

# COMPLAINTS POLICY

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## 1. INTRODUCTION

1.1 Within this policy, 'we', 'us' and 'the Federation' refers to The Rutland and District Schools' Federation.

## 2. WHO CAN MAKE A COMPLAINT?

2.1 Complaints raised by people who are not parents or carers of students at an academy within the Federation, including volunteers, will be handled under the procedure outlined in Appendix C.

2.2 Complaints raised by parents and carers of students at an academy within the Federation are handled as per the rest of this policy.

## 3. THE DIFFERENCE BETWEEN A CONCERN AND A COMPLAINT

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

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

3.3 It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints policy. The Federation takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

3.4 If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Executive Principal will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Executive Principal will refer you 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.

## 4. PRINCIPLES OF INVESTIGATION

4.1 When responding to complaints, we aim to:

- be impartial and non-adversarial;
- facilitate a full and fair investigation;
- address all the points at issue and provide an effective and prompt response;
- respect complainants' desire for confidentiality;
- treat complainants with respect and courtesy;
- ensure that any decisions we make are lawful, rational, reasonable, fair and proportionate;
- keep complainants informed of the progress of the complaints process.

- 4.2 Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.
- 4.3 At each stage, the person investigating the complaint should ensure that they:
- 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;
  - interview those involved in the matter and/or those complained about, allowing them to be accompanied if they wish;
  - conduct the interview with an open mind and be prepared to persist in the questioning and keep notes of the interview;
  - set realistic and reasonable time limits for each action within each stage.
- 4.4 If the initial complaint is made to a governor, the governor should refer the complainant to this policy, in order for the correct policy to be followed. Governors do not have the authority to act unilaterally on an individual complaint outside the formal policy, or to be involved at the early stages, as it would prejudice their possibility of involvement at a later stage.

## 5. HOW TO RAISE A CONCERN OR MAKE A COMPLAINT

- 5.1 A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.
- 5.2 Complaints against school staff (except the Head of School or Executive Principal) should be made, in the first instance, to the Head of School (for Catmose Primary or Harington School) or the Executive Principal (for Catmose College) via the relevant school's office. Please mark them as Private and Confidential.
- Catmose College: [office@catmosecollege.com](mailto:office@catmosecollege.com)
  - Catmose Primary: [office@catmoseprimary.com](mailto:office@catmoseprimary.com)
  - Harington School: [office@haringtonschool.com](mailto:office@haringtonschool.com)
- 5.3 Complaints that involve or are about the Head of School should be addressed to the Executive Principal, via Catmose College reception. Please mark them as Private and Confidential.

- 5.4 Complaints that involve or are about the Executive Principal or a trustee should be addressed to the Chair of the Trust, via the Clerk to Trustees, (clerk@rutlandfederation.com). Please mark them as Private and Confidential.
- 5.5 Complaints about the chair of governors, any individual governor or the whole governing body should be addressed to the Clerk of the relevant local governing body via the school office. Please mark them as Private and Confidential.
- 5.6 For ease of use, a template complaint form is included at the end of this policy. If you require help in completing the form, please contact the relevant academy's reception. You can also ask a third-party organisation, for example the Citizens' Advice, to help you.
- 5.7 In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints policy. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

## 6. UNREASONABLE COMPLAINTS, SERIAL AND PERSISTENT COMPLAINTS

- 6.1 We are committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, obsessive, unreasonable, offensive or threatening.
- 6.2 For serial and persistent complaints, see paragraphs 6.6 to 6.10.
- 6.3 A complaint may be regarded as unreasonable when the person making the complaint:
- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint;
  - refuses to cooperate with the complaints investigation process while still wishing their complaint to be resolved;
  - refuses to accept that certain issues are not within the scope of the complaints policy;
  - insists on the complaint being dealt with in ways which are incompatible with the adopted complaints policy or with good practice;
  - introduces trivial or irrelevant information which the complainant expects to be taken into account and commented upon, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
  - makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
  - changes the basis of the complaint as the investigation proceeds;

- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the complaint policy has been followed.
- seeks an unrealistic outcome or one without any serious purpose or value;
- complaints which are designed to cause disruption or annoyance;
- makes excessive demands on our time by frequent, lengthy, complicated or stressful contact with staff regarding the complaint, in person, in writing, by email and by telephone, while the complaint is being dealt with or has been resolved.

6.4 A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using insults or abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information through a variety of media such as on social media websites and newspapers.

