



Complaints Policy and Procedure

November 2018

Signed (Chair of Trustees):	
Date:	November 2018
Date of Review:	November 2019

The Arbor Academy Trust reviews this policy annually. The Trustees may, however, review the policy earlier than this, if the Government introduces new regulations, or if the Trust receives recommendations on how the policy might be improved. This document is also available in other formats e.g. e-mail and enlarged print version, on request to the School Offices and is displayed on the schools' websites.

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1. Model Procedure

Purpose: To establish a procedure for dealing with complaints relating to the school. This Complaints Policy is intended to be compliant with Schedule 1, Part 7 of the Education (Independent Schools Standards) (England) Regulations 2010 (as amended) (“the Regulations”).

Scope: All matters relating to the actions of staff and application of school procedures where they affect the individual pupils concerned, except matters [relating to the curriculum, exclusion, admissions etc...] which are subject to separate procedures.

This Complaints Policy is based on the principle that concerns expressed by a pupil, parent or any other individual or organisation should be resolved as quickly as possible without the need to escalate to the formal stages of the procedure. However, where resolution has not been achieved and the person raising the concern is unhappy and wishes to take the matter further, the formal procedure for dealing with complaints will be followed. The three stages are:

Stage 1 - Informal investigation of a concern.

Stage 2 - Formal complaint in writing investigated by the Headteacher or delegated senior leader.

Stage 3 - Complaint heard before a Complaint Panel.

1.1. Complaints made by members of staff should be dealt with under separate grievance procedures applicable to employees. Complaints made by employees will not be dealt with under this Complaints Policy.

1.2. Complaints made by Local Governors should be referred to the Chair of Local Governors to be dealt with informally as an item for consideration initially and, if necessary, through the formal procedure set out in the Trust’s Articles of Association. Complaints made by Local Governors will not be dealt with under this Complaints Policy.

1.3. Complaints about or relating to a pupil should be directed to the relevant member of the Academy’s staff. If the Complainant is not happy with the manner in which the complaint was handled, then they may put their complaint in writing and ask for it to be dealt with formally.

2. Policy

2.1 To allow for a proper investigation, complaints should be brought to the attention of The Trust as soon as possible. Any matter raised more than 3 months after the event being complained of, will not be considered, save in exceptional circumstances.

2.2 Investigation of any complaint or review request will begin within 3 school days of receipt of the same, save in exceptional circumstances. The investigation will be completed as soon as reasonably practical. If this takes more than 10 school days, the complainant will be informed as to the reasons for the delay.

2.3 Complaints that are deemed to be resolved previously by the complaints procedure will not be reinvestigated.

2.4 The Academy has three stages to its complaints procedure. The aim is to try to deal with the complaint, to the satisfaction of the Complainant, at the earliest possible stage.

2.5 Only if the complaint cannot be resolved at the informal stage would it be escalated to the formal stage. Only if the complaint cannot be subsequently resolved at the formal stage would it be escalated to a Complaint Panel Hearing.

2.6 An anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances.

2.7 Any oral representations held after the informal stage of the complaints procedure will be minuted and the minutes agreed by all present.

Principles of Investigating a Concern or Complaint

2.8 The principles that will form the basis for all investigations of concerns and complaints will be that the person investigating the complaint:

- Has read this Complaints Policy to familiarise themselves with the procedure;
- Is aware of the time limits that apply to the relevant stage and ensures that they comply with them;
- Establishes the nature of the complaint and what issues remain unresolved;
- Establishes what the Complainant says has happened, who has been involved, and what the Complainant feels would put things right;
- If necessary, interviews those involved in the matter, for example the Complainant, pupils and members of staff, including those complained about;
- Allows pupils and those complained about to be accompanied during interviews, if they wish;
- Keeps a written record of the interview, and asks the interviewee to sign and date it;
- Establishes relevant facts, on a balance of probabilities, based on evidence not speculation, and keeps a written record of these;
- Provides an effective response to the complaint, addressing all issues raised;
- Reports the complaint and the outcome of the complaint to the Senior Management Team so that services can be improved;
- Deals with investigation in an impartial, objective, fair and timely manner, keeping in mind the privacy of the parties involved.

Principles of Resolving a Concern or Complaint

2.9 It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. The way in which the concern or complaint is dealt with after the Complainant first raises the matter can be crucial in determining whether the complaint will escalate. To that end, members of staff will be periodically made aware of the procedure in this Complaints Policy, so that they will know what to do when a concern is raised with them.

2.10 At each stage of the complaints procedure, the investigator will consider how the complaint may be resolved. In considering how a complaint may be resolved, the investigator will give due regard to the seriousness of the complaint. It may be appropriate in order to bring the complaint to a resolution for the investigator to offer:

- An explanation;
- An apology;
- Reassurance that steps have been taken to prevent a recurrence of events which led to the complaint;
- Reassurance that the Trust will undertake a review of its policies and procedures in light of the complaint.
- None of the above will constitute an admission of negligence or an acceptance of liability on behalf of the Academy or the Trust.

