



Alpha Trust

Concerns and Complaints Policy & Procedures



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INTRODUCTION

This policy sets out the approach of every school in Alpha Trust to dealing with concerns and complaints and is available on request from each school's office. It can also be downloaded from each school's website or the Alpha Trust website. The complaint procedure detailed in this policy will be used unless a particular complaint comes under separate statutory procedures (for instance, appeals relating to admissions or exclusions).

The following people are recognised under this policy as being able to raise a concern or complaint to any Alpha Trust school about any provision of services or facilities:

- parents,
- carers,
- legal guardians,
- education guardians
- third parties
- members of the public.

While students may themselves raise concerns and complaints, Alpha Trust schools will involve parents should this occur.

This Policy complies with Schedule 1, Part 7 of the Education (Independent School Standards (England)) Regulations 2014 and follows 'Best Practice Guidance for School Complaints Procedures', UK Gov., 2019.

The difference between a concern and a complaint

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

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

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many, if not most, issues can be resolved informally, without the need to use the formal stages of the complaints procedure. Every Alpha Trust Academy takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

POLICY AIM AND STATEMENT

Aim:

Alpha Trust values good home/school relations and will do everything reasonable to establish and maintain them. This includes seeking to resolve any concerns or complaints promptly, and to the satisfaction of all concerned. Each school welcomes feedback on what is done well and also on where there may be a need for a different approach. Each school will consider all feedback carefully, whether positive or negative, and will review policies and practices accordingly.

Alpha Trust will ensure that a concern or complaint is managed sympathetically and efficiently, so that a resolution is achieved as soon as possible. Doing so is good practice, fair to those concerned and helps to promote parents' and students' confidence in their school's ability to safeguard and promote welfare. Alpha Trust will try to resolve every

concern or complaint in a positive way with the aim of putting right a matter which may have gone wrong and, where necessary, will review systems and procedures in the light of any agreed outcomes.

Statement:

The Trust's schools need to know as soon as possible if there is any cause for dissatisfaction; a difficulty which is not resolved quickly and fairly can soon become a cause of resentment, which would be damaging to relationships between all stakeholders and also to Alpha Trust's culture. Parents and students should never feel (or be made to feel) that a complaint will be taken amiss or will adversely affect a pupil or their opportunities.

This policy distinguishes between concerns and difficulties which can be resolved informally, through contact with either the appropriate member of staff or his/her line manager, and a formal complaint, which will require investigation.

Alpha Trust will treat concerns and complaints seriously and courteously and will advise parents and others of the trust's procedures for dealing with their concerns. In return, each school expects parents and other Complainants to behave respectfully towards all members of their school community. In particular, any disagreement with the school should not be expressed inappropriately or in front of students.

We would not normally investigate an anonymous complaint. However, the Executive Principal/Principal/Headteacher/Head of School or Chair of the LGB, as appropriate, will determine whether the anonymous complaint warrants an investigation. (Please see Appendix A concerning the role of the Chair of the LGB)

Complaints must be raised within three months of the incident, or where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this timeframe if exceptional circumstances apply.

It is important to note that we will consider complaints made outside term time to have been received on the first working day after the holiday period.

In line with the General Data Protection regulations 2018, each school will ensure any personal or sensitive information that is collected and/or used as part of any complaint investigation shall be kept secure, not be excessive, will be accurate and will be deleted when the information has served its original purpose.

Staff and local governors will receive training in handling parental concerns and complaints as appropriate. All staff, together with members of the Local Governing Board, will receive a copy of this policy statement and will be familiar with the trust's procedures for dealing with parental concerns and complaints.

WITHDRAWAL OF A COMPLAINT

The Complainant may withdraw the complaint at any time. This must be done in writing.

RESOLUTION OF COMPLAINTS

Parents and Academies working together

Concerns and complaints are dealt with locally, that is at the relevant school.

It is understandable that parents and carers may, on occasion, be concerned or need to seek clarification about an aspect of their child's education or welfare at school and it is understood by all that sometimes misunderstandings may arise. Alpha Trust's schools are

confident they can reassure parents and carers by explaining policies and procedures and how they affect a student. It is in the best interests of the child and the school community that everyone involved is committed to resolving any concerns calmly and rationally. Each Alpha Trust school will work to achieve the most appropriate solution for any given situation.

All Alpha Trust policies and procedures are available to view on the Trust’s website. Individual schools can provide a copy of any policy to take away, although a charge will be made to cover photocopying; please enquire at the appropriate school’s main office.

