



# EBOR ACADEMY TRUST

Policy Number

5

## Concerns and Complaints Policy

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## **Ebor Academy Trust Parental Concerns and Complaints Procedure - Complaints relating to schools**

### **1. Rationale**

Ebor Academy Trust takes concerns and complaints very seriously. Every complaint shall receive fair and proper consideration and a timely response. Please refer to the following guidelines for the specific timescales. We will do all we can to resolve your complaint and to ensure you are happy with the education that your child receives in the school. Parents/carers can be assured that all complaints and expressions of concern, whether raised informally or formally, will be treated sensitively and confidentially (where this is possible).

### **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 endeavours to resolve all complaints informally, without the need to use the formal stages of the complaints procedure.

### **3. Availability**

This procedure is available in writing on request to pupils and parents/carers of pupils and prospective pupils of Ebor Academy Trust. While pupils may themselves raise concerns and complaints under this policy and procedure, the school will involve parents/carers should this occur. Copies are available:

- by writing to the Ebor office: Ebor Academy Trust, The Leyes, Osbaldwick, York YO10 3PR
- on request from the school office; or at the school's website

### **4. Legislation And Guidance**

This document complies with our funding agreement and Articles of association and meets the requirements of the Education (Independent School Standards (England) Regulations 2014) Part 7.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on creating a complaints procedure that complies with the above regulations, and refers to good practice guidance on setting up complaints procedures from the Department for Education (DfE).

### **5. General Principles**

Ebor Academy Trust's Complaints Procedure will:

- a) encourage resolution of problems by informal means wherever possible.
- b) be easily accessible and publicised.
- c) be simple to understand and use.
- d) ensure impartiality.
- e) be non-adversarial.
- f) allow swift handling with established time-limits for action and keep all involved informed of the progress.
- g) ensure a full and fair investigation by someone who is independent where this is required.
- h) respect people's desire for confidentiality.

- i) address all the points at issue which are within scope and provide an effective response and appropriate redress, where necessary.
- j) be communicated to all staff likely to be involved in the procedure, with further training provided as appropriate; and
- k) provide information to the school's senior management team and the Ebor board so that services can be improved.

In addition to the above it is also important that:

- l) at all stages the nature of the complaint is fully clarified with the complainant and a copy of the Concerns and Complaints Policy is given to the complainant at Stage one.
- m) 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:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that the academy will try to ensure the event will not reoccur
- 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

## 6. Timelines

- a. Complaints must be raised within three months of the incident or, where a series of interrelated incidents have occurred, within three months of the last of these incidents. Complaints made outside of this time frame may only be considered if exceptional circumstances apply.
- b. Academies will not be able to respond to complaints outside of term time and will consider these complaints on the first school day after the holiday period.
- c. 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.
- d. 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.

## 7. Withdrawal of a Complaint

Should a complainant wish to withdraw their complaint, we will ask them to confirm this in writing

## 8. Scope

This procedure will be relied upon in respect of all complaints by parents, carers and pupils made against the trust, or academies within the trust except in respect of;

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. Please refer to the academy admissions policy for further guidance on admissions appeals and legislation
<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. The school works with 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 or suspension of children from school*</li> </ul>	Further information about raising concerns about suspensions and exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a> . *complaints about the application of the behaviour policy can be made through the school's complaints procedure.
<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> , which we encourage staff to make use of. 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 a 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 Policy and procedures.
<ul style="list-style-type: none"> <li>Staff conduct</li> </ul>	Parents may complain about staff conduct under this policy and these complaints will be investigated. However, staff conduct will be dealt with under the Trust Grievance and Disciplinary procedures. 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.
<ul style="list-style-type: none"> <li>Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	Providers should have their own complaints procedure to deal with complaints about service. Please contact them directly.
<ul style="list-style-type: none"> <li>National Curriculum - content</li> </ul>	Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a> Complaints about the delivery of the national curriculum can be addressed to the school
<ul style="list-style-type: none"> <li>Data breaches/Subject Access requests</li> </ul>	Please refer to our Data Protection Policy. Complaints about the application of the Data Protection Policy can be brought through the Complaints Policy

Arrangements for handling complaints from parents/carers of children with **Special educational needs and disabilities (SEND)** about the school's support are within the scope of this policy. Such complaints should first be made to the special educational needs co-ordinator (SENCO) or

Headteacher at the school; they will then be referred to this complaints policy. Our SEND Policy and SEND Information Report includes information about the rights of parents/carers of pupils with disabilities who believe that the school has discriminated against their child.

If your complaint relates to an **Early Years Provision** please also refer to Appendix 3, as this is covered by a separate set of guidelines.

