, without the need to use the formal stages of the complaints procedure.

- a. An informal concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so.
- b. Concerns should be raised with either the Class teacher or Headteacher/ Head of School. If you have difficulty discussing a concern with a particular member of staff, the Trust will respect your views. In these cases, the Headteacher/ Head of School will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Headteacher/ Head of School will refer you to another staff member. The member of staff may be more senior but may not always be the case. The ability to consider the concern objectively and impartially is more important
- c. If the issue is regarding the Headteacher/ Head of School, the Trust will appoint an independent senior person to investigate the issue.
- d. If the issue regards the Trust as an organisation, the issue will be passed to the Director of Risk, Governance and Compliance (c.walters@ebor.academy).
- e. If the issue remains unresolved, the next step is to make a formal complaint. In this case, the academy will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

## **6.2 Formal Procedure: Raising a formal complaint**

Complainants should not approach individual Governors to raise concerns or complaints. Governors have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 2 of the procedure.

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 or the Director of Risk, Governance and Compliance.

In accordance with equality law, the Trust 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.

- a. Complaints against school staff (except the Headteacher/ Head of School) should be made in the first instance in writing, to the Headteacher/ Head of School via the school office. Please mark the envelope 'Private and Confidential'.
- b. Complaints that involve or are about the Headteacher/ Head of School should be addressed to the Director of Risk, Governance and Compliance ([c.walters@ebor.academy](mailto:c.walters@ebor.academy)). Please mark the correspondence 'Private and Confidential'. The Director of Risk, Governance and Compliance will inform the Executive Headteacher who will ensure an independent senior person is appointed to investigate the complaint.
- c. Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to the Clerk of Governors via the school office. Please mark the envelope 'Private and Confidential'. The Clerk will inform the Executive Headteacher who will ensure an independent senior person is appointed to investigate the complaint.
- d. Complaints about the Trust as an organisation should be addressed to the Director of Risk, Governance and Compliance.
- e. Academies will not normally investigate anonymous complaints. However, the Headteacher/ Head of School or Chair of Governors, Director of Risk, Governance and Compliance as appropriate, will determine whether the complaint warrants an investigation.

### **6.2.1 Formal Complaint - Stage 1**

- a. Formal complaints must be made to the Headteacher/ Head of School (unless they are about the Headteacher/ Head of School), via the school office. This may be done in person, in writing (preferably on the Complaint Form), or by telephone.
- b. The Headteacher/ Head of School will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 3 school days.

Within this response, the Headteacher/ Head of School will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the Complainant would like to see. The Headteacher/ Head of School can consider whether a face to face meeting is the most appropriate way of doing this.

*Note: The Headteacher/ Head of School may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.*

- c. During the investigation, the Headteacher/ Head of School (or Trust investigator) will:
- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
  - keep a written record of any meetings/interviews in relation to their investigation.
- d. At the conclusion of their investigation, the Headteacher/ Head of School will provide a formal written response within 10 school days of the date of receipt of the complaint.

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

- e. 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 academy will take to resolve the complaint.
- f. The Headteacher/ Head of School will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.
- g. Complaints about the Headteacher/ Head of School or members of the governing body must be made to the Director of Risk, Governance and Compliance ([c.walters@ebor.academy](mailto:c.walters@ebor.academy)).
- h. If the complaint is regarding:
- the Headteacher/ Head of School
  - the Chair of Governors/ Vice Chair of Governors
  - the entire governing body or
  - the majority of the governing body

The Director of Risk, Governance and Compliance will inform the Executive Headteacher who will ensure an independent senior person is appointed to investigate the complaint. At the conclusion of their investigation of the Stage 1 complaint, the independent investigator will provide a formal written response.

### **6.2.2 Formal Complaint - Stage 2**

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2. This stage will involve a Complaints Panel which will be formed of the first three, impartial, governors available. If the complaint involves members of the governing body the Trust will appoint the Complaints Panel. If there are fewer than three Governors/ Trustees available, the Director of Risk, Governance and Compliance will source any additional, independent Governors/ Trustees through another Trust Academy.

