



NPAT Complaint Management Support Guide

Northampton Primary Academy Trust is dedicated to ensuring that complaints and concerns are dealt with by following the correct procedure, thoroughly and in an open, honest and fair manner.

This guide should be read alongside the NPAT Complaints policy.

This document is intended for INTERNAL USE ONLY

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1. INTRODUCTION

1.1 Northampton Primary Academy Trust is dedicated to ensuring that complaints and concerns are dealt with by following the correct procedure, thoroughly and in an open, honest and fair manner.

1.2 This guide should be read alongside the NPAT Complaints policy.

1.3 For the purpose of this guide and the Complaints policy, 'parent' means a parent, carer, or anyone with legal responsibility for a child and the principles also apply to any other family members of pupils or other visitors.

1.4 This support guide is provided to enable schools across the Trust to handle complaints as efficiently as possible whilst ensuring that meritorious complaints are given the appropriate time and attention.

1.5 This support guide is intended to help ensure consistency in approach to complaints, with all leaders and governors working from the same policy and templates, to give confidence that the policy and letters used are comprehensive, legally compliant and reflect best practice.

2. WHO DOES THIS PROCEDURE APPLY TO

2.1 This guide is provided to support Senior Leaders, Headteachers, Governors and Trustees in

the management of complaints and the implementation of the NPAT complaint policy.

3. CREDITS

3.1 Browne Jacobson LLP.

4. REVIEW ARRANGEMENTS

4.1 The Executive Office Manager for Northampton Primary Academy Trust will retain responsibility for review of this procedure support guide.

5. SCOPE

5.1 Appendix 1 of the Trust Complaints Policy so should be referred to for matters excluded from the scope of the policy.

5.2 All complaints received should be reviewed upon receipt to ensure that all elements contained therein are investigated under the appropriate process and policy. This may result in one complaint comprising of different strands each being investigated under different policies either concurrently or consecutively.

5.3 Examples of this may include;

- Where the complaint or part of the complaint challenges a decision on admission, this complaint, or part of complaint, should be dealt with under the admissions policy in accordance with relevant statutory guidance
- Where the complaint or part of the complaint makes allegations of conducts against staff or volunteers, this complaint, or part of complaint, should be investigated under the schools' internal disciplinary procedures.
- Where the complaint or part of the complaint makes allegations against staff or volunteers and the complainant is staff themselves, the complaint or part of complaint should be investigated under the school's internal grievance procedure.
- Where the complaint or part of the complaint relates to safeguarding and child protection matters, this complaint or part of the complaint, should be investigated under the Trust Safeguarding policy and if necessary, in conjunction with LADO, MASH, police or other relevant services.

5.4 When acknowledging receipt of the complaint, the complainant should be informed of the strands of complaint that are being investigated with under the formal complaints policy and which strands may be being investigated under alternative policies and processes.

6. KEY PRINCIPLES

6.1 The Trust acknowledges that raising concerns or complaints can be a difficult, emotional, and stressful time, particularly for parents and carers. We expect our staff to always be respectful

and courteous when dealing with you. We also expect complainants to treat our staff with the same respect and courtesy. We will not accept abusive and threatening behaviour towards our staff from anybody at any time. In circumstances where this happens the Trust will take the action outlined in the complaint policy.

6.2 The Trust expects all complainants to make reasonable attempts to seek an informal resolution. This will usually be the most effective way to swiftly resolve any concerns.

6.3 To investigate complaints properly and fairly, we have implemented a staged approach. We anticipate that almost all complaints that arise will be resolved at Stage 1 or Stage 2.

6.4 Concerns or complaints should be brought to our attention as soon as possible. Any matter raised more than 3 months after the incident being complained of (or, where a series of associated incidents have occurred, within 3 calendar months of the last of these incidents) will not be considered unless the Headteacher accepts that there are exceptional circumstances to justify accepting the complaint out of time.

6.5 Where a complaint is received outside of term time, we will consider it to have been received on the first school day following the holiday period.

6.6 On rare occasions a school or the Trust may receive complaints from a number of individuals relating to the same issue. In order to deal with these complaints efficiently the school/Trust will follow the procedure set out in the NPAT Complaints policy.

6.7 If it becomes necessary to alter the time limits and deadlines set out within the complaint procedure, the complainant must be advised accordingly and given an explanation as to why this has been the case and provided with revised timescales.

