

STAFF-09-COMPLAINTS

1 INTRODUCTION

- 1.1 The Trust is committed to providing a first-class education for all our students and to working closely with parents, carers, and other stakeholders in a spirit of partnership. It aims to be able to resolve any issues with parents, carers, and other stakeholders without recourse to formal procedures but recognises that they have the right to make formal complaints and to have these complaints taken seriously.
- 1.2 The aim of this Complaints Policy is to ensure that a concern, difficulty, or complaint is managed sympathetically, efficiently and at the appropriate level with resolution being achieved as soon as possible. Doing so is good practice, fair to those concerned and helps to promote confidence in the School's ability to safeguard and promote welfare. The Trust will try to resolve every concern, difficulty, or complaint in a positive way with the aim of putting right a matter which may have gone wrong and, where necessary, reviewing the Trust's systems and procedures in the light of the matters raised.
- 1.3 The Trust needs to know as soon as possible if there is any cause for dissatisfaction. The Trust recognises that a concern or difficulty which is not resolved quickly and fairly can soon become a cause of resentment, which can be damaging to the relationship between the Trust and the complainant and can also have a detrimental effect upon the Trust's ethos and culture.

2 ROLE OF TRUST BOARD AND COMMITTEES

- 2.1 The Trust Board has overall responsibility for ensuring compliance with all relevant standards.
- 2.2 The Trust is an academy and is therefore governed by the latest Education (Independent School Standards) (England) Regulations 2010. This Complaints Policy has been formulated to comply with these Regulations (as well as Equality legislation and the Rules of Natural Justice).
- 2.3 This policy has been developed in conjunction with the full Trust Board, which retains overall responsibility for the wider strategy of the Trust.
- 2.4 This policy is to ensure compliance with the legal responsibilities of the Trust and staff, to safeguard the reputation of the Trust and to ensure the safety of all users.

3 ROLE OF PRINCIPAL AND SENIOR LEADERSHIP TEAM

- 3.1 The Principal and the Senior Leadership Team are responsible for ensuring that this policy and its associated procedure are followed when a complaint is received.



4 WHAT THIS POLICY COVERS

- 4.1 It applies to all concerns, difficulties, and complaints other than those involving safeguarding issues.
- 4.2 This Complaints Policy distinguishes between a concern or difficulty, which can usually be resolved informally, and a formal written complaint to the Principal which will require further investigation initially at Stage 2 of the Policy.
- 4.3 **Any concerns or complaints relating to a safeguarding issue should be made immediately direct to the Designated Safeguarding Lead (DSL).**

5 TERMS USED

- 5.1 "Parent" includes the natural or adoptive parent of a student, irrespective of whether they are or ever have been married, whether they are separated or divorced, whether the student lives with them, whether the father or mother has parental responsibility for the student or whether they have contact with the student.
A "parent" will also include a non-parent who has parental responsibility for a student, an adult non-parent with whom the student lives, and an adult who is involved in the day-to-day care of the student (for example, collecting or dropping off the student from Trust).
- 5.2 "Student" is a present, prospective, or former student of the Trust.
- 5.3 "Stakeholder" is any person who has dealings with the Trust.
- 5.4 "Complainant" is the person making a complaint.
- 5.5 "Investigating Officer" is the person investigating the complaint.
- 5.6 "Chair" or "Vice Chair" is used to describe the role of the Trustee within the Trust Board.
- 5.7 "Trustee"/ "Trust Board" are used interchangeably to refer to a member or the collective whole of the Trust Board.
- 5.8 "School day" is defined as a weekday during term time, when the Trust is open to students for study. This excludes weekends, school holidays and bank holidays. Term dates are published on the Trust's website, and information about term dates is made available to parents and students periodically.
- 5.9 "DPA" refers to the Data Protection Act (2018)
- 5.10 "GDPR" refers to the General Data Protection Regulations (UK GDPR)
- 5.11 "SAR" refers to a "Subject Access Request" which is when a request for information on a living individual is requested.
- 5.12 "FOI" refers to the Freedom of Information Act (2000). The information received from this request cannot identify, or lead to the identification of, a living individual.



6 RULES OF NATURAL JUSTICE

6.1 The rules of natural justice relate to fairness.

6.2 The Trust will ensure that all concerns, difficulties, or complaints are dealt with in accordance with the following principles:

- all parties will be provided with all information and documentation judged pertinent to the matters raised,
- all parties will be given the opportunity to prepare and present their case and respond to the other parties involved,
- all persons investigating and making decisions in relation to the matters raised will be impartial and will do so without bias (or apparent bias) to any party involved,
- all decisions made will be made on a balanced and considered assessment of the information before him or her only,
- all decisions made will be based upon logical conclusions, and not based on mere speculation or suspicion,
- all decisions made will be supported by reasons which will be disclosed to all parties involved.