Expressing concerns

If difficulties arise when discussing a concern with a member of staff, the school will respect the Complainant’s views. In these cases, the Executive Principal/ Principal/ Headteacher/ Head of School or the complaints administrator (depending on local school arrangements) will ask a senior member of staff to mediate the meeting between the Complainant and the original staff member, if necessary at a later, mutually agreed date and time. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Executive Principal/ Principal/ Headteacher/ Head of School or the complaints administrator will refer the Complainant to another staff member. The member of staff may be more senior but does not have to be; the ability to consider the concern objectively and impartially is more important.

If there is uncertainty whether or not a concern is relevant or significant, contacting the relevant school to clarify a situation will always be welcome.

Scope of this complaints procedure

This policy covers all complaints about any provision of community facilities or services by Alpha Trust schools, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
<ul style="list-style-type: none"> Admissions 	Please refer to: www.essex.gov.uk/admissions
<ul style="list-style-type: none"> Statutory assessments of Special Educational Needs 	Details of the Statutory Assessment Service will be provided at the time of assessment. Please also refer to Essex County council at: https://www.essex.gov.uk/special-educational-needs-and-disabilities
<ul style="list-style-type: none"> School re-organisation proposals 	Concerns about school re-organisation proposals should be raised with Essex County Council: https://www.essex.gov.uk Or write to: County Hall Market Road Chelmsford CM1 1QH
<ul style="list-style-type: none"> Matters likely to require a Child Protection Investigation 	Complaints about child protection matters are handled under the Alpha Trust Safeguarding and Child Protection Policy and in accordance with relevant statutory

	<p>guidance. A copy of the policy is on the Trust website at: www.alphamat.org.</p> <p><i>If there are serious concerns, please consider contacting Essex Children’s Workforce Allegations Management Team (LADO) who has local responsibility for safeguarding on 03330 139 797</i></p>
<ul style="list-style-type: none"> Exclusion of children from school* 	<p>Details will be provided at the time of the fixed term exclusion of where County and Legal Advice can be sought.</p> <p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.</p> <p><i>*complaints about the application of an individual school’s behaviour policy can be made to the relevant Alpha Trust school via the complaints procedure.</i></p>
<ul style="list-style-type: none"> Whistleblowing 	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters directly with their employer. Referrals can be made at: www.education.gov.uk/contactus.</p> <p>Volunteer staff who have concerns about a school should complain through the school’s complaints procedure. A Complainant may also be able to complain directly to the LA or the Department for Education (see link above), depending on the substance of the complaint.</p>
<ul style="list-style-type: none"> Staff grievances 	<p>Complaints from staff will be dealt with under the school’s internal grievance procedures.</p>
<ul style="list-style-type: none"> Staff conduct 	<p>Complaints about staff will be dealt with under the school’s internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the Complainant will be notified that the matter is being addressed.</p>
<ul style="list-style-type: none"> Complaints about services provided by other providers who may use school premises or facilities 	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.</p>
<ul style="list-style-type: none"> National Curriculum – statutory content 	<p>Please contact the Department for Education at: www.education.gov.uk/contactus</p>

This policy should be read in conjunction with other policies relating to specific areas of each individual Alpha Trust school’s provision, for instance, the relevant school’s policies relating to student behaviour, e-safety, etc.

Resolving complaints

At each stage of the procedure, Alpha Trust schools want to resolve the complaint. If appropriate, the school will inform the Complainant if the complaint is upheld wholly or in part. It may also be that the Complainant may be offered one or more of the following as appropriate:

- an explanation
- an admission that the situation could have been handled differently or in a better way
- an assurance that we will try to ensure that the event complained of will not happen again
- an apology if the event could have been dealt with differently or in a better manner
- an outline of how the school will ensure non-repetition of the event and an indication of the timescales within which any change will be made
- an undertaking to review policies and procedures in the light of the complaint.

Persistent or unreasonable complaints

Alpha Trust schools will not normally limit the contact that Complainants have with schools. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from such behaviour, including that which is abusive, offensive or threatening.

There may also be rare occasions when, despite a complaint being considered under all stages of this Complaints Policy, the Complainant persists in making the same complaint to the school. There may also be rare occasions when a Complainant raises unreasonable persistent complaints or raises complaints about matters which do not affect them. There may also be rare occasions when a complaint is made about a matter which is clearly so trivial that it would be a poor use of the School's resources to deal with it under the formal stages of the procedure. In all of these cases, the School reserves the right to regard the complaint as persistent or serial 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. This procedure may also be used to manage unreasonable or persistent contact not directly associated with, or resulting from, formal complaints.