6.8 Where a complaint is raised but we do not have clarity from the complainant on the issues and/or desired outcomes, we will inform the complainant what information we need to progress the complaint and pause this procedure until reasonable clarity is achieved.

6.9 If a complainant commences legal action against the Trust in relation to their complaint, we will consider whether it would be appropriate to suspend the complaints procedure until those legal proceedings have concluded. The Trust Executive office should be contacted for legal advice in this regard.

6.10 If a complainant wishes to withdraw their complaint, they should be asked to confirm this in writing.

7. COMPLAINT RECORDING

7.1 A record should be kept of all formal complaints, including at what stage they were resolved and action taken by us as a result of those complaints regardless of whether they were upheld. This record should be maintained on the schools' complaints tracker located in Microsoft Teams.

7.2 Correspondence, statements and records relating to individual complaints should be retained in line with the Trust Records management policy and Date retention schedule and kept confidential except where:

- access is requested by the Secretary of State;
- disclosure is required in the course of a school inspection;
- Where requested under the complainants right to exercise a subject access request, but only when notified and considered by the Trust DPO at: DPO@npatschools.org
- under other legal authority.

8. STAGE 1: INFORMAL CONCERNS

8.1 An informal concern can be raised by a complainant in person, by email or by telephone. Concerns may also be raised by a third party acting on behalf of a parent if they have appropriate authority to do so.

8.2 Most enquiries and concerns can be dealt with satisfactorily by the class teacher, the Head of year or other members of staff without the need to resort to the formal procedure. We value informal meetings and discussions and encourage parents to approach staff with any concerns they may have and aim to resolve all issues with open dialogue and mutual understanding.

8.3 Complainants should be asked to fully explain the nature of the concern and identify the outcome they are looking for. Where appropriate, the complainant should be invited to an informal meeting with the member of staff most appropriate for dealing with that concern. The member of staff dealing with the concern should make sure that the complainant is clear on what action (if any) has been agreed. This should be put in writing if appropriate. Refer to **Appendix 1**, Checklist for managing informal concerns to ensure all opportunities for resolution have been fully explored.

8.4 If the concerns are about the Headteacher the complainant should be referred directly to the Governance Professional of the Local Governing Body under Stage 2.

8.5 The school will respect the views of a parent who indicates that they would have difficulty discussing a concern with a particular member of staff. In this case, the Headteacher will refer the parent to another designated member of staff. Similarly, if the member of staff directly involved in the circumstances leading to the concern feels the same, the Headteacher may consider referring the parent to another member of staff.

8.6 Staff members should log all informal concerns and inform the Headteacher of any serious concerns.

8.7 There is no suggested timescale for resolution at this stage given the importance of informal discussion, although it would be expected that most issues will be resolved within 15 school days. Where no satisfactory solution has been found, the complainant should be advised that if they wish their concerns to be considered further, they should write to the Headteacher under Stage 2 of this procedure within 15 school days. Refer to **Appendix 2**, Letter to conclude informal stage.

9. STAGE 2: FORMAL WRITTEN COMPLAINT

9.1 Where concerns are not resolved under stage 1, Complainants are entitled to move to stage 2 formal complaint by putting the complaint in writing to the Headteacher of the relevant school.

9.2 Complainants are encouraged to use the complaints form contained within the appendices of

the complaints policy; however, schools cannot refuse to deal with a complaint that isn't submitted using this form and schools should consider duties under the Equality Act 2010 and make appropriate reasonable adjustments for those who may have a disability or for those who have difficulties using English.

9.3 Complainants are asked to describe the complaint clearly and state the actions they would like taken to resolve the complaint.

9.4 Formal complaints should be acknowledged in writing within 5 school days of receipt. The acknowledgement should include brief explanation of our complaint's procedure, who will be investigating the complaint and the target date for providing a response to the complaint. **Appendix 4**, Letter acknowledging receipt of formal complaint (headteacher) **Appendix 5**, Letter acknowledging receipt of formal complaint (Governor) **Section 5 of this guide should be referred to when consider any elements of complaint that must be investigated under alternative policies and processes.**

9.5 If appropriate the complainant should be invited to meet the investigating officer to clarify the complaint and explore resolutions within 10 school days of receipt of the complaint.

9.6 Response to formal stage 2 complaint should normally be provided within 15 schools days of acknowledgement of receipt. Where this cannot be met, the complainant should be informed, with reasons and provided with a new response target date. **Appendix 6**, Letter extending timescales.

9.7 **Appendix 3**, Checklist on receipt of formal complaint, should be referred to assist in identifying how the formal complaint should be handled.