- a. A request to escalate to Stage 2 must be made to the Director of Governance within 10 school days of receipt of the Stage 1 response detailing the outcome of the

investigation.

- b. The date the complaint is received will be recorded and receipt of the complaint in writing (either by letter or email) acknowledged within 5 school days.
- c. Requests received outside of this time frame will only be considered if exceptional circumstances apply.
- d. The Complaints 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.
- e. If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the 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 complaint meeting, they may wish to be supported by union and/or legal representation. Representatives from the media are not permitted to attend.
- f. The Complainant will be informed of the date of the meeting. The aim would be to convene a meeting within 20 school days of receipt of the Stage 2 request. If this is not possible, an anticipated date will be provided and the Complainant kept informed.
- g. The Trust will endeavour to provide proposed dates which are mutually agreeable to all parties. If the Complainant rejects the offer of three proposed dates, without good reason, the Director of Risk, Governance and Compliance 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.
- h. The Complaints Panel prior to the meeting will appoint a Chair.
- i. At least 10 school days before the meeting, Director of Risk, Governance and Compliance will:
  - Circulate any written material to all parties. The panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.
  - 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 panel at least 5 school days before the meeting.
- j. The panel 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.
- k. 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. If recordings are to take place, 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.

- l. The panel will consider the complaint and all the evidence presented. The panel can:
  - uphold the complaint in whole or in part
  - dismiss the complaint in whole or in part.
- m. If the complaint is upheld in whole or in part, the panel 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.
- n. The Chair of the panel via the Director of Risk, Governance and Compliance will provide the Complainant and Headteacher/ Head of School with a full explanation of their decision and the reason(s) for it, in writing, within 10 school days.
- o. If the complaint is with regard to the Chair/ Vice Chair/ the entire governing body or the majority of the governing body Stage 2 will be heard by a panel of independent Governors/ Trustees. 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 the actions which will be taken to resolve the complaint.
- p. Responses will advise the complainant of how to escalate their complaint to Stage 3 should they remain dissatisfied with the way their complaint has been handled.

#### **6.2.4 Formal Complaint - Stage 3**

In the event the complaint has not reached resolution at Stage 2, the Complainant can request that the complaint be reviewed by a panel. Where the complaint relates to a school the panel will be derived from the Board of Trustees who will review the complaint in an independent and impartial manner.

Where the complaint relates to the Trust, an independent panel will be appointed.

The Trust Complaint Panel will review the complaint with regard to the following elements:

- the process
- documentation at each stage
- the minutes of the Stage 2 Panel hearing
- reasons for the Stage 2 decision and recommendations.

### 6.2.5 Procedures for stage 3 review

Upon receipt of a written request by the complainant for the complaint to proceed to Stage 3 and after having checked that all previous Stages have been carried out, the procedures outlined below should be followed:

- a. The Director of Governance will acknowledge receipt of the written request to move to Stage 3 of the complaint process, in writing, within 5 school days of receipt of the complaint. The acknowledgement will inform the complainant that the complaint is to be heard by a panel within 20 working days of receiving the complaint, where this is not possible the reasons for this will be provided. If the hearing date is available this information will be included in the correspondence.
- b. The Director of Governance will make the necessary arrangements for the Trust Complaints Panel meeting.
- c. The Director of Governance will distribute relevant documentation within 5 school days of the meeting.
- d. The Trust Complaint Panel will consider the complaint with regard to the elements detailed in para 6.2.4.
- e. It is the responsibility of the Chair of the Panel to ensure that the meeting is properly minuted. A copy of the minutes may be provided to complainants on request.
- f. A written statement outlining the findings of the Panel will be sent to the complainant and relevant internal stakeholders. The letter to the complainant should identify that if they feel the complaint has not been satisfactorily resolved by Ebor Academy Trust, then they can contact the Secretary of State at the Department for Education and request that the complaint be passed to the Education Funding Agency (EFA)

The contact details are:

The Secretary of State, Department for Education Sanctuary Buildings, Great Smith Street London, SW1P 3BT Telephone: 0870 000 2288 Website: [www.education.gov.uk](http://www.education.gov.uk)

Academies Central Unit (Academy Complaints) Education and Skills Funding Agency Earlsdon Park 53-55 Butts Road Coventry, CV1 3BH Email: [academyquestions@efa.education.gov.uk](mailto:academyquestions@efa.education.gov.uk)

The Complainant should be made aware that the Education and Skills Funding Agency will not usually investigate the complaint itself, or interfere with the findings of the Complaint Panel, unless the decision made was manifestly unreasonable or not carried out in line with expected complaints procedures and reasonable timelines.