Where it is decided that a complaint is persistent or serial and will not be investigated, the school will write to the Complainant within 5 working days of the complaint being received to notify them of the decision. If the Complainant is unhappy with the decision not to investigate a persistent or serial complaint, they may write to the Chair of the Local Governing Board (LGB) to ask for the decision to be reviewed. The Chair of the LGB will review the decision not to investigate the complaint after considering all documentation relating to the complaint, together with the letter from the School to the Complainant. The Chair of the LGB will not investigate the complaint itself during the review. In exceptional circumstances, the Chair of the LGB can delegate the authority for the review to the Vice-Chair of the LGB. Following due consideration (including taking advice from the CEO), the Chair of the LGB will confirm the outcome of their review to the Complainant in writing within 10 working days after the receipt of the letter from the Complainant seeking a review. (Please see Appendix A concerning the role of the Chair of the LGB).

In the event that the Chair of the LGB's review indicates that the decision not to investigate the concern or complaint should be quashed, it will be referred to the appropriate staff member to be dealt with under the procedure in this Complaints Policy in the usual way. In the event that the Chair of the LGB's review indicates that the decision not to investigate the

concern or complaint should be upheld, the Complainant may refer the concern or complaint to the Education Funding Agency using the procedure identified under 'Next Steps'.

Please also see Appendix D – Unreasonable Complaints.

ALPHA TRUST CONCERNS AND COMPLAINTS PROCEDURE

Note 1: Roles and responsibilities are to be found in Appendix A.

Note 2: In Alpha Trust, the term "Principal" is used to identify the person with responsibilities of headship within each Academy, who may be referred to locally as Headteacher, Principal, Executive Headteacher, Executive Principal, Head of School or Associate Principal.

Note 3: Please see Appendix C for an overview of the Concerns and Complaints Procedures.

Timescale

The trust aims to resolve any complaints in a timely manner. Timescales are set out below in the relevant paragraphs. References to 'working day' mean a weekday when the school is open to students during term time. Term dates are published on each school's website.

In the event of other bodies being involved in an investigation, for instance the Local Authority safeguarding teams or Tribunals or the police, it may not be possible to adhere to the timescales laid down in this policy until those public bodies have completed their investigations.

PART I: INFORMAL RESOLUTION

1.1(a) Notification

- (i) Alpha Trust expects that most concerns, where a parent/carer, student or third party seeks intervention, reconsideration or some other action to be taken, can be resolved informally. Examples might include dissatisfaction about an aspect of teaching or pastoral care, the allocation of privileges or responsibilities, a timetable clash or any other aspect of a school's systems or equipment.
- (ii) The concern should be raised initially with the subject teacher, Form Tutor, Head of Year, Head of Department or Executive Principal/Principal/Headteacher/Head of School, as the Complainant feels appropriate. This may be done by telephone, email or letter.
- (iii) Complainants should not approach individual governors to raise concerns or complaints. Governors, and Trustees, have no power to act on an individual basis and it may also prevent them from considering complaints at the formal stage of the complaints procedure.
- (iv) If approached directly or by telephone, an individual staff member should:
 - a. Listen carefully to the Complainant and show empathy and understanding but must be
 - b. Be careful not to react or jump to conclusions.
- (v) An issue or concern might be raised with any member of staff within the school. The staff member should confirm whether the Complainant is content for the individual to deal with the matter informally at first. It is essential that the staff member attempts to identify the significant issues and the outcome that is being sought.

1.1(b) Timescale

- (i) All informal complaints will be dealt with within 15 working days from receipt of the complaint.
- (ii) The school will inform the Complainant of action taken (within the bounds of confidentiality)
- (iii) Complaints must be raised within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents.

We will consider complaints made outside of this timeframe if exceptional circumstances apply.

It is important to note that we will consider complaints made outside term time to have been received on the first working day after the holiday period.

1.1(c) Unresolved concerns

- (i) All Alpha Trust schools expect that before seeking to use the formal section of this policy the Complainant will have made all reasonable attempts to arrive at an informal resolution.
- (ii) Alpha Trust schools understand, however, that occasions arise when parents or carers feel they would like to raise their concerns more formally. The formal complaints procedure, below, explains how Alpha Trust schools proceed in these instances.
- (iii) A concern which has not been resolved by informal processes within 15 working days should be notified in writing as being treated as a formal complaint which will be dealt with in accordance with Part 2 below.

PART 2: FORMAL COMPLAINTS

There are three stages to the formal procedures.