9.8 The purpose of an investigation is to establish the facts of the case to inform decisions on what action (if any) is appropriate. A good investigation will show that you have acted reasonably, fairly, objectively and in a proportionate manner. The investigator should be someone without prior involvement in the matter to avoid any bias, or perception of bias.

9.9 As part of good investigation, the investigator should:

- Clarify the nature of the complaint and what remains unresolved
- Meet with the complainant or contact them (if further information is necessary)
- Clarify what the complainant feels would put things right.

9.10 The investigation should include:

- An initial meeting with the complainant to **listen** to their concerns, **clarify** their points of complaint and **consider** what satisfactory resolution they are seeking
- Investigation pertinent to the points of complaint. This may include gathering witness statements [**Appendix 7**, witness statement form], considering documentary evidence, viewing CCTV evidence and/or any other suitable lines of enquiry. Where 3rd party evidence is collected, they should be informed of the possibility of disclosure of the evidence to the complainant and relevant consents should be sought where necessary to do so. Refer to **Appendix 9**, FAQs for how to deal with recorded evidence.

- All evidence must be recorded / retained electronically within a specific complaint file stored confidentially and in accordance with the NPAT Complaint policy and retained in line with the NPAT Records management policy and Data retention schedule.
- The investigation should be impartial, objective and fair. The investigator should approach the investigation with an open mind, operate without influence or bias and with no personal or professional interest in a specific finding.
- Where an Investigator believes their involvement would create a conflict of interest or would not provide a suitable impartial or objective investigation, they must notify the assigning body as a matter of urgency.
- The investigator should stay factual and use non- emotive, conciliatory language and remember our responsibilities under the Equality Act 2010 in ensuring accessibility to information.
- Where potential misconduct of staff or volunteers of NPAT has been identified during the investigation process, this conduct must be subject of separate investigation under the appropriate policy. Where evidence, statements and interviews have already taken place, this can be used as part of the separate investigation to avoid an adverse impact on workload and wellbeing. In this case, the misconduct matter must be referred to the Headteacher or where the misconduct relates to the Headteacher or member of the Local Governing Body, the Trust HR lead by email to: hr@npatschools.org
- The investigator should conduct a management investigation and produce a report of the evidence and findings. Guidance on how to investigate the complaint should be sought from the Trusts Governance Professional. [Appendix 8, Template Investigation Report]
- The response to the complaint following completion of the investigation should detail actions that have been taken to investigate the complaint and provide a full explain of the decision made, the reasons for it and any actions that will be taken to resolve the complaint.
- The response must clearly state each point of complaint and the finding. The findings may include:
 - Uphold the complaint in whole or part
 - Dismiss the complaint in whole or part
 - Inconclusive (Exceptional circumstances only)
- The response must be provided in writing on headed paper, dated and provided by email **and** hard copy by post. The response must include information on the next stage of the Trust formal complaints process.
- The investigation report should consider any learning points, and any arising recommendations should be shared with the appropriate staff. For complaints investigated by the Chair of the Local Governing Body, lessons learnt should be shared with the Head teacher who will share these with the appropriate staff.
- A copy of the complaint outcome response letter must be retained on the individual

complaint file and retained in line with the data retention schedule contained with the 'NPAT Records management' policy.

- The contents of the decision letter should reflect the findings from the investigation report so there is no need to provide the investigation report with the outcome letter as standard. The report and its appendices will need to be disclosed as part of the evidence in the event of a stage 3 complaints panel hearing, so should be written with this in mind.

10. STAGE 3: REFERRAL TO THE COMPLAINTS PANEL

10.1 Where complainants are not satisfied with the response to the complaint at stage 2 formal investigation and where the complaint has not been upheld in full, they can request referral to the complaints panel.

10.2 The complaints panel will principally consider how the complaint was handled at the previous stages but has discretion to review other aspects of the complaint as it sees fit.

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

10.4 Complainants will request a hearing before the complaints panel by directing their request to the Trust Governance professional within 15 school days of receiving the notice of outcome of Stage 2. Requests received outside of this time will only be considered if exceptional circumstances apply.

10.5 Grounds for escalating the complaint to stage 3 hearing, must include:

- **Procedure:** Where failure to follow the correct procedure has had a material effect on the findings and recommendations made by the investigator
- **The process:** Where the process followed was unfair
- **The facts of the case:** Where the complaints investigator formed a conclusion based on a material point of fact, which no reasonable person would have reached or where key evidence available at the time was not considered
- **The outcome was disproportionate:** Where no reasonable person would have reached the outcome, given the circumstance of the case
- **New Evidence:** evidence has become available that could not have reasonably been presented to the investigator during their investigation and which would have had a material effect on their report and findings.