Principles of Notifying the Outcome of a Concern or Complaint

2.11 Once all of the facts have been established, the investigator will write to the Complainant setting out all of the issues in dispute, the results of the investigation, the decision made, the reasons for the decision, and details of any action to be taken to resolve matters or prevent a reoccurrence. Alternatively, the investigator may wish to meet with the Complainant to discuss the outcome of the investigation, the decision made, the reasons for the decision and any action to be taken directly, in which case a full written record will be made of the meeting, which the Complainant will be asked to sign and date. Strictly confidential procedures such as staff disciplinary investigations or sanctions must not be referred to.

2.12 The outcome of all concerns and complaints, whether dealt with formally or informally, will be recorded centrally by the Academy.

Examples of outcomes include:

- There was insufficient evidence to reach a conclusion, so the complaint cannot be upheld;
- The evidence did not substantiate the concern, so the complaint cannot be upheld;
- The complaint was substantiated in part or full. A brief description should be given of the remedial action being taken by the Academy as a consequence of the complaint. Details of the investigation of or any disciplinary sanctions to be taken against a member of staff cannot be disclosed.
- The matter has been fully investigated and, as a consequence, further confidential procedures are being pursued. Strictly confidential procedures such as staff disciplinary investigations and sanctions must not be referred to.

Time Limits

2.13 This Complaints Policy sets out the time limits for each stage of the complaints procedure. Those dealing with complaints will keep to these time limits. However, where a complaint is of a particularly complex nature, or further investigations are required to ascertain the facts, new time limits can be set. The Complainant will, within the time limit specified in this Complaints Policy, be sent the details of any changes to the time limits with an explanation for the delay and confirmation of the revised date.

Late Complaints

2.14 Where a concern or complaint is raised more than three months after the incident or event (or where the complaint relates to a series of incidents or events, more than three months from the date of the latest incident or event), the Academy reserves the right to refuse to investigate the concern or complaint under the procedure in this Complaints Policy if it appears reasonable and fair to do so, having regard to the circumstances surrounding the complaint.

2.15 Where the Academy decides that a concern or complaint which was raised late will not be investigated, the Academy will write to the Complainant notifying them of the decision within 5 school days of the concern or complaint being raised.

2.16 If the Complainant is unhappy with the decision not to investigate a concern or complaint that was raised late, the Complainant may write to the Chair of Local Governors at the Academy asking for the decision to be reviewed. The Chair of Local Governors will be provided with all documentation relating to the concern or complaint, together with the letter from the Academy to the Complainant, and will review the decision made. The Chair of Local Governors will write to the Complainant with the outcome of the review within 10 school days of the date that the letter from the Complainant seeking the review was received, and provide the Academy with a copy of the letter.

2.17 If the Chair of Local Governors quashes the decision not to investigate the concern or complaint, it will be referred to the Academy to be dealt with under the procedure in this Complaints Policy in the usual way.

2.18 If the Chair of Local Governors upholds the decision not to investigate the concern or complaint, the Complainant may refer the concern or complaint to the Education Funding Agency using the procedure stated towards the end of this Complaints Policy.

2.19 In exceptional circumstances, the Chair of Local Governors can delegate the responsibility for the review to the Vice-Chair of Local Governors.

Vexatious and/or Repeated Complaints

2.20 There may be occasions when, despite exhausting the procedure in this Complaints Policy, the Complainant persists in making the same complaint to the Academy. There may also be occasions when a Complainant raises unreasonable persistent complaints or raises complaints about matters which do not affect them. In addition, there may be occasions when a complaint is made about a matter which is clearly so trivial that it would be a waste of the Academy's resources to deal with it under the formal stages of the procedure. In all of these cases, the Academy reserves the right to regard the complaint as vexatious and/or repeated and to refuse to investigate it under the procedure in this Complaints Policy if it appears reasonable and fair to do so, having regard to the circumstances surrounding the complaint.

2.21 Where the Academy decides that a complaint is vexatious and/or repeated and will not be investigated, the Academy will write to the Complainant within 5 school days of the complaint being raised to notify them of the decision.

2.22 If the Complainant is unhappy with the decision not to investigate a vexatious and/or repeated complaint, they may write to the Chair of the Local Governing Body to ask for the decision to be reviewed. The Chair of the Local Governing Body will be provided with all documentation relating to the current complaint and any previous complaints which were relevant to the decision, together with the letter from the Academy to the Complainant, and will review the decision made. The Chair of Local Governors will write to the Complainant with the outcome of the review within 10 school days of the date that the letter from the Complainant seeking the review was received.

2.23 If the Chair of Local Governors quashes the decision not to investigate the concern or complaint, it will be referred to the Academy to be dealt with under the procedure in this Complaints Policy in the usual way.

2.24 If the Chair of Local Governors upholds the decision not to investigate the concern or complaint, the Complainant may refer the concern or complaint to the Education Funding Agency using the procedure stated towards the end of this Complaints Policy.

2.25 In exceptional circumstances, the Chair of Local Governors can delegate the responsibility for the review to the Vice-Chair of Local Governors.