Complaints made by people who are not parents, carers or pupils of the school or trust are not covered by these Procedures, and such individuals should contact the Academy school office. Such complaints will be handled respectfully and expeditiously.

## 9. 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 will take concerns seriously at the earliest stage to resolve issues and reduce the numbers that develop into complaints. Concerns should be raised with the Class teacher. 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 this may not always be the case. The ability to consider the concern objectively and impartially is more important.

Complaints that involve or are about the Headteacher/Head of school; Chair of Governors; an individual governor; a majority, or the whole governing body, should be addressed to the Head of Governance at Ebor Academy – [complaints@ebor.academy](mailto:complaints@ebor.academy) . Please mark them as Private and Confidential. A senior member of Trust staff, a governor, trustee or an external party will be appointed by the Director of Education to act as the investigating officer. Complaints against an individual governor will usually be investigated by the Chair of Governors.

Complaints about the Chief Executive Officer (CEO), Ebor Multi-Academy Trust board or a Trustee of Ebor, should be addressed to the Chair of Trustees, via the Ebor office. Please mark envelopes as Private and Confidential. The Chair of Trustees will manage the complaint at each stage of the process.

Complaints against school staff (except the Headteacher/ Head of School) should be made to the Headteacher/ Head of School via the school office. Please mark envelopes ‘Private and Confidential’.

Complaints about the chair of Trustees should be addressed to the Head of Governance– see address above. Please mark envelopes as Private and Confidential. The CEO will nominate a senior member of Trust staff, or an external party to act as the investigating officer for these complaints. Complaints about the Trust as an organisation should be addressed to the Head of Governance who will appoint an external party to act as the investigating officer for these complaints.

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 or 3 of the procedure.

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. If you require help, please contact the school office or the Head of Governance.

Academies will not normally investigate anonymous complaints. However, the Headteacher/ Head of School or Chair of Governors, Chief Operating Officer as appropriate, will determine whether the complaint warrants an investigation.

Complaints will be handled as per the three stage process below:

### **STAGE ONE - Informal Procedure**

The Trust endeavours to resolve all complaints informally, without the need to use the formal stages of the complaints procedure. Complainants will be provided with a copy of the Complaints Policy promptly and upon request.

If pupils or parents/carers have a concern they should normally contact the relevant teacher or staff member in the first instance. In many cases, the matter will be resolved straightaway by this means.

Complaints made directly to the Headteacher will usually be referred to the relevant teacher unless the Headteacher deems it appropriate to deal with the matter personally. In most cases, complainants will be offered the opportunity to discuss their complaint in person, over the telephone or by virtual means.

An informal 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. If the issue is with regards to the Trust as an organisation, the issue will be passed to the Director of Education to allocate a responder.

The school will use its reasonable endeavours to resolve any informal complaints within ten school days of them being raised, except where they are raised in Academy holidays where the Academy will use its reasonable endeavours to resolve them as soon as possible after commencement of the new term (usually within ten school days).

In the event that school and the parents/carers fail to reach a satisfactory resolution, parents/carers will be advised they can proceed with their complaint in accordance with Stage Two of this Procedure.

### **10. STAGE TWO - Formal Procedure:**

If the complaint cannot be resolved on an informal basis (as set out in Stage One above) then parents/carers should put their complaint in writing unless the complainant has sufficient reason to request a reasonable adjustment to be made. The letter/form should clearly identify the specific

areas you would like addressing in no more than 600 words or one side of A4. 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 (Appendix 2). Please see above for who to address your complaint to or send it to the Headteacher.

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

The Headteacher/Chair of Trustees/Chair of Governors/CEO/Director of Education will delegate responsibility for undertaking investigation of the complaint to a member of the Senior Leadership Team where appropriate, a governor, an external party or deal with the matter personally.

The Investigating Officer will use reasonable endeavours to speak to or meet parents within ten school days of the formal complaint being received, except where the complaint is received in academy holidays, where the Head Teacher will use their reasonable endeavours to speak or meet with parents/carers as soon as possible after the commencement of the new term (usually within ten school days). The investigating officer will seek to clarify what would resolve the issue and mediate with the parents/carers.

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.

During the investigation, the Trust Investigator will:

If necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish and keep a written summary record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, Once the Headteacher/investigating officer is satisfied that, so far as is practicable, all of the relevant facts have been established, the investigator will provide a formal investigation report and the complainant will be issued with a written response to their complaint. The written decision will be provided no later than fifteen school days after the investigating Officer has spoken or met with parents/carers to discuss the matter. The Headteacher/investigating officer may also arrange to meet with parents/carers to explain the decision.