Instruction on how to escalate a complaint to stage 3 must be included in the Stage 2 outcome letter by the investigating officer.

Acknowledgment of the request for a complaint panel hearing should be provided within 5 school days of receipt of request, (**Appendix 11**, Letter acknowledging request for complaint panel hearing under Part 1, Parental complaints) (**Appendix 12**, Letter acknowledging request for review under Part 2 -, non-parent complainants)

10.6 The Trust Governance Professional will arrange for a complaints panel to be convened,

made up of at least three panel members including;

- Governors of a local governing body and/or trustees of the trust (as appropriate) with no prior involvement in the matter; and,
- one person who is independent of the management and running of the academy (for example, this might be governor from another academy within the trust, a governor from another local school/college or an educational professional who has no link to the school);

The Clerk shall appoint one of these committee members to be the Chair of the Complaints Committee.

10.7 The Trust Governance Professional will take the lead co-ordination role in Stage 3 panel hearings in accordance with the NPAT Complaints policy. Every effort will be made to enable the hearing to take place within 20 school days of the request. **Appendix 10**, Checklist on referral to complaints panel. (**Appendix 13**, Letter confirming details of Complaints panel hearing)

10.8 The investigating officer for the Stage 2 formal investigation will be asked to supply a copy of the original complaint, investigation evidence file and response outcome letter/report. **They may also be asked to attend as a witness.**

10.9 The Trust Governance Professional will prepare a set of documents for the Complaint panel hearing (**Appendix 14**, Index for hearing) and will circulate these 5 school days prior to the hearing. (**Appendix 15**, Letter circulating Complaints panel documents)

10.10 The Chair of the Complaints panel should follow the guidance script at **Appendix 16** during the panel hearing.

10.11 A note of the stage 3 hearing and panel decision will be outlined in the form of an outcome letter, issued within 10 school days of the date of the hearing. (**Appendix 18**, Complaints panel hearing decision letter)

10.12 The complainant is welcome to take notes at the hearing, however, electronic recordings of any kind are not permitted.

10.13 Notes of the hearing will be made by the Governance Professional, to support the panel in making their decision and writing their outcome letter. (**Appendix 17**, template minutes for Complaints panel hearing)

11. VEXATIOUS COMPLAINTS

11.1 We expect our members of staff to be addressed in a respectful manner and for communication to remain calm at all times in accordance with the trust Parent Code of Conduct policy.

11.2 Where complaints are deemed repetitious, vexatious or pursued in an otherwise unreasonable manner, Part 3 of the Trust complaints policy should be referred. (**Appendix 20**, Guidance note: Repetitious and vexatious complaints and complaints pursued in an otherwise unreasonable manner)

11.3 Deviation from the complainant's procedures set out in Parts 1 and 2 of the Trust complaints procedure should be used in rare circumstances. These include but are not limited to;

11.3.1 Repetitious, including serial and/or persistent, complaints

Where the complainant's complaint is the same, similar to or based on the same facts of a complaint which has already been considered in full and we have:

- taken every reasonable step to address the complainant's concerns; and
- given the complainant a clear statement of our position and their options,

we will write to the complainant to advise that the complaints procedure has been exhausted and that we will not be responding to any further correspondence in relation to these matters. (**Appendix 21**, Action letter) The complainant will be referred to Stage 4.

11.3.2 Vexatious complaints

The Office of the Independent Adjudicator defines the characteristics of a 'frivolous' or 'vexatious' complaint as:

- complaints which are obsessive, persistent, harassing, prolific or repetitious;
- insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason;
- insistence upon pursuing meritorious complaints in an unreasonable manner;
- complaints which are designed to cause disruption or annoyance;
- demands for redress that lack any serious purpose or value.

Examples include but are not limited to:

- refusal to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refusal to co-operate with the complaints investigation process;
- refusal to accept that certain issues are not within the scope of the complaints procedure;
- insistence on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice;
- introducing trivial or irrelevant information which they expect to be taken into account and commented on;
- raising large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- making unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changing the basis of the complaint as the investigation proceeds;
- seeking an unrealistic outcome, such as the inappropriate dismissal of staff;

- making excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with;
- knowingly providing falsified information;
- publishing unacceptable information on social media or other public forums.