7 EQUALITY ACT 2010

7.1 The Trust will deal with concerns, difficulties, and complaints in accordance with its duty under the Equality Act 2010 to have due regard to the need to:

- Eliminate discrimination, harassment, victimisation, and other conduct prohibited by the Equality Act 2010,
- Advance equality of opportunity between those who share a relevant protected characteristic,¹ and those who do not, by having regard to the need to:
 - remove or minimise disadvantages connected to a relevant protected characteristic,
 - take steps to meet the different needs of those sharing a relevant protected characteristic,
 - encourage those who share a relevant protected characteristic to participate in Trust life and activities in which participation is disproportionately low,
 - foster good relations between those who share a relevant protected characteristic and those who do not, by having regard to the need to tackle prejudice and promote understanding.

7.2 In addition, the Trust will comply with its duty to make the following reasonable adjustments for persons with a disability:

- Where a provision, criterion or practice places a disabled person at a substantial disadvantage compared to person who is not disabled, reasonable steps must be taken to avoid that disadvantage,
- Where a disabled person would, but for the provision of an auxiliary aid, be placed at a substantial disadvantage compared with a person who is not disabled, reasonable steps must be taken to provide the auxiliary aid. An auxiliary aid can be a piece of equipment or a service.

¹ "Relevant Protected Characteristic" includes sex, race, disability, religion/belief, sexual orientation, gender reassignment, pregnancy and maternity, and (for people who are not students) age.

- 7.3 If a Complainant or other person involved in the Complaints procedure requires an interpreter, a signer, or any other assistance at meetings or at a Complaint Panel Hearing, they should let the Trust know immediately.
- 7.4 Further details can be found in the Trust's Equality Policy.

8 COMPLAINTS ABOUT THE PRINCIPAL

- 8.1 If a complaint is about the conduct of the Principal, the Chair of Trust Board will investigate the complaint under **Stage 2** of this Complaints Policy instead of the Principal.
- 8.2 The Vice-Chair of Governors (or designate) will review the complaint under **Stage 3** of this Complaints Policy instead of the Chair of Governors.

9 COMPLAINTS ABOUT THE TRUST BOARD

- 9.1 The Trust Board are bound by the Code and Conduct for the Trust Board, a copy of which is available on the Trust website, or by request from the Clerk to the Trust Board.
- 9.2 Any complaints about the conduct of individual Trustees should be made in writing to the Chair of the Trust Board detailing the grounds for complaint. The Chair will acknowledge receipt of the complaint within **5 working days** and will investigate the matter over the next **10 working days**.
- 9.3 Following completion of the investigation, the Chair will respond directly to the complainant with the findings of that investigation.
- 9.4 Complaints about the Chair should be made in writing to the Vice-Chair who will follow the same process as above.

10 TIME LIMITS

- 10.1 The Trust aims to resolve concerns, difficulties, and complaints in a timely manner.
- 10.2 Time limits for each stage of the procedure are set out under each individual stage.
- 10.3 Although every effort will be made by the Trust to comply with the time limits specified under each stage of the procedure, it may not always be possible to do so, for example due to the complexity or number of matters raised, or due to the unavailability of the Complainant to attend a meeting, if offered. In all cases, **where a time limit cannot be complied with, the Trust will write to the Complainant within the specified time limit, setting out the reasons why the time limit cannot be complied with, and confirming the new time limit which will apply.**



11 LATE COMPLAINTS

- 11.1 The Trust will not usually consider complaints made more than 6 months after the alleged matter has taken place. However, the Trust is willing to consider exceptions to this time limit in special circumstances.
- 11.2 Where the Trust decides that a complaint which was submitted late will not be investigated, the Trust will write to the Complainant notifying them of the decision within **five school days** of the complaint being received.
- 11.3 If the Complainant is unhappy with the decision not to investigate a complaint which was submitted late, the Complainant may write to the Chair of the Trust Board asking for the decision to be reviewed. The Chair will be provided with all documentation relating to the complaint, together with the letter from the Trust to the Complainant and will review the decision not to investigate the complaint. The Chair will **not** investigate the complaint itself during this review.
- 11.4 The Chair 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 Trust with a copy of the letter.
- 11.5 If the Chair quashes the decision not to investigate the complaint, it will be referred to the Trust to be dealt with under this Complaints Policy in the usual way.
- 11.1 If the Chair upholds the decision not to investigate the complaint, the Complainant may refer the concern or complaint to the Department for Education using the procedure stated towards the end of this Complaints Policy.
- 11.2 In exceptional circumstances, the Chair can delegate the responsibility for the review to the Vice-Chair of Governors

12 VEXATIOUS OR REPEATED COMPLAINTS

- 12.1 The complaints procedure will limit the number of complaints that become protracted. However, there may be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied.
- 12.2 If the complainant tries to reopen the same issue, the Chair will inform them in writing that the procedure has been exhausted and that the matter is now closed.
- 12.3 The Trust also has an 'Unreasonable Complainants Policy' which outlines the actions that can be taken by the Trust in these circumstances.