2.1. STAGE 1 - Investigation

2.1(a) Notification

- (i) An unresolved concern under Part 1, or a complaint which needs investigation, or a dissatisfaction with an aspect of a school's policies, procedures, management, data handling or administration should be set out in writing, providing full details and documentation relating to the complaint, and sent with full contact details in an envelope addressed to the Executive Principal/Principal/Headteacher/Head of School. The complaint will be acknowledged by telephone, e-mail or letter within two working days, indicating the action that is being taken and the likely timescale for resolution.
- (ii) Where a complaint relates to the Executive Principal/Principal/Headteacher/Head of School or to a member of the LGB or Board of Trustees, a suitably skilled governor or Trustee will be appointed to follow and complete Part 2, Stage 1 of the Alpha Trust Complaints procedures.
- (iii) Depending on local arrangements, a Complaint Form may be available from the relevant school, although Complainants do not need to use one. Once completed, it should be sent to the Executive Principal/Principal/Headteacher/Head of School or, depending on local arrangements in each Alpha Trust Academy, the delegated Complaints Co-ordinator (see 'Roles and Responsibilities', Appendix A). An example

of a model Complaint Form can be found in Appendix B, however, Alpha Trust schools which use such forms may have their own version.

2.1(b) Record keeping.

- (i) GDPR and Alpha Trust schools' data protection procedures will be followed at all times.
- (ii) All investigations will be treated as 'Confidential' unless safeguarding issues are raised in which case safeguarding procedures complying with Alpha Trust policies and procedures will be followed.
- (iii) Copies of all correspondence, statements and records' however, must be made available for inspection by authorised bodies, e.g., the Department for Education (DfE), ESFA.
- (iv) Recording will begin from the earliest stages of an investigation and will include at the least:
 - the date
 - Complainant's name,
 - the nature of the complaint
 - any agreed actions.
- (v) During Stage 1 of the formal procedure, the investigator will keep a written record of any meetings/interviews in relation to the investigation.

2.1(c) Investigation

- (i) The Executive Principal/Principal/Headteacher/Head of School may either deal with the matter personally, or delegate the matter to a senior member of staff, data protection officer or one or more of the Local Governors who will act as investigators ("Investigators").
- (ii) The Investigators may request additional information from the Complainant and may wish to speak to the Complainant personally and to others who have knowledge of the particular circumstances.
- (iii) The outcome of the investigation will be reported to the Executive Principal/ Principal/ Headteacher/ Head of School, who will then notify the Complainant by telephone, email or letter of their decision and the reasons for it.
- (iv) The written records of all meetings and interviews and other evidence relevant to the complaint will be kept and stored in a secure location.

2.1(d) Timescale

- (i) The Executive Principal/Principal/Headteacher/Head of School will inform any Complainant of the outcome of an investigation and the resolution to the complaint within 28 working days from receipt of the complaint. However, if any complaint is received less than 28 working days before the end of term or half term, the Complainant may receive a response after the school holidays.

2.1(e) Response

- (i) 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 any actions that will be taken by the school to resolve the complaint.

- (ii) The response will also advise the Complainant of how to proceed their complaint if they remain dissatisfied.

2.2. STAGE 2 – Review by Chair of the Local Governing Board

2.2(a) Review Procedure

- (i) If the Complainant is not satisfied with the outcome of the first stage, they may request that the complaint be considered by the Chair of the Local Governing Board. Such a request should be in writing addressed to the Clerk to the Governors within 10 working days of being informed of the outcome of Stage 1.
- (ii) The Chair will conduct a review of the matter to date
- (iii) The Chair will report their findings to the Executive Principal/ Principal/ Headteacher/ Head of School and the Complainant within 15 working days of receipt of the written request to use Stage 2.
- (iv) The response will also advise the Complainant of how to proceed their complaint if they remain dissatisfied.

2.2(b) Unresolved concerns

- (i) Where a complaint has not been resolved after the first and second stages, the Complainant may request that a Panel Hearing is convened for the complaint to be considered.
- (ii) Complaints relating to information handling may be referred to the Information Commissioner's Office (the statutory regulator), www.ico.gov.uk or telephone 0303 123 1113.

2.3. STAGE 3 - Complaints Panel Hearing

2.3(a) Notification

- (i) To request a Complaints Panel Hearing ('Hearing'), Complainants should write to the relevant school's Complaints Co-ordinator (see Part 2, Stage 1, point 3, above) within 10 working days of the disputed decision. A copy of all relevant documents and the Complainant's full contact details must accompany any letter to the Complaints Co-ordinator. The letter should state the desired outcome and detail all the grounds for complaint. The Complaints Co-ordinator must also be sent a list of the documents which the Complainant believes to be in the school's possession and that they wish the Complaints Panel to see.
- (ii) In line with the General Data Protection Regulations 2018, the Complainant has a right to request information held about them by the school (Subject Access Request), including any information relevant to the complaint. A school must respond within one calendar month of clarification of the information sought. Please see the Data Protection Policy for further information.

2.3(b) Acknowledgment

- (i) The Complaints Co-ordinator will acknowledge the Complainant's request in writing within 2 working days of receipt, and will confirm to the Complainant that the complaint has been passed to an appropriate Local Governor and/or Trustee. This person will convene the members of the Complaints Panel and determine a date for the Hearing.
- (ii) If assistance is required with a request, for example, due to disability, the Complainant should contact the Complaints Co-ordinator who will make appropriate arrangements.