11.3.3 Complaints pursued in an otherwise unreasonable manner

Where the complainant's behaviour or language towards staff, [governors], trustees or members is aggressive, abusive, offensive, discriminatory or threatening or insulting personal comments are made about, or threats are made towards, staff.

In the circumstances outlined in (2) and (3) above, we may:

- inform the complainant that we consider their complaint to be vexatious or the manner in which they are pursuing their complaint to be unreasonable and why, and ask them to desist; (**Appendix 22**, Warning letter) (**Appendix 23**, Action letter)
- conduct the Complaints Committee on the papers only i.e. not hold a hearing;
- refuse to consider the complaint any further and refer the complainant directly to Stage 4.

We may also restrict the complainant's access to the school, e.g. requesting contact in a particular form (for example, letters only), requiring contact to take place with a named person only, restricting telephone calls to specified days and times or number of contacts or banning the complainant from the schools' premises in line with our Parent Code of Conduct.

Where the complainant's behaviour is so extreme that it threatens the immediate safety and welfare of staff, volunteers, governors, trustees or members we will consider other options - for example, reporting the matter to the police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

12. COMPLAINTS INVOLVING STAFF CONDUCT

12.1 Where a complaint is received and potential misconduct of staff or volunteers of NPAT has been identified during the investigation process, this conduct and part of the complaint must be subject of **separate investigation under the appropriate policy**.

12.2 Where there is an allegation against staff, this part of the complaint must be referred to the Headteacher who will conduct separate investigation or delegate an appropriate person to conduct an investigation under the school's internal process.

12.3 Where the misconduct relates to the Headteacher or member of the Local Governing Body the matter must be referred to the Trust HR lead by email to: HR@npatschools.org

12.4 The nature of the allegation will determine under which policy the investigation should be

progressed as follows;

12.4.1 Performance

- Appraisal & Capability policy
- Probation procedure

12.4.2 Conduct

- Staff code of conduct policy
- Staff discipline policy

12.4.3 Grievance

- Staff grievance policy

Refer to **Appendix 19**, Complaints involving allegations against staff flow chart.

13. MANAGING COMMUNICATIONS WITH COMPLAINANTS

13.1 Complaints are recognised as an expression of dissatisfaction and resolving issues at the earliest point is in the best interests of both parties.

13.2 The best practice guidance explains that the process must be non-adversarial, meaning that there should be no 'right' or 'wrong' party; disproving any justification for the complaint is not a factor in its resolution.

13.3 Complaints provide important feedback.

13.4 A constructive response to the issues raised, with a timely apology, can rebuild a broken relationship and provides a welcome opportunity to examine processes and practices and ask the question, 'What could we have done better and what can change to stop this happening again?'

13.5 Although complaints are often perceived negatively, they are an opportunity for organisations to grow and improve.

13.6 Mishandling a complaint can result in a damaged relationship, stress for all parties and escalation to Stage 3: panel hearing unnecessarily.

13.7 Benefits of a listening culture include:

- Increased Trust, confidence and satisfaction from parents and the community
- Better understanding and management of parent and carer expectations
- A Safeguarding culture
- Prevention of repeat complaints
- Increased staff satisfaction and engagement
- Saving of time and money by resolving problems early and efficiently
- Enhanced reputation and credibility
- The organisation being adaptable and, therefore, high-performing
- Ability to address performance issues and improve morale
- Ability to conceive new ideas for positive change
- Recognition and benefit from a diversity of opinions and viewpoints

13.8 A listening culture looks like:

Non-adversarial – we are not looking for a ‘right and wrong’; we are listening to the thoughts and feelings of the complainant, to ensure that we completely understand their concerns.

Tone – we are ready to discuss issues with openness and transparency, and we are not taking the issues raised personally. We embody our school ethos and values, showing kindness and patience to adults and pupils. Are we confident that our schools respond to complaints in a way which upholds our culture and values?

Active listening – we pay attention, show that we’re listening, provide feedback, defer judgement, and respond appropriately.

Body language – move to a quiet place and sit down if needed, uncross arms, eye contact, smile and nod.

13.9 A mis-managed complaint will escalate and become a distressing situation for all involved. This can impact staff or senior leaders, or potentially cause a child to experience anxiety as a result of the dispute.

13.10 A complaint that has not been handled well is a demotivating experience, for the school staff and the complainant. Prolonged and acrimonious complaints are a leading cause of staff and governor resignation.