Anonymous Complaints

2.26 The Academy will not investigate anonymous complaints under the procedure in this Complaints Policy. Anonymous complaints will be referred to the Headteacher who will decide what, if any, action should be taken.

3. Stage 1 - Informal Procedure

3.1 The class teacher and other members of staff can deal with many concerns to the satisfaction of the Complainant, without needing to deal with it formally. The Academy values informal meetings and telephone discussions as a way of improving its procedures and relations with parents.

3.2 There is no rigid time-scale for resolving concerns and complaints at this stage, given the importance of dialogue through informal discussions, however it is expected that most concerns will be resolved within 10 school days. Should the nature or complexity of the concern mean that more time is required, the Academy will write to the Complainant within 10 school days informing them of the reason for the delay and confirming a revised date for resolution.

3.3 The complainant is normally expected to arrange to communicate directly with the member of staff concerned. This may be by letter, by telephone or in person by appointment. Many concerns can be resolved by simple clarification or the provision of information and it is anticipated that most complaints will be resolved by this informal stage. [In the case of serious concerns it may be appropriate to address them directly to the Head Teacher]. An unreasonable refusal to attempt an informal resolution may result in the procedure being terminated forthwith. [Any dispute in relation to the “reasonableness” may be determined through the review process].

3.4 Should informal meetings and telephone discussions appear unlikely to resolve the concern, either party may initiate a move to the Stage 2 for the complaint to be investigated formally. A copy of the formal complaint form will be forwarded to the Complainant for completion and return, together with a copy of this Complaints Policy.

4. Stage 2 - Formal Procedure

4.1 If the complaint is not resolved at the informal stage the complainant must put the complaint in writing using the form provided for the purpose and pass it to the Head Teacher, who will be responsible for its investigation. The school can arrange to support the complainant in writing the complaint.

4.2 Upon receipt of a completed formal complaint form, the Head Teacher will identify the appropriate member of staff to investigate the complaint. If the complaint is about a member of staff, a manager senior to that member of staff will normally investigate the complaint. If the complaint is very serious, the Head teacher may, at their discretion, investigate the complaint directly.

4.3 The Academy will try to respect the views of a Complainant who indicates that he or she would have difficulty discussing a complaint with a particular member of staff. In these cases, the matter will be referred back to the Head Teacher who may, if they feel it necessary, refer the complaint to another staff member for investigation.

4.4 Where the complaint concerns the Head Teacher or a Local Governor, the complaint will be referred to the Chair of Local Governors. The Chair of Local Governors will investigate the complaint under Stage 2 of this Complaints Policy. Where the complaint concerns the Chair of Local Governors, the Vice Chair of Local Governors will investigate the complaint under Stage 2 of this Complaints Policy.

4.5 The investigator will collect such other evidence as he/she deems necessary. Where this involves an interview with a member of staff, who is the subject of the complaint, that member of staff may be accompanied by a friend or representative if they wish.

4.6 A written record of the investigation will be maintained until resolution of the complaint has been achieved.

The complainant should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents. In addition the Head Teacher may contact the complainant to clarify the complaint.

4.7 Where the first approach is made to a Local Governor, the Local Governor must refer the complaint to the Head Teacher, who will allocate it to an appropriate member of staff for investigation under Stage 2 of this Complaints Policy. Local Governors should not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a Complaint Panel at a later stage.

4.8 The member of staff considering the complaint will write to the Complainant acknowledging the complaint within 5 school days of receiving the formal complaint form. The acknowledgement will confirm which stage of the Complaints Policy the complaint is being investigated under, and will confirm the date for providing a response to the complaint. Following investigation of the complaint, the member of staff will write to the Complainant confirming the outcome within 10 school days of the formal complaint form being received. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- The concern is not substantiated by the evidence
- The concern was substantiated in part or full. Some details may be given of action the school may be taking to review procedures but details of the investigation or of any disciplinary procedures will not be released
- The matter has been fully investigated and that appropriate procedures are being followed, which are strictly confidential. [e.g. where staff disciplinary procedures are being followed]

If this time limit cannot be met, the member of staff will write to the Complainant within 10 school days of the formal complaint form being received, explaining the reason for the delay and providing a revised date.

4.9 The letter to the Complainant should notify them that if he or she is unhappy the outcome of the Stage 2 investigation of the complaint, they should write to the Chair of Local Governors within 10 school days of receiving the letter asking for the complaint to be heard before a Complaint Panel under Stage 3 of this Complaints Policy. If no further communication is received from the Complainant within 10 school days, the complaint will be deemed to have been resolved. If the complainant considers that the decision of the Head Teacher is perverse, or that the Head Teacher has acted unreasonably in considering the complaint, then the complainant may bring a complaint against the Head Teacher under Stage 2 of this procedure. This will provide an opportunity for the evidence to support such a complaint to be investigated.

5. Stage 3 - Complaint Heard at a Complaint Panel Hearing

5.1 If the Complainant is unhappy with the outcome of the complaint under Stage 2, the Complainant should write to the Chair of the Local Governors at the Academy asking for the complaint to be heard before a Complaint Panel.