2.3(c) Timescale

- (i) The Hearing will be within 30 working days of receipt of any request for a Hearing and the Complainant will be notified by the Local Governor convening the Hearing of the date of the Hearing not less than 10 working days prior to the Hearing.

2.3(d) Members of the Panel

- (i) There will be at least 3 members of the Complaints Panel, and the Complaints Panel will usually consist of 2 Local Governors of the particular school and 1 member who is independent of the governance and management and running of the school.
- (ii) The members of the Complaints Panel will have no detailed prior knowledge of the circumstances of the complaint or prior involvement, for instance assisting the Complainant with their complaint.
- (iii) When the Complainant receives notification of the Hearing date, they will also receive brief information on who has been appointed to sit on the Complaints Panel.
- (iv) The meeting of the Complaints Panel will be clerked.

2.3(e) The Scope of the Complaints Panel

- (i) The Complaints Panel is tasked with establishing the facts surrounding the complaint that has been made by considering:
 - The documents provided by both parties; and
 - Any representations made by the Complainant, the Executive Principal/Principal/Headteacher/Head of School or the Chair of Local Governors.
- (ii) The Complaints Panel can:
 - Dismiss the complaint in whole or in part;
 - Uphold the complaint in whole or in part;
 - Decide on the appropriate action to be taken to resolve the complaint; and
 - Recommend changes to the trust's systems or procedures to ensure that problems of a similar nature do not reoccur.
- (iii) It is not within the powers of the Complaints Panel to make any financial award, nor to impose sanctions. The Complaints Panel may make recommendations to the

Executive Principal/Principal/Headteacher/Head of School or the Local Governors or Alpha Trust as appropriate, on what they consider appropriate sanctions or on any other issues.

2.3(f) Attendance

- (i) The Complainant may attend the Hearing and may be accompanied by one other person such as a relative, teacher or a friend. The Complainant must notify the Local Governor convening the Hearing at least 5 working days before the Hearing, of the name of anyone accompanying the Complainant and in what capacity they are known to the Complainant. Generally, we do not encourage either party to bring legal representatives to the meeting.
- (ii) If the Complainant's child, to which the complaint relates, is aged thirteen and above, they may attend all or part of the Hearing at the discretion of the Chair.
- (iii) The Executive Principal/Principal/Headteacher/Head of School may attend the Hearing, and at the discretion of the Complaints Panel, any other person may attend the Hearing if they have a reasonable and just interest in the outcome of the complaint; the panel should be given five working days' notice of this.

2.3(g) Evidence

- (i) The Chair of the Complaints Panel will conduct the Hearing in such a way as to ensure that all those present have the opportunity of asking questions and making comments in an appropriate manner, as defined below in section 3.9.
- (ii) All parties may submit written evidence to the Complaints Panel in support of their position, and the Complaints Panel will consider all evidence provided. Such evidence should be provided to the Complaints Co-ordinator not less than 5 working days prior to the Hearing.
- (iii) The Complaints Co-ordinator will distribute all written evidence to the parties not less than 3 working days prior to the Hearing date.
- (iv) The Hearing is not a legal proceeding and the Complaints Panel shall be under no obligation to hear oral evidence from witnesses.
- (v) 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.

2.3(h) The Hearing

(See also Appendix E – Procedure for the Hearing at Stage 3)

- (i) The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a Complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.
- (ii) Representatives of the media are not permitted to attend.
- (iii) The Hearing will be chaired by one member of the Panel and will be conducted in an informal manner. The School in question will be represented by the Executive Principal/Principal/Headteacher/Head of School, unless the complaint is against the Executive Principal/Principal/Headteacher/Head of School. If the complaint is

against the Executive Principal/Principal/Headteacher/Head of School, a governor nominated by the Chair of the Local Governing Board will represent the School.

- (iv) All statements made at the Hearing will be unsworn. All persons present will be entitled, should they so wish, to write their own notes for reference purposes. A handwritten minute of the proceedings will be taken during the Hearing. All notes and statements containing any personal or sensitive information must be kept secure, be accurate and be disposed of securely as soon as they have served their purpose.

2.3(i) Conduct

- (i) All those attending the Hearing are expected to show courtesy, restraint and good manners or, after due warning, the Hearing may be adjourned or terminated at the discretion of the Chair. If the Hearing is terminated due to the conduct of the parties, the Complaints Panel may either make their final decision if they are confident they have heard enough information to come to a decision, or they can arrange another Hearing.
- (ii) Any person who is dissatisfied with any aspect of the way the Hearing is being conducted must say so before the proceedings go any further and such comments will be recorded.