6.5 Please note: the above lists are not intended to be exhaustive and are for guidance purposes only. It is at the discretion of the Federation what is deemed to be unreasonable.

### SERIAL AND PERSISTENT COMPLAINTS

6.6 Complainants should limit the number of communications with the Federation while a 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.

6.7 We will do our best to be helpful to people who contact us with a complaint, concern, or a request for information. However, in cases where we are contacted repeatedly by an individual making the same points, or who asks us to reconsider their position, we will need to act appropriately.

6.8 There will be occasions when, despite all stages of the complaints policy having been followed, the complainant remains dissatisfied. It is important that we recognise when we have done everything we can in response to a complaint. It is a poor use of time and resources to reply to repeated letters, emails or telephone calls making substantially the same points. If a complainant tries to re-open the same issue, the Executive Principal should inform them that the policy has been completed and that the matter is now closed.

6.9 If the complainant contacts us again on the same issue, the correspondence may be viewed as 'serial' or 'persistent' and we may choose not to respond.

6.10 We will not mark a complaint as 'serial' before the complainant has completed the procedure.

## 7. STEPS WE WILL TAKE

7.1 We will take every reasonable step to address the complainant's comments, and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our Complaints Policy as normal (as outlined above) wherever possible.

7.2 Whenever possible, the Executive Principal or Chair of Governors will outline any concerns with the complainant informally before applying an 'unreasonable' marking. If the behaviour continues, the Executive Principal will write to the complainant explaining that their behaviour is unreasonable, refer them to this policy and remind them to act in accordance with it.

7.3 For complainants who excessively contact the Federation, causing a significant level of disruption, we may:

- Give the complainant a single point of contact via an email address.
- Limit the number of times the complainant can make contact, such as a fixed number per term.
- Ask the complainant to engage a third party to act on their behalf, such as Citizens Advice.
- Put any other strategy in place as necessary.

7.4 This will usually be reviewed after 6 months.

7.5 In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from Federation premises and ensuring appropriate measures of support are provided to staff where they are the subject of aggression and/or violence.

7.6 There may be certain circumstances when the complainant's behaviour is such that we will consider not responding to them.

7.7 We may stop responding to the complainant when the following conditions are met:

- we have taken every reasonable step to address the complainant's concerns;
- the complainant has been given a clear statement of our position and their options;
- the complainant is contacting us repeatedly but making substantially the same points each time;

- 7.8 The case to stop responding is stronger if:
- The complainant's communications are often or always abusive or aggressive.
  - The complainant makes insulting personal comments about or threats towards staff.
  - We have reason to believe the individual is contacting the Federation with the intention of causing disruption or inconvenience.
- 7.9 Where we decide to stop responding, we will inform the individual that we intend to do so. We will also explain that we will consider any new complaints they make provided the concerns raised are materially different to those raised previously and/or are unconnected to the previous concern.
- 7.10 Ultimately, if a complainant persists to the point that we consider it to constitute harassment, legal advice may be sought regarding the next steps.

## 8. DUPLICATE COMPLAINTS

- 8.1 If we have resolved a complaint under this policy and receive a duplicate complaint on the same subject from a partner or family member of the complainant or from another individual, we will assess whether there are aspects that we had not previously considered, or any new information we need to take into account.
- 8.2 If we are satisfied that there are no new aspects, we will:
- tell the new complainant that we have already investigated and responded to this issue, and the local process is complete;
  - direct them to ESFA if they are dissatisfied with our original handling of the complaint.
- 8.3 If there are new aspects, we will follow this policy again.

## 9. COMPLAINT CAMPAIGNS

- 9.1 Where we receive a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the Federation, we may respond to these complaints by sending a template response to all of the complainants.
- 9.2 If complainants are not satisfied with the Federation's response, or wish to pursue the complaint further, the normal policy will apply.



## 10. ANONYMOUS COMPLAINTS

- 10.1 We will not normally investigate anonymous complaints. However, the Executive Principal or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

## 11. TIMESCALES

- 11.1 You must raise the complaint 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 only consider complaints made outside of this timeframe if exceptional circumstances apply.

## 12. COMPLAINTS RECEIVED OUTSIDE OF TERM TIME

- 12.1 We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

## 13. SCOPE OF THIS COMPLAINTS POLICY

- 13.1 This policy covers all complaints about any provision of community facilities or services by the Federation, other than complaints that are dealt with under other statutory policies, including those listed below.