13 ANONYMOUS COMPLAINTS

- 13.1 The Trust will not investigate anonymous complaints.
- 13.2 Anonymous complaints will be referred to the Principal who will decide what, if any, action should be taken.

14 DATA PROTECTION AND FREEDOM OF INFORMATION

14.1 Complaints may include requests for information or documentation. These are either SARs or FOIs.

14.2 The Trust will aim to provide requested information as soon as practicable (where the request is valid, and the Complainant is lawfully entitled to the information or documentation) in accordance with the rules of natural justice:

- SARs must be responded to within 15 school days.
- FOI requests must be responded to within 20 school days.

14.3 Further details can be found in the Trust's Data Protection Policy.

15 RESOLUTION PRINCIPLES

15.1 It is in everyone's interest that concerns, difficulties and complaints are resolved to the satisfaction of all parties at the earliest possible stage. The way in which the concern, difficulty or complaint is dealt with after the matter is first raised by the Complainant 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 or difficulty is raised with them.

15.2 At each stage of the Complaints procedure, the person investigating the complaint will:

- establish what has happened so far, and who has been involved,
- clarify the nature of the complaint and what remains unresolved,
- meet with the complainant or contact them (if unsure or further information is necessary),
- clarify what the complainant feels would put things right.

15.3 In considering how resolution could be achieved, the investigator will give due regard to the seriousness of the complaint. To bring the complaint to a resolution, it **may** be appropriate for the investigator to offer:

- an apology,
- an explanation,
- an admission that the situation could have been handled differently or better,
- an assurance that the event complained of will not recur,
- an explanation of the steps that have been taken to ensure that it will not happen again,
- an undertaking to review the Trust's policies in light of the complaint.

15.4 None of the above will constitute an admission of negligence or an acceptance of liability on behalf of the Trust.



16 OUTCOME PRINCIPLES

16.1 Examples of outcomes include:

- There was insufficient evidence to reach a conclusion, so the complaint cannot be upheld,
- The investigation did not substantiate the matters raised, so the complaint cannot be upheld,
- The complaint was substantiated in part or full. A description should be given of the remedial action being taken by the Trust resulting from the complaint. **Details of any disciplinary action or sanctions to be taken against a member of staff are strictly confidential and cannot be disclosed.**

16.2 The matter has been fully investigated and consequently further confidential procedures are being pursued. **Details of any disciplinary action or sanctions to be taken against a member of staff are strictly confidential and cannot be disclosed.**

17 RETENTION OF RECORDS

17.1 A full written record will be maintained centrally at the Trust of all complaints resolved under Stage 2 to 4 in accordance with the Trust's record retention procedures.

18 CONFIDENTIALITY

18.1 All correspondence, statements and records relating to individual complaints will be kept confidential except where access is requested by the Secretary of State, a school inspector, or under another legal authority.

19 PUBLICATION

19.1 This Complaints Policy has been ratified by the Trust Board and will be reviewed annually.

19.2 It will be published on the Trust's website and provided on request by the Trust's office. A copy of this Complaints Policy will be provided to a Complainant when a concern, difficulty or complaint is first raised.

20 TRUST BOARD REVIEW

20.1 The Trust Board will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary.

20.2 Complaints information shared with the whole Trust Board will not name individuals.

21 PROCEDURE

21.1 The Procedure for the Complaints Policy is detailed in STAFF-P09-1-Complaints Policy – Complaints-01.

21.2 There are four stages in this procedure:

- Stage 1 – Concerns and difficulties, dealt with informally,
- Stage 2 – Complaints formally investigated by the Principal (or designate),
- Stage 3 – Complaints formally reviewed by the Chair (or designate),
- Stage 4 – Complaints' Panel Hearing.

22 AUTHOR

22.1 The author of this policy is the Principal. They should be contacted for any points of clarification or suggested future amendments.