2.3(j) Adjournment

- (i) The Chair of the Complaints Panel may, at his / her discretion, adjourn the Hearing for further investigation of any relevant issue. This may include an adjournment to take legal advice. The Hearing will however, be reconvened within 10 working days of the adjournment.

2.3(k) Decision and Response

- (i) After consideration of the matters discussed at the Hearing, the Complaints Panel shall come to a decision, which will be communicated to the parties in writing within 10 working days, together with the reasons for the decision. If the Complainant does not wish to receive the decision by electronic mail, a copy will be given or posted to the Complainant.
- (ii) The outcome of the Hearing and all documents and evidence presented at the Hearing are private and confidential as between the parties to the complaint, and should at all times, be treated as such.
- (iii) 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 any actions that will be taken by the school to resolve the complaint.
- (iv) A copy of the findings and recommendations of the Panel will be provided to the Complainant and, where relevant, to the person complained about.
- (v) The response will also advise the Complainant of the next steps available to them if they remain dissatisfied.

2.3(I) Record Keeping

- (i) A written record of all complaints made in accordance with these formal procedures will be kept and will include whether the complaints were resolved following a formal procedure or were proceeded to a panel hearing. The written record will also detail action taken by the school as a result of those complaints (regardless of whether the complaint was upheld).
- (ii) The decisions, findings and any recommendations of the Panel will be available for inspection on the particular school premises by the Local Governing Board and the Executive Principal/Principal/Headteacher/Head of School.
- (iii) All correspondence, statements and records relating to individual complaints will be kept confidential and secure except to the extent required by paragraph 33 (k), Part 7, of the Schedule to the Education (Independent School Standards) Regulations 2014, that is where access is requested by the Secretary of State or where disclosure is required in the course of a school's inspection or under other legal authority.
- (iv) Where the complaint is related to a medical incident or a safeguarding concern, these details will be retained, in accordance with Alpha Trust schools' data protection policies and GDPR.

NEXT STEPS

The LGB's decision will usually be final. However, if the Complainant is still dissatisfied with the outcome they can contact one of the following agencies:

1. Department for Education.

If a Complainant feels that the school has or is proposing to act unreasonably, or has failed to discharge a duty under certain legislation, they can contact the Department for Education via the following link:

https://form.education.gov.uk/fform.php?self=1&form_id=cCCNJ1xSfBE&type=form&ShowMsg=1&form_name=Contact+the+Department+for+Education&noRegister=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1

Telephone: 0370 000 2288

Write to:
Department for Education,
Piccadilly Gate,
Store Street
Manchester
M1 2WD

2. Education Skills and Funding Agency (ESFA)

Whilst the ESFA can support schools to achieve a complaint procedure, it is the responsibility of Alpha Trust to make sure that their complaints procedure is fully compliant; it is the Trust's responsibility to ensure schools comply with their funding agreements.

If a complaint is made to the ESFA, it will be checked to see whether the complaint has been dealt with properly by the school. The ESFA will consider complaints about schools under the following three areas:

- Where there is undue delay or the school did not comply with its own complaints procedure
- Where the school is in breach of its funding agreement with the Secretary of State
- Where a school has failed to comply with any other legal obligation

The ESFA will not overturn a school's decision about a complaint. However, if it is considered that a school did not deal properly with a complaint, they will request that the complaint is looked at again and that procedures meet the requirements set out in the Regulations. If the school's complaint procedure does not meet the regulations, the school will be asked to correct this. The ESFA may seek to enforce a decision under the terms of the funding agreement on behalf of the Secretary of State, if appropriate.

APPENDIX A – Roles and Responsibilities

Complainant

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

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

Investigator

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

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

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the Principal or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The Principal or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

Complaints Co-ordinator

(This could be the Principal / designated complaints governor or other staff member providing administrative support)

The Complaints Co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, Principal, Chair of Governors, Clerk and LAs (if appropriate) to ensure the smooth running of the complaints procedure
- be aware of issues regarding:

- sharing third party information
- additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.

The Chair of the LGB

- **Anonymous Complaints**

The Chair of the LGB may be asked by the Executive Principal/ Principal/ Headteacher/ Head of School to help them determine whether an anonymous complaint warrants an investigation.

- **Unreasonable Complaints**

If the Complainant is unhappy with the decision not to investigate a persistent or serial complaint, they may write to the Chair of the Local Governing Board (LGB) to ask for the decision to be reviewed. The Chair of the LGB will review the decision not to investigate the complaint after considering all documentation relating to the complaint, together with the letter from the School to the Complainant. The Chair of the LGB will not investigate the complaint itself during the review. In exceptional circumstances, the Chair of the LGB can delegate the authority for the review to the Vice-Chair of the LGB. Following due consideration (including taking advice from the CEO), the Chair of the LGB will confirm the outcome of their review to the Complainant in writing within 10 working days after the receipt of the letter from the Complainant seeking a review.