5.2 The Chair of the Local Governors will write to the Complainant acknowledging the request for the complaint to be heard before a Complaint Panel within 5 school days. The letter will inform the Complainant that the Complaint Panel Hearing will take place within 25 working days of the date that the letter was received from the Complainant and that arrangements to appoint the Complaint Panel and convene the Complaint Panel Hearing will be made by the Chair of the Local Governors, who will be the Complainant's point of contact.

Appointment of the Complaint Panel

5.3 The Chair of the Local Governors will liaise with the Trust in making arrangements for the Complaint Panel to be appointed. The Complaint Panel will consist of three members. None of the three members of the Complaint Panel will have been involved in the incidents or events which led to the complaint, or have been involved in dealing with the complaint in the previous stages, or have any detailed prior knowledge of the complaint.

5.4 One of the Complaint Panel members will be independent of the management and running of the Academy. This means that the independent Complaint Panel member will not be a Director of the Trust, a Local Governor of the Academy, or an employee of either the Trust or the Academy. When appointing the independent Complaint Panel member, the Trust and the Academy will bear in mind the non-statutory advice of the Department for Education, which states:

"Whilst we do not wish to be prescriptive about who schools should appoint as an independent person our general view is that people who have held a position of responsibility and who are used to analysing evidence and putting forward balanced arguments would be suitable. Examples of persons likely to be suitable are serving or retired business people, civil servants, heads or senior members of staff at other schools, people with a legal background and retired members of the police force might be considered by schools. Schools will of course have their own views."

5.5 One or both of the other two Complaint Panel members can be a Trustee or a Local Governor of the Academy, as long as they fulfil the requirements of the paragraph above and are not an employee of the Academy.

The Academy's Representative

5.6 The Academy will be represented at the Complaint Panel Hearing by the person who investigated the complaint under the most recent stage of the procedure. This will usually be the Head Teacher; however it may on occasions be the Chair of Local Governors, the Vice-Chair of Local Governors or a member of the Senior Management Team. If the Complainant has complained about the way in which the complaint was investigated by that person (rather than simply disagreeing with the outcome of the complaint) then the Academy will not be represented by that person at the Complaint Panel Hearing, and the Academy will nominate another person to represent the Academy.

Convening the Complaint Panel Hearing

5.7 The Chair of the Local Governors will liaise with the Trust and convene the Complaint Panel Hearing on a date and at a time which is convenient to the Complainant, the Academy's representative and the three Complaint Panel members. The Chair of the Local Governors will write to the Complainant, the Academy's representative and the Complaint Panel members at least 5 school days before the Complaint Panel Hearing is due to take place confirming the date and time.

Witnesses

5.8 The Complainant may seek to rely on the accounts of witnesses, which are relevant to the complaint. The Complainant should ask each witness to write down their account in a signed and dated statement and send it to the Academy at least three school days before the Complaint Panel Hearing is due to take place.

5.9 The Academy may seek to rely on the accounts of witnesses, which are relevant to the complaint. Such witnesses may also include those persons who dealt with the complaint in the previous stages, if the Complainant has complained about the way in which the complaint was investigated (rather than simply disagreeing with the outcome of the complaint). Such witnesses should, if they have not already done so, provide a signed and dated statement of their account and provide it to the Chair of the Local Governors at least three school days before the Complaint Panel Hearing is due to take place.

5.10 The Complaint Panel will have the absolute discretion to decide whether a witness account is relevant to the complaint or whether a witness account is undisputed by the Complainant or the Academy respectively. Where a witness account is irrelevant or undisputed, their attendance at the Complaint Panel will not be required.

5.11 All witnesses, whether they are for the Complainant or the Academy, will not be allowed to sit in on any part of the Complaint Panel Hearing except when they are giving their own verbal account or answering questions, upon conclusion of which they will be required to leave the room.

Documents

5.12 The Chair of the Local Governors will provide a copy of all correspondence, statements (including witness statements) and records relating to the complaint (including records made by those persons who investigated the complaint in the previous stages) to the Complainant, the Academy's representative and each Complaint Panel member at least two school days before the Complaint Panel Hearing is due to take place.

Attendance at the Hearing

5.13 The Complainant may be accompanied by an interpreter or signer, as well as friend or relative, at the Complaint Panel Hearing. The friend or relative will attend for moral support only and will not play any part in the Complaint Panel Hearing, unless invited to do so by the Complaint Panel if it appears to them that it will improve the quality of the Complainant's representations. The Complaint Panel Hearing is not a legal hearing and it is therefore not appropriate for either the Complainant or the Academy to be legally represented.

The Clerk to the Complaint Panel

5.14 A Clerk to the Complaint Panel will attend the Complaint Panel Hearing and keep a written record of the proceedings. The Clerk to the Complaint Panel will usually be the Clerk to the Local Governors, however another suitable person may be appointed to this role if the Clerk to the Local Governors is not available.