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

The response will detail any actions taken to investigate the complaint and provide an 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.

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

## **11. STAGE THREE – PANEL HEARING**

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3. This stage will involve a Complaints Panel. This is the final stage of the complaints procedure.

This request for further assessment of the complaint will, for the purposes of this Procedure, be known as an 'appeal'. The Trust will appoint the Complaints Panel.

A request to escalate to Stage 3 must be made in writing to the Head of Governance, Ebor Academy Trust, The Leys York YO10 3PR, within 10 school days of receipt of the Stage 2 response detailing the outcome of the investigation. The parents/carers should provide a list of their complaint(s) which they believe to have been resolved unsatisfactorily by the Stage Two Procedure, along with the remedies sought in respect of each. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The date the complaint is received will be recorded (either by letter or email) and receipt of the complaint acknowledged in writing within five school days. A clerk to the panel will be appointed by the Director of Education.

The clerk will then endeavour to convene a Complaints Panel hearing as soon as possible to consider the matter, normally no later than twenty school days after receipt of parents' written notice that they wish to invoke the Stage Three Procedure, dependent upon the availability of the Panel members.

The Complaints Panel will consist of at least three people who were not directly involved in the matters detailed in the complaint. One panel member will be independent of the management and running of the school. The independent person will conform to the relevant guidance issued by the Department for Education (DfE) and may be a local governor from a different school within Ebor Academy Trust.

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 or vice-chair, other trustee or Trust Board itself), the panel will be entirely independent.

If the complaint is with regard to the **Chair/ Vice Chair/ the entire local governing body or the majority of the governing body**, Stage 3 will be heard by a panel of independent Governors.

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.

The complainant may bring someone along to provide support. This can be a relative or friend. We do not encourage either party to bring legal representatives to the panel meeting. The panel is not a form of legal proceedings. However, there may be exceptional 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.

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 3 request. If this is not possible, an alternative date will be provided and the Complainant kept informed.

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 Education 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.



The Complaints Panel will appoint a Chair prior to the Panel meeting commencing.

Where the Complaints Panel deems it necessary, it may require that further particulars of the complaint or any related matter be supplied in advance of the hearing. In such cases all parties will be given the opportunity to submit written evidence to the Panel in support of their position, including:

- (a) documents in support of complaint(s),
- (b) chronology and key dates relating to complaint(s), and
- (c) written submission setting out the complaint(s) in more detail.

Evidence will be initially sent to the Clerk, who will then circulate the documentation to all parties, including the Panel members, along with an order of proceedings. All written evidence must be received by the Clerk no later than six working days in advance of the hearing. The Clerk will distribute the written evidence to the relevant parties no later than five working days in advance of the Panel hearing.

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

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a Complainant's own disability or special needs require it. 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.

After due consideration of all the facts they consider relevant, the Panel will reach a decision, and may make recommendations. The decision reached by the Complaints Panel is final. The panel can:

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

If the complaint is upheld in whole or in part, the 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.

The Chair of the panel via the Head of Governance will provide the Complainant, Headteacher/ Head of School and where relevant, the person being complained about with a full explanation of their findings, decision, recommendations and the reason(s) for it, in writing, within 10 school days. The complainant may also receive a copy of the minutes if they wish.

## **12. Next Steps**

If the complainant believes the Academy 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 Three. The Complainant will be made aware that the DfE will not usually investigate the substance of 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.

The DfE cannot overturn the decision about a complaint. Their role is to make sure the complaint was handled properly by following a published procedure that complies with part 7 of the Education (Independent School Standards) Regulations 2014.

The DfE will only consider the complaint if the complainant can provide evidence that the school or trust:

- does not have a complaints procedure
- did not provide a copy of its complaints procedure when requested
- does not have a procedure that complies with statutory regulations
- has not followed its published complaints procedure
- has not allowed its complaints procedure to be completed

The complainant can refer their complaint to the Department for Education online at: <https://www.gov.uk/complain-about-school/state-schools>, by telephone on 0370 000 2288 or by writing to:

Academy Complaints and Customer Insight Unit  
Department for Education  
Cheylesmore House  
5 Quinton Road  
Coventry  
CV1 2WT

### **13. Record keeping**

The school will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, the final outcome and any recommendations. The records will also include copies of letters and emails, and notes relating to meetings and phone calls. Records will be available for inspection on the school premises by Ebor Academy and the head teacher

Where possible, this material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating or reviewing the complaint or on the review panel.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a Subject Access Request (SAR) or through a subject access request under the terms of the Data Protection Act, other legal authority or where the material must be made available during a school inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and data handling policies.