- **Formal Procedure - Stage 2**

The Chair of the LGB may be asked by a Complainant, in writing, to review the investigation at Stage 1 of the Formal Procedure. The Chair should ask for all the documentation concerning the original complaint and the subsequent investigation and consider whether the investigation was conducted thoroughly and fairly and that the decision was unbiased and in line with school policies.

Clerk to the Governing Body

The Clerk is the contact point for the complainant and the committee and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example; stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

Committee Chair

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

- both parties are asked (via the Clerk) to provide any additional information relating to

- the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR. If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting
- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk (and Complaints Co-ordinator, if the school has one).

Committee Member

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so
No governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant
We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- many complainants will feel nervous and inhibited in a formal setting
Parents/carers often feel emotional when discussing an issue that affects their child.
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting
Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.
The committee should respect the views of the child/young person and give them equal consideration to those of adults.
If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.
However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.
- the welfare of the child/young person is paramount.

APPENDIX B: Complaint Form - exemplar (for adjustment by individual Alpha Trust schools, if used)

This form is to be completed by any member of staff who receives a complaint or a parent/carer who wishes to make a complaint. It should be passed to the Complaints Co-ordinator in a sealed envelope.

What is the nature of the complaint? (Please tick)	
<input type="checkbox"/> Staff conduct	<input type="checkbox"/> Parental/Carer conduct
<input type="checkbox"/> Teaching standards	<input type="checkbox"/> Pastoral care
<input type="checkbox"/> Condition of premises	<input type="checkbox"/> Timetabling
<input type="checkbox"/> Matters of regime and routine	<input type="checkbox"/> Access to or regulation of extra-curricular activities
<input type="checkbox"/> Data Handling	
<input type="checkbox"/> Other (please give details)	
Please give details of the complaint	
Date[s] of incident	Time[s]
If the complaint is about someone's behaviour please give the names of any witnesses to the incident[s]	
Action taken	
Name	Position (staff or parent/carer)
Signed	Date

APPENDIX C – Concerns and Complaints Procedures - Overview

<p>PART 1</p> <p>Concern/complaint raised with subject teacher/class tutor/Head of Year/HoD or Principal/Headteacher or Head of School</p>	<p>An informal complaint or a concern to be resolved</p> <ul style="list-style-type: none"> Process completed with 15 working days from the receipt of the complaint.
<p>IF UNRESOLVED ↓</p>	
<p>PART 2: Stage 1</p> <p>Formal complaint raised with Principal/Headteacher or Head of School and Chair of Local Governors</p>	<ul style="list-style-type: none"> A written complaint should be sent to the Principal/Headteacher/Head of School or Chair of Local Governors, receipt of which will be acknowledged within 2 working days. The process will be completed within 28 working days from receipt of the complaint. (However, see section 6.1 concerning school holidays)
<p>IF UNRESOLVED ↓</p>	
<p>PART 2: Stage 2</p> <p>Review of Stage 1 by the Chair of the LGB</p>	<ul style="list-style-type: none"> A review may be requested in writing within 10 working days of being informed of the outcome of Stage 1 The Chair will report their findings within 15 working days of the receipt of the written request
<p>IF UNRESOLVED ↓</p>	
<p>PART 2: Stage 3</p> <p>Formal complaint heard by the Complaints Panel</p>	<ul style="list-style-type: none"> Written notification of the request for a Complaints Panel Hearing should be sent to the Complaints Co-ordinator within 10 working days of the decision complained of. The written request will be acknowledged by the Complaints Co-ordinator within 2 working days of receipt of the request. The Hearing will be conducted within 30 working days of receipt of the request for the Hearing. Notification to the complainant of the Hearing date will be provided not less than 10 working days prior to Hearing date. The parties must inform the panel at least 5 working days before the Hearing if they intend to be accompanied by a legal representative. All written evidence must be submitted to the Complaints Panel not less than 5 working days prior to the Hearing date. All written evidence will be distributed to the parties not less than 3 working days prior to the Hearing date. The parties will be notified of the Complaints Panel's decision within 10 working days of the Hearing.
<p>IF UNRESOLVED ↓</p>	
<p>NEXT STEPS</p> <p>Complaints to other agencies</p>	<p>The LGB's decision is usually final, however, if a complainant remains dissatisfied, they may contact:</p> <ul style="list-style-type: none"> Department for Education Education Skills and Funding Agency (ESFA)