Exceptions	Who to contact
School admissions	Complaints should be raised under the Admissions Appeal Process, details of which can be found in each academy's Admissions Policy.
Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under the Federation Staff Allegations against Staff Policy and Federation Safeguarding Policy, and in accordance with relevant statutory guidance.
Exclusion of children from school*	Representations about exclusions will not be dealt with under this policy – please see at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a> and refer to the Federation Student Exclusion Policy.
Whistle-blowing	We have an internal Whistle-Blowing Policy for all our employees, including temporary staff and contractors.
Staff grievances	Complaints from staff will be dealt with under the Federation Staff Grievance Policy.
Staff Conduct	Complaints about staff may be made and investigated under this Complaints Policy, but complainants will not be informed of any

	disciplinary action taken against a staff member as a result of a complaint.
Complaints relating to the statutory process of Education, Health and Care Plan (EHCP) applications.	This process is governed by a separate statutory process via the local authority.
Complaints about other providers	Complaints about services provided by other providers who may use the premises, who should have their own complaints policy.
Data Protection	Complaints regarding data protection will be handled under our Stakeholder Data Protection Policy.

13.2 If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this policy or result in the policy being suspended until those public bodies have completed their investigations. If this happens, we will inform you of a proposed new timescale.

If a complainant commences legal action against the Federation in relation to their complaint, we will consider whether to suspend the complaints policy until those legal proceedings have concluded.

## 14. RESOLVING COMPLAINTS

14.1 At each stage in the policy, the Federation wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review Federation policies in light of the complaint
- an apology.

14.1.1 An admission that things could have been done differently is not the same as an admission of negligence.

## 15. WITHDRAWAL OF A COMPLAINT

- 15.1 If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

## 16. STAGE 1 – INFORMAL COMPLAINTS

- 16.1 It is expected that any concerns expressed by the complainant will, in the first instance, be expressed to and resolved with the member of staff about whom they have a complaint, on an informal basis. If the complainant is unsure how to contact the staff member, they should contact the relevant academy's reception.
- 16.2 Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 4 of the policy.
- 16.3 Complaints regarding the Federation's support of students with special educational needs (SEN) should, in the first instance, be made to the relevant academy's Special Educational Needs Co-ordinator (SENCO).
- 16.4 The Federation would expect complaints at this informal stage to be resolved within 5 school days.
- 16.5 If the complainant is dissatisfied with the outcome of the complaint it may be referred to Stage 2.
- 16.6 In this case, the complainant should submit the form found at Appendix A within 10 school days, directly to the relevant senior leader. Their contact details can be obtained by contacting the relevant academy's reception.
- 16.7 If the complainant instead wishes to speak to the senior leader and make the complaint verbally, the senior leader will summarise the complaint on the complainant's behalf.
- 16.8 The principle underlying this policy is that complaints are resolved by informal means wherever possible. However, if the complainant does not feel able to raise the complaint directly with the member of staff, Stage 2 must be followed.

## 17. STAGE 2 – COMPLAINT HEARD BY A SENIOR LEADER

- 17.1 The complaint will be heard internally by a senior leader who is neither the Executive Principal nor the subject of the complaint.
- 17.2 The senior leader will follow the principles of investigation outlined in section 4 of this policy.

- 17.3 An initial response will be provided as soon as possible and, in any event, within 10 school days, with a final resolution of issues arrived at as soon as possible. If this timeframe cannot be adhered to we will let you know and inform you of when you will receive a response by.
- 17.4 If the complainant is dissatisfied with the outcome of the complaint at Stage 2, they may ask for it to be raised at Stage 3. They would need to make this request within 10 school days.

## 18. STAGE 3 – COMPLAINT HEARD BY EXECUTIVE PRINCIPAL

- 18.1 The Executive Principal will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.
- 18.2 Within this response, the Executive Principal will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant is looking for. The Executive Principal can consider whether a face-to-face meeting is the most appropriate way of doing this.

*Note: The Executive Principal may delegate the investigation to another member of the school's senior leadership team (the investigator) but not the decision to be taken.*

- 18.3 During the investigation, the Executive Principal (or investigator) will:
- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
  - keep a written record of any meetings/interviews in relation to their investigation.
- 18.4 At the conclusion of their investigation, the Executive Principal will provide a formal written response within 15 school days of the date of receipt of the complaint.
- 18.5 If the Executive Principal is unable to meet this deadline, they will provide the complainant with an update and revised response date.
- 18.6 The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the Federation will take to resolve the complaint.
- 18.7 The Executive Principal will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 3.