Procedure at the Complaint Panel Hearing

5.15 The Complaint Panel Hearing will proceed as follows:

- The Clerk to the Complaint Panel will greet the Complainant, the Complainant's supporter and the Academy's representative and welcome them into the room where the Complaint Panel has convened (witnesses will remain outside of the room until they are called in to give their account);
- The Complainant will be invited by the Complaint Panel to give an account of their complaint;
- The Academy's representative will be invited to ask the Complainant questions, if any;
- The Complaint Panel will ask the Complainant questions, if any;
- The Complainant's relevant first witness will be invited into the room to give an account of what they saw or know;
- The Academy's representative will be invited to ask the Complainant's witness questions, if any;
- The Complaint Panel will ask the Complainant's witness questions, if any;
- The Complainant's witness will be asked to leave the room;

- If the Complainant has any further relevant witnesses, they will be invited into the room individually to provide their accounts and be questioned as outlined above;
- The Academy's representative will be invited by the Complaint Panel to respond to the complaint and make representations on behalf of the Academy;
- The Complainant will be invited to ask the Academy's representative questions, if any;
- The Complaint Panel will ask the Academy's representative questions, if any;
- The Academy's relevant first witness will be invited into the room to give an account or what they saw or know;
- The Complainant will be invited to ask the Academy's witness questions, if any;
- The Complaint Panel will ask the Academy's witness questions, if any;
- The Academy's witness will be asked to leave the room;
- If the Academy has any further relevant witnesses, they will be invited into the room individually to provide their accounts and be questioned, as outlined above;
- The Complainant will be invited by the Complaint Panel to summarise their complaint;
- The Academy's representative will be invited by the Complaint Panel to summarise their response to the complaint and the Academy's stance;
- The Complaint Panel Hearing will conclude and the Complainant and the Academy's representative will be asked to leave.

The Complaint Panel's Decision

5.16 The Complaint Panel will meet in private, either immediately after the Complaint Panel Hearing or on a subsequent date, and will consider all of the documentation and everything that they have heard at the Complainant Panel Hearing and make:

Findings of Fact

5.17 The Complaint Panel will decide which facts are established to be true, on a balance of probabilities (i.e. more likely than not). If a fact is not deemed relevant, the Complaint Panel will not consider it further. The Complaint Panel will make a written record of the facts that have been established, those which have not been established and those which are not relevant, with reasons.

Recommendations

5.18 The Complaint Panel will consider the facts, which they have established and will make recommendations based upon them. These recommendations may be aimed at achieving reconciliation between the parties (for example, a written apology), improving procedures or preventing a recurrence in the future. The Complaint Panel will keep a written record of their recommendations, with reasons.

Notification of the Complaint Panel's Decision

5.19 The Clerk to the Complaint Panel will write within 10 school days of the Complaint Panel Hearing to the:

- Complainant;
- The Academy's representative;
- Any person complained about;

The letter will identify the issues complained about, and will confirm the Complaint Panel's findings of fact and recommendations, if any, with reasons. The letter will also confirm that, if the Complainant believes that this Complaints Policy does not comply with the Regulations, or that the Academy has not followed the procedure outlined in this Complaints Policy, the Complainant may refer their complaint to the Education Funding Agency for consideration.

5.20 The Clerk to the Complaint Panel will also ensure that a copy of the Complaint Panel's findings and recommendations are made available on the Academy's premises for inspection by the Trust, the Local Governing Body and the Head Teacher.

6. Complaint Referred to Education Funding Agency

6.1 Once a complaint has been through all the stages of the this Complaints Policy, if the Complainant believes that this Complaints Policy does not comply with the Regulations, or if the Complainant believes that the Academy has not followed the procedure in this Complaints Policy, the Complainant can refer the complaint to the Education Funding Agency for consideration.

6.2 The Complainant can find further information about referring a complaint to the Education Funding Agency by pasting this page into an Internet browser:

<http://www.education.gov.uk/schools/leadership/schoolperformance/b00212240/making-complaint-school/complaints-free-schools-academies>

6.3 The Complainant can refer your complaint to the Education Funding Agency by completing an online form by pasting this page into an Internet browser:

<https://www.education.gov.uk/schools/leadership/schoolperformance/school-complaints-form>

6.4 The Complainant should be aware that the Education 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.

Administrative Matters

Records

7.1 The Academy will keep a central record of all concerns and complaints received, whether they were dealt with informally or formally.

Confidentiality

7.2 The Academy will keep all correspondence, statements and records relating to individual complaints confidential, except where the Secretary of State or a body authorised to conduct a school inspection requests access to them.

Publication

7.3 This Complaints Policy will be reviewed annually and published on the Academy's web site, as well as being made available to pupils, parents and other individuals or organisations on request.

Annex 1 – Glossary

The definitions used in this Complaints Policy are:

Academy - The school, which has academy status and is part of a multi academy trust group.

Clerk to the Complaint Panel - The person who will attend the Complaint Panel Hearing and keep a written record of the proceedings, and will write to the Complainant notifying them of the decision of the Complaint Panel.

Chair of Local Governors - The person elected by the Local Governing Body to be their chairperson.

Complainant - The person or organisation making the complaint.

Education Funding Agency - The government department (a sub-department of the Department for Education) responsible for funding and monitoring standards in academies.

Local Governing Body - A sub-committee of the Trust. The Trust delegates the day-to-day management and running of the Academy to the Local Governing Body.