APPENDIX D - Unreasonable Complaints

- 1.1 Alpha Trust is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. The trust will not normally limit the contact Complainants have with a school. However, the trust does not expect staff to tolerate unacceptable behaviour and will take action to protect staff from such behaviour, including that which is abusive, offensive or threatening.
- 1.2 Alpha Trust defines unreasonable Complainants as “those who, because of the frequency or nature of their contacts with one of its schools, hinder that school’s consideration of their or other people’s complaints”.
- 1.3 A complaint may be regarded as unreasonable when the person making the complaint:
 - 1.3.1 Refuses to articulate their complaint or specify the grounds of a complaint, or the outcome(s) sought by raising the complaint, despite offers of assistance;
 - 1.3.2 Refuses to co-operate with the complaints investigation process whilst still wishing for the complaint to be resolved;
 - 1.3.3 Refuses to accept that certain issues are not within the scope of a complaints procedure;
 - 1.3.4 Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
 - 1.3.5 Introduces trivial or irrelevant information which the Complainant expects to be taken into account;
 - 1.3.6 Raises large numbers of detailed but unimportant questions, and insists they are fully answered immediately or to their own timescales;
 - 1.3.7 Makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
 - 1.3.8 Changes the basis of the complaint as the investigation proceeds;
 - 1.3.9 Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
 - 1.3.10 Refuses to accept the findings of the investigation into that complaint where Alpha Trust’s complaint procedure has been fully and properly implemented and completed including referral to the Department of Education and/or the ESFA
 - 1.3.11 Seeks an unrealistic outcome; or
 - 1.3.12 Makes excessive demands on a school’s time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.
- 1.4 A complaint may also be considered unreasonable if the person making the complaint does so either in person, by telephone or in writing or electronically:
 - 1.4.1 maliciously;
 - 1.4.2 aggressively;
 - 1.4.3 using threats, intimidation or violence;
 - 1.4.4 using abusive, offensive or discriminatory language;

- 1.4.5. knowing it to be false;
- 1.4.6. using falsified information; or
- 1.4.7. publishing unacceptable information in a variety of media such as in social media websites and newspapers.
- 1.5. Complainants should limit the numbers of communications they have with the school in question whilst their 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.
- 1.6. Whenever possible, the Executive Principal/Principal/Headteacher/Head of School or Chair of Local Governors will discuss any concerns with the Complainant informally before applying an 'unreasonable' marking.
- 1.7. If the behaviour continues, the Executive Principal/Principal/Headteacher/Head of School will write to the Complainant explaining that their behaviour is unreasonable and asking them to refrain from such behaviour. For Complainants who excessively contact an Alpha Trust school and cause a significant level of disruption, the school may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.
- 1.8. In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. Actions may include banning an individual from the school.

APPENDIX E – Procedure for the Hearing at Stage 3

Introduction

The Chair of the Committee will introduce the parties and explain the procedures the purpose of the meeting and confidentiality.

Case for the Complainant

The Complainant may make an oral statement.

The Complainant may call witnesses to supplement their written submission

The Respondent may ask questions of the Complainant and any witnesses.

The panel members may ask questions.

The Case for the Respondent (Principal)

The Respondent may make an oral statement.

The Respondent may call witnesses and ask them questions.

The Complainant may ask questions of the Respondent and any witnesses.

The panel members may ask questions.

The Independent Investigator / Complaints co-ordinator / Chair of Governors (if in attendance)

The Independent Investigator / Complaints co-ordinator / Chair of Governors may make an oral statement.

The Complainant may ask questions.

The Respondent may ask questions.

The panel members may ask questions

Final Statements

The Complainant and the Respondent to make final statements if they so wish.

Consideration of the Case

All parties to the meeting will then withdraw.

The Committee, advised by the Clerk, will then deliberate. If it is necessary to recall either party or any witnesses to assist with clarifying any particular point of uncertainty, this may only be done with all parties present.

Once the panel are satisfied they have all the information necessary to make a decision the parties may leave.

The complainant should be informed that the panel's decision is final and that they will be advised of further recourse in the letter that they will receive within 5 working days of the meeting.

Notification of the Committee's decision

The Chair of the Panel needs to ensure that the Complainant is notified of the Panel's decision in writing, including the reasons for the decision. This will usually be within 5 working days unless there are exceptional circumstances which prevent this, in which case the complainant will be notified of this and the reason for the delay.

Either party may request an adjournment of the hearing at any stage and this may be allowed on the grounds that further inquiries are necessary, but it should also be borne in mind that a speedy resolution of the complaint is usually desirable and advantageous Both parties are asked to notify the Clerk of any witnesses to be called in advance of the hearing and establish the relevance of their evidence to the complaint under consideration.

Witnesses are only required to attend for the part of the hearing in which they give their evidence