- g. The Trust will ensure that a copy of all correspondence and notes are kept on file in the Trust's records. These records should be kept separately from the personal records and retained in line with GDPR.

## **7. Procedure for management of complaints against the CEO, Trustees or the Trust.**

### **7.1 Responding to concerns or complaints about the Trust/ the CEO/ the Chair of the Trust Board/ a trustee or the Board as a whole**

Concerns or complaints relating to the work of Ebor should be made to the Director of Risk, Governance and Compliance c.walters@ebor.academy, by completing the complaints form, *located in Appendix A*, or in person. If the complaint is made in person, written notes should be made and, if possible, countersigned by the complainant. The Ebor Director of Governance contact details are provided above.

Upon the receipt of the completed complaints form, the Ebor Director of Governance will identify an appropriate person to investigate the complaint.

- Where a complaint concerns the **CEO** or a **trustee**, the complaint will be referred to the Chair of the Board of Trustees.
- Where a complaint concerns the **Chair of the Board of Trustees**, the complaint will be referred to an independent external investigator who will conduct an appropriate investigation.

The complaint will be acknowledged within **5 school days** of receipt of the written formal complaint.

The appointed person will, in line with fundamental principles, **make initial attempts to resolve concerns informally, if this is appropriate**. If the complainant is dissatisfied they have recourse to the formal processes of the Trust as outlined below.

#### **7.2 Stage 1**

The appointed person will investigate the complaint further and make every effort to resolve the issue. They may arrange a meeting with the complainant to clarify details of the complaint.

Following the investigation of the complaint, the investigator will write to the complainant confirming the outcome of the investigation within **10 school days** of receipt of the written formal complaint. This response will also detail any actions taken to investigate the complaint, the reasons for the decision and, if appropriate, any actions to be taken to resolve the complaint. The response will advise the complainant how to escalate their complaint should they remain dissatisfied with the outcome at this Stage.

If the investigator is unable to meet the timescale of 10 school days, they will provide the complainant with an update and a revised response date.

#### **7.3 Stage 2: Formal complaint heard before a Complaints Appeal Panel**

If the complainant is dissatisfied with the outcome of Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2 – a meeting with a Trust Complaints Appeal Panel. This is the final stage of the complaints procedure. The complainant should write to the Director of Governance within **10 school days** of the date of the Stage 1 response, asking for the complaint to be heard before a Complaints Appeal Panel.

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

The Director of Risk, Governance and Compliance will acknowledge receipt of this written complaint **within 5 school days**. The response will explain the process that is to be followed and will include information about how the Panel will operate. The Director of Risk, Governance and Compliance will ask the complainant to provide details of the reason for the appeal and any relevant supporting evidence.

The Director of Risk, Governance and Compliance will schedule the panel meeting to take place as soon as practicable, normally within **20 school days of receipt of the letter from the Head of Governance to complainant confirming the appeal**, giving the complainant reasonable notice of the panel meeting date. The Director of Risk, Governance and Compliance will make reasonable attempts to arrange the hearing at a time convenient to the complainant, panel and other attendees. If this is not possible within the 20 days, the Director of Risk, Governance and Compliance will arrange the meeting as soon as possible and will keep the complainant informed.

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

The complainant may bring someone along to the panel meeting to provide support, usually a relative or friend. Generally, we do not encourage either party to bring legal representatives to the meeting. However, there may be occasions when legal representation is appropriate. Representatives from the media are not permitted to attend.

### **7.3.1 Membership of the Complaints Appeal Panel**

The Complaints Appeal Panel will comprise three people with no prior connection with the complaint.