Parent - The natural or adoptive mother or father of a pupil, prospective pupil or former pupil, irrespective of whether they are or ever have been married, together with persons with parental responsibility for the pupil, and persons with care of the pupil.

Head Teacher - The head of the Academy.

School Day - Term-time weekdays excluding weekends, inset days, bank holidays and school holidays.

Trust - A multi academy trust company, which is a charitable company responsible for the management and running of all of the academies within the multi academy trust group.

Annex 2 – Complaint Panel Hearing Principles

Guiding Principles

- It is essential that the Complaint Panel Hearing is independent and impartial. No person may sit on the Complaint Panel if they have had a prior involvement in the complaint or in the circumstances surrounding it, or any previous knowledge of the complainant's progress through the previous stages, or any previous knowledge of the Complainant.
- The aim of the Complaint Panel Hearing, which must be held in private, will always be to resolve the complaint and achieve reconciliation between the Academy and the Complainant. However, it has to be recognised the Complainant might not be satisfied with the outcome if the Complaint Panel does not find in their favour. It may only be possible to establish the facts and make recommendations, which may satisfy the Complainant that his or her complaint has been taken seriously.
- An effective Complaint Panel will acknowledge that many Complainants and witnesses, especially children, will feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The Complaint Panel will ensure that the proceedings are as welcoming and informal as possible, while keeping in mind that the proceedings must be fair and follow the rules of natural justice.

Annex 3: Guidance on the Disclosure of School Records

This guidance summarises schools' and governors' responsibilities in relation to the disclosure of school records under the Education (School Records) Regulations 1989.

1. What information is covered by the Regulations?

1.1 In general terms, anything in a pupil's educational record which has been written or supplied by a teacher at the school, an education welfare officer or any other LA employee must be disclosed on request. Anything else in a pupil's record which has been supplied by anybody other than those listed above is not subject to disclosure under the regulations. There are a number of exemptions which are given in section 3 below.

1.2 What is included in an educational record?

An educational record includes the information on individual pupils which schools must keep e.g. about a pupil's academic achievements, other skills and abilities and his/her progress in school. This information is called a pupil's 'curricular record' and must be updated at least annually.

The educational record may also include other information which the school may wish to keep for its own purposes even though it is not required to do so under the regulations. This might include information about attendance or about the pupil's emotional development and home life. Many schools find this information can be very helpful in building up a fuller picture of a pupil which in turn helps to promote educational achievement and good behaviour.

1.3 However, information on behaviour and home circumstances may be based on a teacher's subjective assessment. In principle, if it is included in a pupil's educational record, it should be well founded enough to bear scrutiny by the parent, or by the pupil if aged 16 or over.

1.4 Any notes on a pupil which a teacher keeps solely for his/her own use do not form part of that pupil's educational record and are therefore not subject to disclosure under the requirements of the regulations.

2. Who has a right of access?

2.1 The regulations allow an 'entitled' or 'responsible' person access to a pupil's educational record on request.

2.2 Entitled persons are:

- the parent of the pupil when the pupil is under 16 years old
- both the parent and the pupil when the pupil is 16 or 17
- the pupil only when aged 18 or over.

In most cases the parent will live at the same address as the pupil and will be known by the school. However, for the purpose of access to a pupil's educational record, a parent who does not have day to day care of the pupil may still have parental rights. This includes:

- a divorced parent with joint legal custody
- a separated parent
- a legal guardian
- a foster parent or a local authority or voluntary organisation who has parental responsibility for the pupil.

2.3 A pupil who is 16 or over cannot have access to any results or assessments of his/her educational achievement, which may be in his/her educational record. These include a pupil's national curriculum attainment levels as well as the results of school examinations, which are not part of the national curriculum assessments. Only parents may have access to the disclosure of assessments of educational achievement.

2.4 A **responsible person** is:

- the head of an independent school; or
- the governing body of any other school; or
- the head of an institution of further or higher education to which the pupil had applied for admission; or
- the head or governing body of a school; or
- any other place of education or training to which he/she transfers.

Further and higher education institutions may only request the transfer of a pupil's educational record when the pupil has transferred to them but may not have access to the record when actually considering the admission.

3. Exempted Material

The following material which may be on a pupil's educational record is exempted from the disclosure requirement. The Secretary of State would expect governing bodies to ensure that any information in a pupil's educational record of the sort described in c., d. and e. below is not disclosed. Governing bodies cannot be required to transfer material under g. and h.

- **Records made before 1st September 1989**

Records made before 1st September 1989 are exempted from disclosure. However, schools can allow entitled and responsible persons access to earlier records if they wish.

- **Information received from third parties**

Information provided by or on behalf of a third party does not have to be disclosed. A third party is anyone other than the following: employees of the LA or governing body (i.e. including teachers), an education welfare officer or the person requesting disclosure of the information.

The records which are exempted and therefore do not have to be disclosed include: Social Services' reports; medical reports and Probation Service reports.

Any material which might allow a third party to be identified as a source of information is also exempted from disclosure.