13.11 Mis-managing a complaint can cause financial impact to the school. The process may become very time-consuming and will divert time and energy from key members of staff. This in turn can cause disruption to the day-to-day running of the school, and distraction from other urgent issues.

13.12 Reputational damage is a real risk with a mis-managed complaint. The complainant will lose confidence in the school and likely share this perspective widely. They may also escalate the issue to the DfE, ESFA and/or Ofsted.

14. CHALLENGING SITUATIONS AND CONVERSATIONS

14.1 School staff are the first point of contact for parents and carers to raise their concerns, and they have the sometimes-difficult task of being the spokesperson for school leadership or local authority decisions. They are called upon to resolve classroom disputes and sometimes to adjudicate in personal disputes between families. The inter-personal role of school staff is essential in managing these conversations with kindness and clarity, whilst ensuring concerns are dealt with professionally.

14.2 A complainant may raise an issue in an emotionally charged way, for a number of reasons.

14.3 There may be socio-economic pressures or mental health issues, or the complainant may have been holding onto their concerns for a long time, allowing resentment to build.

14.4 Emotional behaviour (shouting, crying, making accusations, aggressive body language, refusal to discuss matters calmly) is often a result of someone feeling:

- Threatened or attacked
- Fear

- Powerless
- Frustrated
- Unfairly treated
- Disrespected.

14.5 It is sometimes the case that a person relies on emotional behaviour to be seen or heard. Issues raised in school often relate to a specific pupil, and the complainant is usually a parent. The subject matter is therefore likely to be an emotive one, and the school staff may feel personally involved in the issue. Undertaking challenging conversations is a skill that can be learnt and is a useful area for continual professional development for school staff, governors, and Trustees.

14.6 Listed below are some key points in managing interpersonal relationships and having challenging conversations effectively:

Show respect for the complaint and complainant.

Whether communicating verbally or in writing, it's important to take some time before making a response. Consider some self-reflective questions – am I feeling defensive about this subject? Does this matter feel personal to me?

Take some time to ensure that you respond in an enquiring, respectful and impartial manner, and if this is difficult ask for support from a colleague. Dealing with hostility from a complainant can trigger an emotional response which in itself would be a serious issue, not only for those involved in the moment, but also later down the line if the complaint progressed to a panel or the Department for Education.

A lack of respect can be made clear through body language such as eye rolling, shared looks, and through behaviour such as inappropriate responses (smiling or laughter), sarcasm and blunt remarks. Avoid these when dealing with complaints.

Defensiveness

Defensiveness is an understandable reaction, when we feel unfairly accused or attacked, particularly if a complainant is mistaken regarding the facts or events. School staff work incredibly hard, delivering education and care to their pupils with personal effort and consideration. It's therefore not surprising to find that a complaint may have been responded to with defensiveness from the school.

However, this response usually has the effect of escalating the conflict. When we are defensive, we tend to stop listening to the other's viewpoint and communication is shut down. Whilst complaints must be heard and responded to, this is not a case of proving the complainant wrong. To instil Trust and confidence in our community, we must aim to respond to complaints with curiosity, respect and openness.

Making assumptions

Gaining clarity is an essential aspect of managing complaints. We need to understand what the complainant would like to see changed as a result of the complaint, and the complainant needs to be clear on the fairly limited possible outcomes of the complaints process:

- 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 school policies in light of the complaint
- An apology.

14.7 The CARP System – Robert Bacal

C – Calm control

- Behave in ways that highlight that you will not become defensive, angry, or flustered
- Remain calm even when they are not, adopting positive body language and eye contact, slowing people down. Monitor their body language and tone.
- Listen actively, ask questions, check facts, summarise
- Ask yourself: 'is this a difficult person in a situation' or a 'difficult situation for a person'.

A – Acknowledge

- Acknowledge that you understand their emotional state and the situation (not the same as agreeing with their grievance)
- Treat them with respect, maintaining an open and friendly manner
- See it from their perspective, don't argue.

R – Re-focus

- Make the transition to re-focus from dealing with the emotions to dealing with the actual problem
- Be direct, clear and concise in your language, free from jargon and waffle.
- Identify the required outcome(s)
- If you have to say 'no' then do so with empathy and respect and try to offer explanations and alternatives.

P – Problem-Solve

- Obtain and give information and suggest possibilities. Explain 'why' as well as 'what'
- Look for a WIN - WIN if possible, working hard to agree an acceptable solution.