23 VERSION CONTROL

Policy Number	STAFF-09
Policy Name	Complaints
Version Number	02
Publication Method	External A copy must be made available in U:\Staff Information\Policies\STAFF
Approved by	Full Trust Board
Date of Approval	October 2023
Key changes since previous version	1. No change required.
Next Review Date	May 2024

PROCEDURE

STAFF-P09-1-COMPLAINTS – STAGES OF COMPLAINTS - 01

1 INTRODUCTION

1.1 This procedure describes the stages through which complaints can progress.

2 TASK DESCRIPTION

2.1 All complaints must be managed according to the “Stage” that they are going through.

3 STAGE 1 – CONCERNS AND DIFFICULTIES

3.1 Concerns - The Trust expects that most concerns and difficulties, where a parent, student or stakeholder seeks intervention, reconsideration or some other resulting action, can be resolved informally. Examples might include dissatisfaction about some aspect of teaching or pastoral care, allocation of privileges or responsibilities, a timetable clash, an issue with the Trust’s systems or equipment, or a billing error.

3.2 Notification - The concern or difficulty should be raised as follows:

- **Education issues** – if the matter relates to the classroom, the curriculum or special educational needs, the Complainant should contact the Tutor or the Class Teacher in the first instance. If the concern is not resolved then the Curriculum Leader, Academic manager or Leadership Team Member is the chain of escalation
- **Pastoral care** – for concerns relating to matters outside the classroom, the Complainant should contact the relevant Pastoral Manager or the Vice Principal responsible for Welfare & Conduct.
- **Disciplinary matters** – a problem over any disciplinary action taken or a sanction imposed should be raised with the member of staff who imposed it in the first instance. If not resolved, the Complainant should contact the relevant Tutor, Pastoral Manager or Vice Principal Welfare & Conduct.
- **Financial and administrative matters** – a query relating to fees, extras or other administrative matters should be raised by the Complainant with the Finance Office.
- **An issue with a specific member of staff** – often, the best way to resolve an issue with a specific member of staff is to raise it with that member of staff directly, so that they are given the opportunity to address and resolve the concern or difficulty before it becomes a formal complaint.
 - If the Complainant feels uncomfortable doing this, however, the issue should be raised with the appropriate Curriculum Leader, Pastoral manager or at Stage 2 in writing to the Principal:
Should a concern or difficulty be raised with a member of staff who feels that they are not the best person to be dealing with it, they will refer it to the Curriculum Leader or other designated member of staff as appropriate.
 - If a concern or difficulty is raised with a member of staff who feels that it raises serious issues which should be dealt with as a formal complaint immediately. The member of staff will inform the Complainant that they should put their complaint in writing to the Principal under Stage 2 of this Complaints Policy.
 - Where the first approach is made to a Trustee they should refer the complainant to the Clerk to the Governing Body and advise them about the procedure. Trustees must 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 panel at a later stage of the procedure.

STAFF-P09-1-Complaints – Stages of Complaints

Version Number: 01

Date of Approval: June 2022



PROCEDURE

3.3 Use of email

- When communicating directly with a known member of staff please email them directly
- When communicating with the Principal or the Clerk to the Governors please email the main office: office@heart-england.co.uk, with the subject For Attention Of: and the name of the Principal or the Clerk to the Governors

3.4 Unresolved Concerns and Difficulties

- The Trust will aim to resolve a concern or difficulty within **20 school days** of the date that it was raised.
- Where a concern or difficulty has not been resolved by informal means within this time limit from the date that it was raised, the complainant can submit the matters raised as a formal complaint under Stage 2 of this Complaints Policy in writing to the Principal.

3.5 Record of Concerns and Difficulties

- The member of staff dealing with a concern or difficulty will make an appropriate written record of the issues raised, the action taken and, if applicable, the resolution reached. This may be in note, e-mail or letter form.

4 STAGE 2 – FORMAL COMPLAINT TO THE PRINCIPAL

4.1 Formal Notification

- A concern or difficulty raised under Stage 1 of this Complaints Policy which remains unresolved after 20 school days, or a serious matter which requires formal investigation from the outset at Stage 2, must be set out in writing to the Principal.
- The Complainant must clearly set out
 - the matters in dispute,
 - the relevant dates,
 - the full names of the persons involved
 - what the Complainant believes the Trust should do to resolve the complaint.
 - Use of the 'Formal Complaint Form' in STAFF-A09-1-Complaints – Complaints Form-01 represents a good starting point with providing the required information when making a complaint. Any documentation relied upon by the Complainant should be attached to the formal complaint.

4.2 Formal Acknowledgement

The formal written complaint at Stage 2 will be acknowledged in writing within **five school days** of receipt. The acknowledgement letter will confirm the date that the formal complaint was received.

4.3 Investigation

- The Principal will decide whether to investigate the complaint personally or to delegate the investigation to a senior member of the leadership team. The investigation will involve obtaining and considering all documentation held by the Trust relevant to the complaint. If further information is required from the Complainant, this may be requested from them by telephone or in writing.