The details of the complaint, including the names of individuals involved, will not be shared with the whole governing board in case a review panel needs to be organised at a later point.

Where the governing board is aware of the substance of the complaint before the review panel stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint.

### **14. 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, pupils or other visitors to the site, to tolerate unacceptable or unreasonable behaviour and will take action to protect staff/visitors 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 / Director of Education will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues, the Headteacher/ Head of School /Director of Education 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.

If a parent poses a risk to, or demonstrates threatening behaviour towards pupils 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 or offer alternative methods of communication 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.

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.

### **Complaint campaigns**

If we become the focus of a number of complaints based on the same subject, the CEO may decide to send a template response to all complainants and consider publishing the response on the school or trust's website.

## **15. Links with other Policies/procedures**

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Exclusions policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEN policy and information report
- Privacy notices
- Data Protection Policies
- Allegations against staff
- Reporting of low level concerns

## **16. Legislation**

- Part 7 of the Education (Independent School Standards) Regulations 2014.
- Best practice guidance for academies complaints procedures
- Understanding and Dealing with issues relating to parental responsibility

## Appendix 1: 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, providing a comprehensive, open, transparent and fair consideration of the complaint through:

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

The investigator will :

- g. conduct interviews with an open mind and be prepared to persist in the questioning
- h. keep notes of interviews or arrange for a 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 Head of Governance that sets out the facts, determines whether they recommend the complaint be upheld or dismissed, identifies solutions and recommends courses of action to resolve problems.
  - i. The Headteacher/ Head of School/Head of Governance 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 / Head of Governance or other staff member providing administrative support)

The complaints co-ordinator will:

- 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 Education and LAs (if appropriate) to ensure the smooth running of the complaints procedure
- c. be aware of issues regarding: sharing third party information
- d. provide 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
- e. keep records
- f. ensures parties to the complaint are asked to provide any additional information relating to the complaint by a specified date in advance of the meeting

#### 4. **Head of Governance**

Where specified within the policy, that the Head of Governance is the contact point for the complainant they will :

- 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 rights 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 meetings, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible if required
- e. collate any written material relevant to the complaint (for example; stage 2 paperwork, school and complainant submissions) and send it to the parties in advance of the stage 3 meeting within an agreed timescale
- f. ensure that stage 3 panel members have no prior involvement in the case to ensure impartiality
- g. ensure proceedings are recorded by a note taker
- h. ensure summary 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 commencement of the Stage 3 complaint meeting, should ensure that:

- a. 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
- b. 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
- c. the remit of the panel is explained to the complainant
- d. 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.
- e. 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

- f. both the Complainant and the academy/individual 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
- g. the issues are addressed
- h. key findings of fact are made
- i. the panel is open-minded and acts independently
- j. 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
- k. the meeting is minuted.

## **6. Panel Member**

Panel members will be aware that:

- a. the meeting must be independent and impartial, and will be seen to be so
- b. Members 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 will be to resolve the complaint and achieve reconciliation between the school and the complainant.
- d. many complainants will feel nervous and inhibited in a formal setting. Parents/carers often feel emotional when discussing an issue that affects their child.
- e. 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.

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.

If the child/young person is the complainant, the panel will 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 will give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.

However, the parent will 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 1: Complaint Form**

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

<b>Your name:</b>
<b>Pupil's name (if relevant):</b>
<b>Your relationship to the pupil (if relevant):</b>
<b>School</b>
<b>Address:</b>  <b>Postcode:</b> <b>Day time telephone number:</b> <b>Evening telephone number:</b> <b>Email address:</b>
<b>Please outline, in no more than one page or 600 words, the 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.**

**Please sign here to confirm that you agree for us to disclose relevant information about your complaint to third parties involved such as investigating Officers or panel members**  
**Signature:**

**Date:**

**Official use**

**Date acknowledgement sent:**

**Date Complaint Policy given out**

**By who:**

**Complaint referred to:**

**Date:**

## **Appendix 2 Early Years Provision procedure**

All written complaints relating to the school's fulfilment of the Early Years Foundation Stage requirements will be investigated, and the complainant will be notified of the outcome within 28 days of the school receiving the complaint. The school will keep a record of the complaint in line with the record-keeping and confidentiality clauses set out in the main procedure above, and will make the record available to Ofsted on request.

Parents and carers can notify Ofsted if they believe that the school is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4234 or 0300 123 4666, or by emailing [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk). An online contact form is also available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>.

The school will notify parents and carers should it become aware that the Academy is to be inspected by Ofsted. The school will also make a copy of the inspection report available to parents and carers of children attending the setting on a regular basis.