- **Information concerning another pupil**

Information on other pupils must not be disclosed to an entitled or responsible person who asks to see a pupil's record. Where there has been an incident involving several pupils, the names of other pupils should be deleted from the report of the incident before it is disclosed as part of the individual pupil's record. Similarly, if a school copies pages from the class register or whole class test results to the records for each pupil in the class, the names of other pupils should be deleted from these documents before they are disclosed.

a. **Serious harm**

Information which the governors believe might cause serious physical, mental or emotional harm to the pupil or any other person is exempted from disclosure.

b. **Child abuse**

Information relating to actual, alleged or suspected child abuse is exempted. Child abuse is defined in the regulations as including physical injury (other than accidental), physical and emotional neglect, ill treatment or sexual abuse of a child. Material concerning pupils judged to be at risk of child abuse is also exempted.

The Department of Health Guide 'Working Together: A Guide to Arrangements for Inter-Agency Co-operation for the Protection of Children from Abuse' includes a category of 'grave concern' to be used in recording some cases on the Child Protection Register.

c. **References**

References, for example to a potential employer, UCAS, any other central student admission bodies, any school (including an independent school), individual Further Education and Higher Education establishments or any other place of education and training, are exempted from disclosure.

d. **Ethnic data**

Governing bodies must not disclose, other than to entitled persons, or transfer any information on the pupil's record concerning that pupil's racial group, the language spoken in his/her home or his/her religion. The regulations define 'racial group' by reference to colour, race, nationality or ethnic or national origins.

e. **School reports to juvenile courts**

Governing bodies must not disclose or transfer reports prepared on a pupil for a juvenile court hearing. Magistrates have discretion to disclose such reports to the parents and pupils concerned under the provisions of the relevant legislation.

4. Information outside the scope of the regulations

Information relating to the special educational needs of pupils as well as computer held data (covered by the Data Protection Act 1984) are outside the scope of the regulations. Governors are also advised that knowledge of a pupil's HIV infection or AIDS is strictly limited to those who need to know.

5. Duties of Governors

- 5.1 Governors have a duty to make sure that arrangements are in place to keep records on pupils registered at the school and to allow access to these records by entitled and responsible persons. Governors also have responsibilities in relation to the correction of records and procedures for appeals.
- 5.2 Governors must ensure that arrangements are in place which give entitled persons the opportunity to write to the governing body if they feel that any part of a pupil's record is inaccurate or misleading as to any matter of fact. If the governors agree that the information is inaccurate, the record must be amended; if they do not agree, the written notice to the governors must be appended to the record.
- 5.3 Governors can delegate day to day responsibility for arrangements in relation to pupil records to the head and other teachers of the school. However, the governing body itself must consider appeals against the decision of the Head Teacher or other teacher with delegated authority to refuse access, transfer, copy or amendment to a pupil's record.

- 5.4 Governors need to make sure that information about the arrangements for access to records is available at the school for entitled and responsible persons to refer to. They should also consider whether this information should be translated.
- 5.5 A charge can be made for a copy of the arrangements but this should not exceed the cost of supplying it. The charge for a copy of a translated document should not be more than the cost of a copy of the original document.
6. Procedures for disclosure and transfer
- a. Disclosure to a parent or pupil means that governors are required to make a pupil's record available for inspection or to supply a copy of the record only if they receive a written request. A response to such a request must be made within 15 school days of receipt of the written request.
 - b. As good practice, it is often possible to resolve issues at an early stage by inviting the parent into the school to look at the record with a member of staff present. This gives the parent the opportunity to ask questions about anything he/she does not understand.
 - c. A copy should be supplied only when the request makes it clear that a copy is required. Governors can set a fee for supplying copies of the pupil's record but this must not be more than the cost of supply. A copy of the record does not have to be supplied until the fee is received. Requests from a school or an institution of further education should be dealt with in the same way but no charge should be made.