PROCEDURE

- The Investigating Officer will interview the person(s) involved in the matter raised by the Complainant. A written record of the interview will be made, and the interviewee will be asked to read, sign and date the written record to confirm that it is accurate.
- In situations where the complaint concerns an issue about the conduct of a member of staff, that member of staff will be offered the option of having another member of staff present at the interview.
- If the Investigating Officer deems it to be appropriate in relation to the matters raised, the Complainant will be offered a meeting to discuss the issues raised. This may take place at the beginning of the investigation to clarify any matters which are unclear, or after the investigation has taken place with the aim of reaching an amicable resolution.

4.4 Outcome

- The Principal, or if delegated, the Investigating Officer, will write to the Complainant confirming the outcome of the investigation within **20 school days** from the date that the complaint was received. The letter will set out the individual matters raised by the Complainant, the findings of the investigation and the conclusion reached.
- The letter will inform the Complainant that, if they are dissatisfied with the outcome of the Stage 2 investigation, they must write to the Clerk to the Trust Board within **five school days** of receipt of the letter asking for their complaint and the Stage 2 investigation to be reviewed by the Chair of Trust Board under Stage 3 of the Complaints Policy.

5 STAGE 3 – REVIEW BY THE CHAIR OF THE TRUST BOARD

5.1 Notification

- If the Complainant is dissatisfied with the outcome of the complaint under Stage 2 of this Complaints Policy, the Complainant may write to the Clerk to the Governors within **five school days** of receiving the letter confirming the outcome following Stage 2 requesting that the complaint to be reviewed by the Chair of Governors,
- The Complainant should not repeat the matters raised in their original letter or attach documentation already provided, but should clearly set out how and why the Complainant does not accept the findings made under Stage 2.

5.2 Acknowledgement

The Complainant's letter requesting a review will be acknowledged within **five school days** of receipt. The acknowledgement letter will confirm the date that the request for review was received, the action to be taken and the specified time limit.

5.3 Review

- The Chair of the Trust Board will be provided with all documentation relating to the complaint **within five school days** of receipt of the letter requesting a review under Stage 3, including; the record of the Stage 1 informal procedure (if applicable); the original letter of complaint or Complaint Form; any documentation provided by the Complainant with their complaint; all investigation records under Stage 2; and the letter of outcome under Stage 2.
- The Chair of the Trust Board will review the documentation received and consider both the matters raised by the complainant and the investigation carried out under

STAFF-P09-1-Complaints – Stages of Complaints

Version Number: 01

Date of Approval: June 2022



PROCEDURE

Stage 2. Should it be necessary, the Chair of Trust Board will speak to the persons involved in the investigation to clarify issues which were not confirmed during the Stage 2 investigation.

- If the Chair of the Trust Board deems it to be appropriate in relation to the matters raised, the Complainant will be offered a meeting to discuss the issues raised. If a meeting is deemed appropriate, it will usually take place after the review has been completed with the aim of reaching a mutually acceptable resolution.

5.4 Outcome

- The Chair of the Trust Board will write to the Complainant confirming the outcome of the review within **20 school days** from the date that the request for a review was received. The letter will set out whether the Chair of the Trust Board agrees with the findings and conclusion under Stage 2, and give reasons, as well as responding to any concerns/criticisms of the Stage 2 investigation.
- The letter will inform the Complainant that, if they are dissatisfied with the outcome of the Stage 3 review, they should write to the Clerk to the Trust Board within **five school days** of receipt of the letter requesting a Complaint Panel Hearing under Stage 4 of this Complaints Policy.
- Where the request for a review was received during a school holiday or within twenty days from the end of a term or half term, the Chair of the Trust Board will endeavour to expedite the review as soon as possible.

5.5 Delegation

In appropriate cases, the Chair of the Trust Board may delegate the review to another Trustee in accordance with the procedure outlined above.

6 STAGE 4 – COMPLAINT PANEL HEARING

6.1 Notification

- If the Complainant is dissatisfied with the outcome of the review under Stage 3 of this Complaints Policy, the Complainant may write to the Clerk to the Trust Board requesting a Complaint Panel Hearing. The Complainant must write to the Clerk to the Trust Board within **five school days** of receiving the letter confirming the outcome following Stage 3.
- The Complainant should not repeat the matters raised in their original letter or attach documentation already provided, but should clearly set out how and why the Complainant does not accept the findings made under Stages 2 and 3.