Appendix 1 Checklist for managing informal concerns

Resolving concerns at stage 1 is ultimately in everyone's best interests. Use this checklist to ensure you have fully explored opportunities for resolution.

Do staff feel equipped and supported to deal effectively with concerns and complaints?

- Are staff clear on the difference between a concern and a complaint? As outlined in our Complaints Policy, and the DfE best practice guidance:
 - a 'concern' means an expression of worry or doubt over an issue considered to be important for which reassurances are sought;
 - a 'complaint' means an expression of dissatisfaction however made, about actions taken or a lack of action.
- Have staff received training on effective dispute resolution strategies and the importance of maintaining a professional approach?
- Do staff know whom to approach internally to discuss concerns they are dealing with, and feel confident to ask questions and check procedures, including whether there is any applicable legislation or statutory guidance that might apply to the circumstances?
- Do staff feel well-supported pastorally, so that they have an appropriate outlet for sharing their own personal concerns or views in a confidential manner?
- Do staff know that internal emails may need to be disclosed to an individual, should they make a subject access request? Internal and external email correspondence should always remain professional.

Is the approach to the concern being influenced by the behaviour of the individual raising it?

Avoid premature escalation of concerns simply because:

- the concern is expressed in a way which is emotive or personal — this is very common when parents raise concerns relating to situations involving their child;
- the individual has involved third party agencies like Ofsted, their MP or the LA, or shared their concerns on social media;
- the person has raised concerns or made complaints before or is unpleasant or difficult to deal with.
- Where there are concerns about the way the concern is being pursued, then refer to the section regarding repetitious and vexatious complaints and complaints pursued in an otherwise unreasonable manner.

Is the right member of staff dealing with the concern?

- Has the parent indicated that they would have difficulty discussing their concern with a particular member of staff?
- Does the member of staff directly involved in the circumstances leading to the concern feel too compromised to deal with it?
- Is another member of staff better skilled or placed to de-escalate the situation more effectively?

If any of the above apply, the matter should be referred to another member of staff.

Do you fully understand the nature of the concern and the outcomes that are being sought?

- Check that the substance of the concern or complaint falls within the scope of the complaints policy. By way of example, matters relating to suspensions, allegations against staff or child protection matters will usually fall outside of the complaints procedure.
- Be mindful that, by their nature, informal concerns can be expressed in an incomplete or ad-hoc fashion, and a concern may be raised over a period of time with different members of staff in different ways.
- Could there be underlying or related issues which are fueling the concern?
- Have you taken the time to meet with the individual face to face rather than seeking to resolve matters by email? The Model Complaints Procedure states: "We value informal meetings and discussions and encourage parents to approach staff with any concerns they may have, and aim to resolve all issues with open dialogue and mutual understanding."

Face-to-face meetings can help the individual feel that their concerns have been taken seriously and gives the individual the opportunity to articulate their concern and what they are looking for by way of an outcome. This may be particularly important for individuals who have difficulty expressing themselves effectively in writing.

Are there opportunities for school improvement?

- Avoid an automatically defensive mentality or confrontational approach, and do not be afraid to apologise when things have gone wrong. When exploring a concern, it can help to understand the parent's perception/experience of the issue rather than focusing solely on the intent of staff.
- Could things have been handled differently? Could communication have been better? If so, acknowledge this and explain how your policies or practices will change going forward.
- Is it possible to make a concession in order to resolve the matter and avoid escalation? Sometimes an apology that behaviour or actions have caused someone negative feelings, such as anxiety, distress or disappointment, will be sufficient to make an individual feel that their experience has been acknowledged.

Procedural considerations

- Ensure there is a clear process and procedure for recording informal concerns. Good record keeping from the outset, including retaining emails and keeping contemporaneous notes of telephone and face-to-face discussions, will be invaluable if the concern escalates into a complaint.
- Ensure the individual raising the concern is clear on what action (if any) has been agreed and put this in writing, if appropriate.
- Use conciliatory language, focusing on the school's/Trust's and individual's desire to work together towards a common goal of acting in the best interests of their child.
- Where the concern has not been resolved within 15 school days or within an otherwise reasonable period of time, consider whether it would be appropriate to advise the individual that, if they wish their concerns to be considered further, they should escalate the matter to stage 2.

Draft

Appendix 2 Letter to conclude informal stage of the complaints

This letter can be used to confirm the end of the informal stage of the Complaints Procedure and signpost the parent/complainant to the formal stage (Stage 2).