Annex 4: Investigation into a Formal Complaint Principles

- The investigation of an allegation or a complaint should always be carried out thoroughly and responsibly, irrespective of whether the complaint appears to be trivial or serious. The outcome of such an investigation will have significance not only for the complainant but also for the member of staff against whom the complaint has been made.
- Any procedure should include provision that “An anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances.” These would include serious concerns such as child protection issues or bullying allegations, where the school would either involve appropriate external agencies or else conduct its own internal review to test whether there is any corroborative evidence which might trigger a formal investigation.
- Where the Head Teacher or Chair of Local Governors receives a complaint, it should be acknowledged formally and a commitment made that the complaint will be investigated and the outcome of the investigation notified to the complainant in due course.
- The member of staff against whom the complaint has been made, should be notified that a complaint has been received, provided with a copy of the complaint and be informed that an investigation will be carried out.
- It is essential that there is a clear understanding of the complaint. Where necessary the nature of the complaint should be confirmed with the complainant.
- Once the complaint has been confirmed the investigator should establish who they wish to interview and what documentation they will need to review.
- Arrangements should be agreed so that accurate notes can be taken of all interviews and the outcome of the investigation be accurately recorded.
- The complainant and the member of staff should be given the opportunity to offer documentation and to identify potential witnesses or sources of evidence.
- The member of staff subject to the complaint should be advised that they may be accompanied by a friend or trade union representative when invited to be interviewed.
- Where children are potential witnesses, discretion should be exercised over their involvement. Pupils should only be interviewed when the nature of the complaint is sufficiently serious to warrant it and adult witnesses are not available. Only in extreme circumstances will younger pupils be interviewed.
- Any interviews should be conducted as soon as possible to ensure that recollections are as fresh as possible and to minimise the possibility that evidence will become tainted through witnesses discussing alleged incidents with other persons.
- In conducting interviews, the investigator should prepare the questions to be asked prior to the interview. These can always be supplemented during the interviews. The investigator should allow the interviewee to answer in their own way. Their responses should be listened to attentively. Any temptation to cut an interview short or to seek to "lead" them must be resisted. The interviewee should be given the opportunity of providing other relevant information at the end of the interview.
- Interviewees should, however, be advised that their responses must be confined to the substance of the complaint. Any attempt by the interviewee to introduce information relating to other members of staff or to issues unrelated to the complaint should be resisted.
- The investigator should avoid reaching conclusions or passing judgement until the investigation has been completed.
- A summary of the process undertaken and the outcome of the investigation should be provided to both the complainant and the member of staff against whom the complaint has been made. Caution must be exercised in reporting back to the complainant as revealing certain details may prejudice the ability of the employee to continue in post.
- Any recommendations should also be shared with all parties, unless there is good reason not to. Wherever possible, recommendations should be constructive and not punitive.
- The complainant should be advised that he/she may, if they are not satisfied that the appropriate procedure has been followed, request a review of that process by the Complaint Panel.

Annex 5: Model Letters

Response to spurious complainant

Dear

Following receipt of your communications and careful consideration of the same, I regret that I am unable to deal with this matter under the governing body's Complaints Procedure as:

[Please select appropriate wording from the following]

- You have not identified any specific actions of which you might complain
- Your concerns are presented as conclusions rather than specific actions of which you complain.
- The concerns that you identify relate to historical actions and any evidence which might have enabled an objective investigation of your complaint is no longer available.
- The substance of your complaint has been addressed under this procedure already.
- The concerns that you raise do not fall within the scope of this procedure.
- You have not identified any potential sources of evidence which might allow the matter to be investigated.
- The school offered to resolve the matter informally and in my judgement you refused unreasonably to take advantage of this.

If you wish my decision to be reviewed then you may take advantage of the procedure outlined in Stage 2 of the complaints procedure, by writing to the Chair of the Local Governing Body.

Yours sincerely,

Head Teacher
Or Chair of Governing Body

Notification of decision regarding general parental complaint

Dear

Following receipt of your complaint and careful consideration of all the available relevant evidence, I have concluded that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld. If you are able to provide additional evidence forthwith I/we will reconsider this decision.

OR

- The concern is not substantiated by the evidence in that

OR

- The concern was substantiated in part/in full, as The school will review its practices/procedures..... with the intention of avoiding any recurrence. Parents will be informed in due course of any policy changes.

OR

- In order to address fully the matters investigated, the school has initiated appropriate internal procedures. Due to the nature of these procedures, their outcome must remain strictly confidential. We are confident, however, that the circumstances that gave rise to your complaint should not recur.

I hope that we may now put this matter behind us and work together for the benefit of your child's progress.

Yours truly

Head Teacher / Chair of Governing Body

Review outcome notification

Dear

Having carefully considered your representations in the context of the relevant evidence, the Complaints Panel has concluded that the General Complaints Procedure was followed appropriately in respect of your complaint in that

Therefore, the matter is now closed as far as the school is concerned.

Or

Having carefully considered your representations in the context of the relevant evidence, the Complaints Panel has concluded that the Head Teacher/ Chair of Governors followed the General Complaints Procedure except

Therefore, the following action will be taken

Once this action has been completed the school will consider the matter to be closed.

Or

Having carefully considered your representations in the context of the relevant evidence, the Complaints Panel has concluded that the Head Teacher/ Chair of Governors followed the General Complaints Procedure except that

We have determined that this procedural failure did not affect the outcome of the consideration of your complaint so, while we regret this error, we will now consider this matter to be closed as far as the school is concerned.

Yours truly

Chair of Complaints Panel

c.c. Head Teacher
Chair of Governors

Annex 6 - Arbor Academy Trust Complaint Form

Please complete this form and return it to Head Teacher / Chair of the Local Governing Body, who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name:

Relationship with school [e.g. parent of a pupil on the school's roll]:

.....

Pupil's name [if relevant to your complaint]:

.....

Your Address:

Daytime telephone number:

Evening telephone number:

Please give concise details of your complaint, [including dates, names of witnesses etc...], to allow the matter to be fully investigated:

You may continue on separate paper, or attach additional paperwork, if you wish.

Number of additional pages attached -

What action, if any, have you already taken to try to resolve your complaint? [i.e. who have you spoken with or written to and what was the outcome?]

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

Signature:

Date:

School use:

Date Form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

Complaint referred to:			
Date:			