18.8 If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire local governing body or
- the majority of the local governing body

Stage 3 will be escalated to the Chair of the Trust. However, if the complaint is regarding the Chair of the Trust, please refer to paragraph 21.11.

## 19. STAGE 4 – PANEL HEARING

19.1 If the complainant is dissatisfied with the outcome at Stage 3 and wishes to take the matter further, they can escalate the complaint to Stage 4 – a panel hearing consisting of at least three people who were not directly involved in the matters detailed in the complaint with one panel member who is independent of the management and running of the Federation. This is the final stage of the complaints policy.

19.2 A request to escalate to Stage 4 must be made to the Clerk to the Trust, (clerk@rutlandfederation.com), within 10 school days of receipt of the Stage 3 response.

19.3 The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

19.4 Requests received outside of this timeframe will only be considered if exceptional circumstances apply.

19.5 The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 20 school days of receipt of the Stage 4 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

19.6 If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

19.7 If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire local governing body or
- the majority of the local governing body

Stage 4 will be heard by trustees and an independent panel member.

19.8 A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. A complainant is not permitted to bring a legal representative to a panel meeting.

- 19.9 However, there may be occasions when it is appropriate for a Federation employee to bring legal representation. For instance, if a Federation employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.
- 19.10 Representatives from the media are not permitted to attend.
- 19.11 At least 10 school days before the meeting, the Clerk will:
- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible.
  - request copies of any further written material to be submitted to the committee no later than 7 school days before the meeting.
- 19.12 Any written material will be circulated to all parties at least 5 school days before the date of the meeting. The committee will not accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.
- 19.13 The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the policy.
- 19.14 The meeting will be held in private. Electronic recordings of meetings or conversations are not permitted unless the consent of all parties is given. 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.
- 19.15 The committee will consider the complaint and all the evidence presented. The committee can:
- uphold the complaint in whole or in part
  - dismiss the complaint in whole or in part.
- 19.16 If the complaint is upheld in whole or in part, the committee will:
- decide on the appropriate action to be taken to resolve the complaint
  - where appropriate, recommend changes to the school's systems or policies to prevent similar issues in the future.
- 19.17 The Chair of the Committee will provide the complainant and, where relevant, the person complained about, with a full explanation of their decision and the reason(s) for it, in writing, within 10 school days. If this timeframe cannot be adhered to, the Chair of the Committee will inform the complainant of when they will receive a response by.

- 19.18 The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by the Federation.
- 19.19 The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the Federation will take to resolve the complaint.
- 19.20 The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the school premises by the proprietor and Head of School.
- 19.21 A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.
- 19.22 All correspondence statements and records relating to individual complaints will be kept confidential, except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

## 20. COMPLAINTS ESCALATED ABOUT THE TRUST, EXECUTIVE PRINCIPAL OR TRUSTEE

- 20.1 If a complainant wishes to complain directly about the Trust, then the complaint should be sent to the Executive Principal to be investigated.
- 20.2 The Executive Principal will write to the complainant acknowledging the complaint within 5 school days of the date that the written request was received. The acknowledgement will confirm that the complaint will now be investigated under Stage 3 of this Complaints Policy and will confirm the date for providing a response to the complainant.
- 20.3 Following the investigation, the Executive Principal will write to the complainant confirming the outcome within 15 school days of the date that the letter was received. If this time limit cannot be met, the Executive Principal will write to the Complainant with an update and revised response date.
- 20.4 If the complaint concerns the Executive Principal or a Trustee, the complaint should be investigated by the Chair of the Trust Board. If a formal complaint form is received about the Chair, the complaint will be referred to the Vice Chair for investigation.
- 20.5 Where the Chair of the Trust Board has investigated the complaint, they will write the letter of outcome to the Complainant and provide a copy to the Executive Principal
- 20.6 If the complainant is not satisfied with the outcome of the previous stage, the complainant should write to the Clerk to the Trust Board within 10 school days, asking for the complaint to be heard before a Complaint Panel.

- 20.7 The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.
- 20.8 Requests received outside of this timeframe will only be considered if exceptional circumstances apply.
- 20.9 The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 20 school days of receipt of the Stage 4 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.
- 20.10 If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.
- 20.11 If the complaint is:
- jointly about the Chair and Vice Chair or
  - the entire trust board or
  - the majority of the trust board

Stage 4 will be heard by a completely independent committee panel.