For a complaint concerning the **Trust or CEO**, two of the panel members will be drawn from the Trust Board and the third member will be independent.

For a complaint concerning the **Trust Board** (chair, vice-chair, other trustee or Trust Board itself), the panel will be entirely independent.

### **7.3.1 The remit and operation of the Complaints Appeal Panel**

The aim of the panel meeting is for the panel to consider the complaint afresh with the aim of resolving the complaint and achieving reconciliation between the Trust and the complainant. The panel will not consider any new complaints at this stage or consider evidence unrelated to the initial complaint. New complaints must be dealt with from Stage 1 of the procedure.

The panel meeting will be professionally clerked.

The complainant may bring someone with them to the panel meeting to provide support, such as a relative or friend.

Any written material will be circulated to all parties at least 5 school days before the panel meeting. The 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 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 recording of meetings or conversations take place. Consent will be recorded in any minutes taken.

### **7.3.1 Decision of the Complaints Appeal Panel**

After due consideration of all facts the panel considers relevant, the panel will reach a decision on the balance of probabilities as to whether or not the complaint is upheld. The panel can:

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

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

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

The complainant will be notified in writing of the panel's decision, usually within **5 school days**. The letter will confirm the panel's findings and recommendations and will confirm the end of the involvement of the Trust Board with the complaint. It will explain how to contact the Education and Skills Funding Agency (ESFA) if the complainant is dissatisfied with the way their complaint has been handled. The complainant will also receive a copy of the minutes.

## **7.4 Next steps**

If the complainant believes that their complaint was not handled in accordance with this published complaints procedure or that the Trust acted unlawfully or unreasonably in the exercise of their duties, they can refer their complaint to the Education and Skills Funding Agency (ESFA) after they have completed Stage 2.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by the Trust. They will consider whether the 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](#).

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

[www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by telephone on: 0370 000 2288 or by writing

## 8. Management of Serial and Unreasonable Complaints

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

Ebor Academy Trust defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- a. refuses to articulate their complaint or specify the grounds of a complaint despite offers of assistance
- b. refuses to co-operate with the complaints investigation process
- c. refuses to accept that certain issues are not within the scope of the complaints procedure
- d. insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- e. introduces trivial or irrelevant information which they expect to be taken into account and commented on
- f. raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- g. makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- h. changes the basis of the complaint as the investigation proceeds
- i. repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- j. refuses to accept the findings of the investigation where the school's complaint procedure has been fully and properly implemented and completed, including referral to the Secretary of State
- k. seeks an unrealistic outcome
- l. makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- m. uses threats to intimidate
- n. uses abusive, offensive or discriminatory language or violence
- o. knowingly provides falsified information
- p. publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the school that relates to their complaint, while the 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 Headteacher/ Head of School or Chair of Governors or The Director of Governance will discuss any concerns with the complainant informally before applying an '*unreasonable*' marking.

If the behaviour continues, the Headteacher/ Head of School / The Director of Governance will write to the complainant explaining that their behaviour is unreasonable. For complainants who excessively contact Ebor Academy Trust causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate subsequent actions in writing. This may include barring an individual from any or all academies within Ebor Academy Trust.

## **9. General Data Protection Regulations**

In accordance with GDPR and Data Protection Laws, information relating to the case will be:

- used only for the purposes of investigating the complaint and shared with those involved in investigating the complaint
- kept securely
- encrypted where appropriate
- will not be kept longer than is necessary

## **10. Threatening Behaviour Towards students or Staff**

If a parent poses a risk to, or demonstrates threatening behaviour towards, students or staff the Trust will usually warn the parent about their behaviour and the potential consequences of continuing to act in this way. If, despite that warning, the parent persists with threatening and abusive behaviour, the Trust has the right to refuse to allow the parent to attend the panel hearing in person. In such cases the panel will invite written representations from the complainant instead. If the representations contain threats and/or abuse then the Trust may take steps to restrict communication with the parent and decide not to progress with the hearing. Any complaints that are deemed to be malicious, harmful or defamatory of the personal character of an employee of the Trust may also be subject to legal scrutiny and subsequent action.