6.2 The Complaint Panel

- The Complaint Panel will consist of three persons appointed by or on behalf of the Trust by the Clerk to the Trust Board:
 - All three members of the Complaint Panel must be new to the Complaint (i.e.: None of the three Complaint Panel members can have been involved in the matters which gave rise to the complaint, none can have been involved in dealing with the complaint previously and none can have any detailed prior knowledge of the complaint);
 - Two of the Complaint Panel members may (but do not have to) be Trustees;



PROCEDURE

- The Chair of the Complaint Panel, who will be the third Complaint Panel member, must be independent of the management and running of the Trust, (i.e. they must not be a member of staff or a Governor, and must not be linked to the Trust in another way, for example as a parent of a student at the Trust).
- The Department for Education has issued guidance in relation to the appointment of the independent Complaint Panel member as follows:

“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... Schools will of course have their own views”.

6.3 Attendance

- The Complainant may attend the Complaint Panel Hearing, and may be accompanied by another person. For the avoidance of doubt, the Complainant’s supporter will be present for moral support only and will not play any part in the proceedings, unless invited to do so by the Chair of the Complaint Panel, entirely at his or her discretion and for a good reason. The Complaint Panel Hearing is **not** a legal hearing and it is not appropriate for either the Complainant or the Trust to be legally represented.
- The Trust will be represented at the Complaint Panel Hearing by the person who dealt with the complaint under Stage 3. This person will be referred to as the “Trust’s Representative” for the purposes of Stage 4.
- The Complaint Panel Hearing will be minuted by the Clerk to the Complaint Panel, who will usually be the Clerk to the Trust Board.

6.4 Convening the Complaint Panel Hearing

- After selecting the Complaint Panel members, the Clerk to the Trust Board will write to the Complainant within **five school days** acknowledging receipt of their request and informing them of the names of the Complaint Panel members.
- If the Complainant objects to any of the named persons being appointed to the Complaint Panel, they should notify the Clerk to the Trust Board within **three school days** of receipt of the letter. Fair consideration will be given to any bona fide objection to a particular member of the Complaint Panel.
- The Clerk to the Trust Board will liaise with the Complaint Panel, the Complainant and the Trust’s Representative to agree a mutually convenient date for the Complaint Panel Hearing, which will usually take place within **20 school days** of receipt of the Complainant’s request, unless there are exceptional circumstances.
- The Clerk to the Trust Board will write to the Complainant confirming the date of the Complaint Panel Hearing within **five school days** of the date that the acknowledgement letter was sent (or the date that the new Complaint Panel member was selected, if an objection was received and upheld).
- If the Complaint Panel Hearing will not take place within **20 school days** of receipt of the Complainant’s request, the letter must set out the exceptional circumstances involved.



PROCEDURE

6.5 Documentation

- The Clerk to the Trust Board will forward a copy of all paperwork relating to the complaint to the Complainant, the Trust's Representative and the three Complaint Panel members. The paperwork will consist of :
 - the record of the Stage 1 informal procedure (if applicable);
 - the original letter of complaint or Complaint Form;
 - any documentation provided by the Complainant with their complaint;
 - all investigation records under Stage 2 with the letter of outcome;
 - all review records under Stage 3 with the letter of outcome;
 - the Complainant's letter requesting a Complaint Panel Hearing and accompanying documents.
- The names of individuals other than the Complainant, the Complainant's family, members of the Trust's staff and Trust Board, will be redacted and replaced with a letter representing that particular individual unless they have provided their written consent for their name to be disclosed.
- If the Complainant wishes the Complaint Panel to consider any additional information, they should forward this documentation to the Clerk to the Trust Board to arrive **at least five school days** before the Complaint Panel Hearing, to enable the Clerk to the Trust Board to forward it to the Trust's Representative and the Complaint Panel members.

6.6 Witnesses

- The Chair of the Complaint Panel will decide, at his or her absolute discretion, which witnesses will be permitted to attend the Complaint Panel Hearing to give a verbal statement rather than relying on a written statement or record of meeting which has been signed by the witness.
- If the Complainant wishes to rely on the account of a witness, they should ask the witness to write down, sign and date their account and forward it to the Clerk to the Trust Board **at least five school days** before the Complaint Panel Hearing, to enable the Clerk to the Trust Board to forward it to the Trust's Representative and the Complaint Panel members.
- Witnesses under the age of eighteen other than the Complainant's own family will only be allowed to attend the Complaint Panel Hearing at the discretion of the Chair of the Complaint Panel, and then only if they are accompanied by one of their parents or carers.
- Any written accounts provided by the Complainant relating to witnesses under the age of eighteen must be signed and dated by the witness **and** one of the witness' parents or carers.
- Members of staff of the Trust involved in the matters which gave rise to the complaint will usually have provided a signed written account or have signed a note of a meeting during the previous stages, which will be forwarded to all parties with the other complaint documentation in the usual way.
- Members of staff will not usually be required to attend the Complaint Panel Hearing to give a verbal statement unless their conduct is in issue or their account is contentious and the rules of natural justice dictate that the Complainant should be allowed to ask that member of staff questions.