- 20.12 The Complaint Panel will consist of three members. None of the three members of the Complaint Panel will have been involved in the incidents or events which led to the complaint, or have been involved in dealing with the complaint in the previous stages, or have any detailed prior knowledge of the complaint.
- 20.13 One of the Complaint Panel members will be independent of the management and running of the Federation Trust. This means that the independent Complaint Panel member will not be a Trustee or an employee of the Trust.
- 20.14 A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. A complainant is not permitted to bring a legal representative to a panel meeting.
- 20.15 However, there may be occasions when it is appropriate for a Federation employee to bring legal representation. For instance, if a Federation employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.
- 20.16 Representatives from the media are not permitted to attend.



- 20.17 At least 10 school days before the meeting, the Clerk will:
- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
  - request copies of any further written material to be submitted to the committee at least 7 school days before the meeting.
- 20.18 Any written material will be circulated to all parties at least 5 school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.
- 20.19 The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the policy.
- 20.20 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.
- 20.21 The committee will consider the complaint and all the evidence presented. The committee can:
- uphold the complaint in whole or in part
  - dismiss the complaint in whole or in part.
  - If the complaint is upheld in whole or in part, the committee will:
  - decide on the appropriate action to be taken to resolve the complaint
  - where appropriate, recommend changes to the school's systems or policies to prevent similar issues in the future.
- 20.22 The Chair of the Committee will provide the complainant and, where relevant, the person complained about, with a full explanation of their decision and the reason(s) for it, in writing, within 10 school days. If this timeframe cannot be adhered to, the Chair of the Committee will inform the complainant of when they will receive a response by.
- 20.23 The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by the Rutland and District Schools' Federation Trust.

- 20.24 The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the Rutland and District Schools' Federation will take to resolve the complaint.
- 20.25 The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the school premises by the proprietor and Head of School.
- 20.26 A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.
- 20.27 All correspondence statements and records relating to individual complaints will be kept confidential, except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

## 21. NEXT STEPS

- 21.1 If the complainant believes the Federation did not handle their complaint in accordance with the published complaints policy or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the ESFA after they have completed Stage 4.
- 21.2 The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by the Federation. They will consider whether the Federation has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed Part 7 of the Education (Independent School Standards) Regulations 2014.
- 21.3 The complainant can refer their complaint to the ESFA online at: <http://www.education.gov.uk/contactus>, by telephone on: 0370 000 2288 or by writing to:

Academy Complaints and Customer Insight Unit  
Education and Skills Funding Agency  
Cheylesmore House  
5 Quinton Road  
Coventry  
CV1 2WT

APPENDIX A:  
COMPLAINTS FORM

Your name:
Student's name:
Your relationship to the student:
Address:  Postcode: Daytime telephone number: Evening telephone number: Email address:
Please give details of your complaint, including whether you have spoken to anybody at the school about it.

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

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

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Action taken:

Date:

## APPENDIX B: 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 Federation 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 Executive Principal or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

- The Executive 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.

#### Clerk to the Local Governing Body / Trust Board

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

- ensure that all people involved in the complaint policy 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 policy
- the meeting is minuted
- they liaise with the Clerk

## Committee Member

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so
- No governor / trustee 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

The welfare of the child/young person is paramount.

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.

## APPENDIX C: COMPLAINTS MADE BY PEOPLE WHO ARE NOT PARENTS/CARERS OF STUDENTS AT THE FEDERATION.

For the avoidance of doubt, this policy does not apply to people who are not parents/carers of pupils at an academy within the Trust. Complaints that fall into this category will be dealt with as follows:

- complainants should first attempt to address their complaint to the academy informally;
- only if this fails to resolve the issue should the complaint be submitted in writing, which will be looked at by a senior leader;
- if the complaint is about the Executive Principal specifically, it should be submitted in writing to the Chair of the Trust,
- the person to whom the complaint was addressed will acknowledge receipt of the complaint before considering it and issuing a written response;
- if the complainant wishes to appeal this, then they may write to the Executive Principal (or Chair of Directors if the complaint is about the Executive Principal);
- if the complainant is unhappy with the Executive Principal's response, an appeal may be made in writing to the Resources Committee, which will be considered the next time they meet.