## Appendix A: Roles and Responsibilities

### 1. Complainant

The complainant will receive a more effective response to the complaint if they:

- a. explain the complaint in full as early as possible
- b. cooperate with the school in seeking a solution to the complaint
- c. respond promptly to requests for information or meetings or in agreeing the details of the complaint
- d. ask for assistance as needed
- e. treat all those involved in the complaint with respect
- f. refrain from publicising the details of their complaint on social media and respect confidentiality.

### 2. Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- a. providing a comprehensive, open, transparent and fair consideration of the complaint through:
- b. sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
- c. interviewing staff and children/young people and other people relevant to the complaint
- d. consideration of records and other relevant information
- e. analysing information
- f. liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- g. conduct interviews with an open mind and be prepared to persist in the questioning
- h. keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- i. ensure that any papers produced during the investigation are kept securely pending any appeal
- j. be mindful of the timescales to respond
- k. prepare a comprehensive report for the Headteacher/ Head of School or complaints panel that sets out the facts, identifies solutions and recommends courses of action to resolve problems.
  - i. The Headteacher/ Head of School or Complaints panel will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.



**3. Complaints Coordinator** (this could be the Headteacher/ Head of School / Director of Risk, Governance and Compliance or other staff member providing administrative support)

The complaints co-ordinator should:

- a. ensure that the complainant is fully updated at each stage of the procedure
- b. liaise with staff members, Headteacher/ Head of School, Chair of Governors, Director of Risk, Governance and Compliance and LAs (if appropriate) to ensure the smooth running of the complaints procedure
- c. be aware of issues regarding:
- d. sharing third party information
- e. 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
- f. keep records

**4. The Director of Risk, Governance and Compliance**

Where specified within the policy, the Director of Risk, Governance and Compliance is the contact point for the complainant and involved in the complaints process and should:

- a. ensure complaints are investigated and managed by the most appropriate person.
- b. 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)
- c. ensure the complaints process is adhered to by all parties
- d. 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
- e. 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
- f. ensure that panel members have no prior involvement in the case to ensure impartiality
- g. ensure proceedings are recorded
- h. ensure minutes of meetings are circulated
- i. notify all parties of the panel's decision.

**5. Panel Chair**

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

- a. Parties to the complaint are asked (via the Director of Risk, Governance and Compliance) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- b. 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
- c. complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- d. the remit of the panel is explained to the complainant
- e. 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.

- f. 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
- g. both the Complainant and the academy 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
- h. the issues are addressed
- i. key findings of fact are made
- j. the panel is open-minded and acts independently
- k. no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- l. the meeting is minuted.

## **6. Panel Member**

Panel members should be aware that:

- a. the meeting must be independent and impartial, and should be seen to be so
- b. Governors may not sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- c. 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.

- d. many complainants will feel nervous and inhibited in a formal setting
- e. Parents/carers often feel emotional when discussing an issue that affects their child.
- f. extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting, the welfare of the child/young person is paramount.

Careful consideration of the atmosphere and proceedings where children are involved ensure that the child/young person does not feel intimidated. The panel should respect the views of the child/young person and give them equal consideration to those of adults.

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

However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the panel considers is not in the child/young person's best interests.

**Appendix 2: Complaint Form**

Please complete and return to the school office for the attention of the Headteacher/ Head of School, Chair of Governors or Director of Risk, Governance and Compliance who will acknowledge receipt and explain what action will be taken. Please mark the complaint Private and Personal. The form may also be emailed to [c.walters@ebor.academy](mailto:c.walters@ebor.academy)

<b>Your name:</b>
<b>Pupil's name (if relevant):</b>
<b>Your relationship to the pupil (if relevant):</b>
<b>Address:</b>  <b>Postcode:</b> <b>Day time telephone number:</b> <b>Evening telephone number:</b>
<b>Please give details of your complaint, including whether you have spoken to anybody at the school about it.</b>

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

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

**Signature:**

**Date:**

**Official use**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Date:**