PROCEDURE

7 PROCEDURE AT THE COMPLAINT PANEL HEARING

This is documented in STAFF-P09-2-Complaints-Panel Hearing

8 PROCEDURE AUTHOR

8.1 The author of this procedure is the Principal They should be contacted for any points of clarification or suggested future amendments.

9 VERSION CONTROL

Procedure Number	STAFF-P09-1
Procedure Name	Complaints – Stages of Complaints
Version Number	01
Publication Method	External A copy must be kept in U:\Staff Information\Policies\Procedures for Policies\STAFF Procedures
Approved by	Full Trust Board
Date of Approval	June 2022
Key changes since previous version	<ol style="list-style-type: none">1. Reformatted to new standards2. Separated from STAFF-09-Complaints Policy.3. Information on Email inserted as point 3.3



PROCEDURE

STAFF-P09-2-COMPLAINTS-PANEL HEARING

1 INTRODUCTION

- 1.1 This procedure describes the process of the Stage 4 – Complaint Panel Hearing

2 TASK DESCRIPTION

- 2.1 This outlines how the Complaint Panel Hearing will be conducted, the processes associated with the decision making and recommendations, and how that decision will be notified to the Complainant.
- 2.2 If the Complainant feels that the Complaints policy does not comply with the regulations or that the Complaints procedures have not been followed it outlines the actions which are available to the Complainant.

3 AT THE HEARING

The Complaint Panel Hearing will be conducted as follows:

- 3.1 The Clerk to the Complaint Panel will greet the Complainant, the Complainant's supporter and the Trust's Representative and welcome them into the room where the Complaint Panel has convened:
- Witnesses will remain outside the room until they are called in to give their account;
- 3.2 The Complainant will be invited by the Complaint Panel to give an account of their complaint;
- 3.3 Questioning:
- The Trust's Representative will be invited to ask the Complainant questions, if any;
 - The Complaint Panel will ask the Complainant questions, if any;
- 3.4 Witnesses:

If the Complainant has any relevant witnesses, at the discretion of the Chair of the Complaint Panel, each will be invited into the room individually to provide their accounts and be questioned as outlined:

- At the discretion of the Chair of the Complaint Panel, the Complainant's first witness will be invited into the room to give an account of what they saw or know;
 - The Trust'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;
- 3.5 The Trust's Representative:
- The Trust's Representative will be invited by the Complaint Panel to respond to the complaint and make representations on behalf of the Trust;
 - The Complainant will be invited to ask the Trust's Representative questions, if any;
 - The Complaint Panel will ask the Trust's Representative questions, if any;



PROCEDURE

3.6 The Trust's witnesses:

If the Trust has any relevant witnesses, at the discretion of the Chair of the Complaint Panel, each will be invited into the room individually to give an account of what they saw or know and be questioned as outlined:

- The Complainant will be invited to ask the Trust's witness questions, if any;
- The Complaint Panel will ask the Trust's witness questions, if any;
- The Trust's witness will be asked to leave the room;

3.7 The Complaint Panel will invite the Complainant to summarise their complaint;

3.8 The Complaint Panel will invite the Trust's representative to summarise their response to the complaint and the Trust's stance;

3.9 The Complaint Panel Hearing will conclude:

- The Complainant will be asked to leave the room
- The Trust's Representative will be asked to leave the room

4 THE COMPLAINT PANEL'S DECISION

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

4.2 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 their reasons for making these findings.

5 COMPLAINT PANEL RECOMMENDATIONS

5.1 The Complaint Panel will consider the facts which they have established and will make recommendations based upon them.

5.2 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.

5.3 The Complaint Panel will keep a written record of their recommendations, with reasons.



PROCEDURE

6 NOTIFICATION OF THE COMPLAINT PANEL'S DECISION

- 6.1 The Clerk to the Trust Board will write within **ten school days** of the Complaint Panel Hearing to the Complainant, the Trust's Representative and any person complained about.
- 6.2 The letter will identify:
- each of the issues complained about;
 - summarise how the Complaint Panel Hearing proceeded;
 - confirm each of the Complaint Panel's findings of fact and recommendations, if any, with reasons.
- 6.3 The letter will also confirm that:
- if the Complainant believes that this Complaints Policy does not comply with the Regulations, or that the Trust has not followed the procedure outlined in this Complaints Policy, the Complainant may refer their complaint to the Department for Education for further consideration.
- 6.4 The Clerk to the Trust Board will also ensure that a copy of the Complaint Panel's findings and recommendations are made available on the Trust's premises for inspection by the Trust Board and the Principal.

7 FACTORS FOR THE COMPLAINT PANEL TO CONSIDER

- 7.1 It is important that the Complaint Panel Hearing is independent and impartial, and that it is seen to be so. No person may sit on the Complaint Panel if they have had a prior involvement in the matters which gave rise to the complaint, in dealing with the complaint in the previous stages, or have a prior detailed knowledge of the complaint.
- 7.2 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 Trust and the Complainant. However, it must be recognised that the Complainant may not be satisfied with the outcome if the Complaint Panel does not find wholly in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the Complainant that his or her complaint has been taken seriously.
- 7.3 An effective Complaint Panel will acknowledge that many Complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The Chair of the Complaint Panel will ensure that the Complaint Panel Hearing is as welcoming as possible, while ensuring that it is procedurally fair to all parties. The layout of the room will set the tone and care is needed to ensure the setting is informal and non-adversarial.
- 7.4 Extra care needs to be taken when the Complainant is a child, or there are child witnesses present. Care should be taken to ensure that the child does not feel intimidated. The views of the child will be given equal consideration to those of the adults present. Where the child's parent is the Complainant, it would be helpful to give the parent the opportunity to suggest which parts of the hearing, if any, the child should attend, with the Chair retaining discretion.



PROCEDURE

- 7.5 The Complaint Panel should ensure that they are familiar with this Complaints procedure and also with the STAFF-P09-1-Complaints – Stages of Complaints – 00 procedure in advance of the Complaint Panel Hearing.
- 7.6 The Chair of the Complaint Panel will play a key part at the Complaint Panel Hearing, ensuring that:
- The remit of the Complaint Panel is explained to the parties and each party has the opportunity to make representations without undue interruption;
 - All the issues raised in the complaint are addressed;
 - Key findings of fact are made, on the balance of probability;
 - Each party treats the other with respect and courtesy;
 - The Complaint Panel is open minded and acts independently of the Trust;
 - No member of the Complaint Panel has a vested interest in the outcome of the proceedings;
 - Each side is given the opportunity to state their case and ask question;
 - All written material is seen by all parties. If a new issue arises during the course of the Complaint Panel Hearing, it would be useful to give all parties the opportunity to consider and comment on it.

8 REFERRAL TO THE DEPARTMENT FOR EDUCATION

- 8.1 **Once a complaint has been through all the stages of this Complaints Policy**, if the Complainant believes that this Complaints Policy does not comply with the Regulations, or that the Trust has not followed the procedure in this Complaints Policy, the Complainant can refer the complaint to the Department for Education for consideration.
- 8.2 The Complainant should be aware that the Department for Education will not usually investigate the complaint itself, or interfere with the findings of the Complaint Panel, unless the decision made was manifestly unreasonable.

9 PROCEDURE AUTHOR

- 9.1 The author of this procedure is the Principal They should be contacted for any points of clarification or suggested future amendments.



PROCEDURE

10 VERSION CONTROL

Procedure Number	STAFF-P09-2
Procedure Name	Complaints – Panel Hearing
Version Number	00
Publication Method	External A copy must be kept in U:\Staff Information\Policies\Procedures for Policies\STAFF Procedures
Approved by	Full Trust Board
Date of Approval	May 2022
Key changes since previous version	<ol style="list-style-type: none">1. Reformatted to new standards2. Separated from STAFF-09-Complaints Policy.
Next Review Date	May 2023



APPENDIX

STAFF-A09-1-COMPLAINTS - COMPLAINTS FORM - 01

1 INTRODUCTION

- 1.1 This appendix holds the form which outlines the information required when making a complaint at Stage 2 as outlined in STAFF-P09-1-Complaints – Stages of Complaints – 01.

Use of this form is optional. However, a Stage 2 Complaint must be written and directed to the Principal.

2 FORMAL COMPLAINT FORM

Please complete and return the details below and email to the Clerk to the Trust Board at office@heart-england.co.uk, who will acknowledge receipt and explain what actions will be taken:

Your full name	
Student's name (if applicable)	
Your relationship to the student (if applicable)	
Address	
Postcode	
Day time telephone number	
Evening telephone number	
Please give details of your complaint:	



APPENDIX

3 APPENDIX AUTHOR

- 3.1 The author of this appendix is the Principal They should be contacted for any points of clarification or suggested future amendments.

4 VERSION CONTROL

Appendix Number	STAFF-A09-1-
Appendix Name	Complaints-Complaints Form
Version Number	01
Publication Method	External A copy must be kept in U:\Staff Information\Policies\Applications for Policies\STAFF Appendices
Approved by	The Full Trust Board
Date of Approval	June 2022
Key changes since previous version	<ol style="list-style-type: none"> 1. Reformatted to new standards 2. Separated from STAFF-09-Complaints Policy. 3. Email address added for submission of form