[Name of [Parent(s)][Complainant(s)]]

[Address]

[Date]

Dear [Name of [Parent(s)][Complainant(s)]]

Re: Your concerns regarding [brief description]

I write in relation to the concerns you have raised about [summarise context of concerns]. [In particular, your concerns relate to:

[Set out the individual concerns raised (if applicable)]]

I understand that the outcomes that you are seeking are:

[Set out what outcomes the parent/complainant is looking for]

[Set out the background/timeline, including details of all steps and actions taken to date e.g.]

- I understand that these concerns were first discussed with you by [name of staff] on [date] by [telephone/email].
- [I][Name of staff] met with you [and [name of any person accompanying the parent/complainant]] on [date] to discuss your concerns.
- [I][Name of staff] responded to you by email on [date(s)] outlining what steps had been taken to investigate your concerns and what actions would be taken.

By way of summary, my findings in response to the concerns you have raised are as follows.

[Use this section to summarise the findings, conclusions and recommendations in relation to each of the concerns raised. A suggested structure is set out below as an example.]

[Concern [1]]

- Summarise the specific concern taken from any relevant correspondence or meetings held
- Explain what evidence has been uncovered in relation to this concern. This may include:
 - questions put to and responded to by relevant staff or pupils/students
 - information gleaned from relevant documents

- reference to wording from academy/trust policies or relevant DfE guidance or other legislation
- Set out what conclusion has been reached and why
- Confirm what actions (if any) have been or will be undertaken

Repeat the above for each of the concerns as necessary.

I hope that the above has resolved your concerns in relation to this matter. I would like to thank you for taking the time to raise your concerns with me. [I will ensure the actions outlined in this letter are progressed by the [academy/trust] and] I hope that we can now move forward [together in the best interests of your [son][daughter]].

If you feel your concerns remain unresolved, then you do have the right to raise a formal written complaint. Any such complaint should be made as soon as possible and within 15 school days of receipt of this letter. In such cases, please complete the Complaint Form provided at Annex 2 of the [academy/trust's] Complaints Procedure, a copy of which is available on the [academy/trust] website at [insert link].

Yours sincerely

[Name]

[Headteacher] or [Job role]

Appendix 3 Checklist on receipt of formal complaint

On receipt of a formal written complaint, read the letter of complaint thoroughly and refer to the Complaints Procedure. The checklist below will assist you to identify how the formal complaint should be handled

Who is the complaint from?

- Is the complaint from a parent or carer of a child who is registered at the academy/one of the schools within the trust? If so, follow Part 1 of the Complaints Procedure.
- Is the complaint from an ex-parent/carer, pupil or ex-pupil or a member of the public? If so, follow Part 2 of the Complaints Procedure.
- Is the complaint part of a 'complaint campaign', i.e. from three or more separate individuals (whether or not connected to the school/a school within the trust or the trust) which are all based on the same subject? If so, then refer to Part 4 of the Complaints Procedure.
- If the complaint is anonymous, consider whether there are exceptional circumstances to justify investigating the issues raised.

What is the complaint about?

- Is the letter of complaint clear what the specific complaint(s) is/are and what actions the complainant would like the school or trust to take to resolve it/them? If not, then seek clarification.
- Refer to Annex 1 of the Complaints Procedure. Where any aspects of the complaint relate to matters excluded from the scope of the policy then these should not be investigated under the Complaints Procedure. Signpost the complainant to the relevant alternative procedure in line with Annex. Any aspects of the complaint which are not excluded should be investigated in line with the Complaints Procedure.
- Are the incidents in the complaint historic, i.e. more than three calendar months after the incident being complained of, or, where a series of associated incidents have occurred, within three calendar months of the last of these incidents? If so, are there good reasons to explain the delay or is the complaint about a particularly serious matter justifying investigation? If not, then you are not obliged to consider the complaint and the complainant can be signposted to Stage 4 (DfE)
- Is the complaint the same, similar to or based on the same facts of a complaint which has already been considered under the Trust's Complaints Procedure? If so, follow Part 3 of the Complaints Procedure.

Who should investigate the complaint?

- Most formal complaints are likely to be dealt with by the Head of School/Principal of a school or, where appropriate, a person appointed by them.
- The Complaints Procedure sets out who should arrange and investigate a complaint where that complaint relates to the Headteacher, the Chief Executive Officer and/or a governor/trustee, or where the Headteacher has already considered the complaint under Stage 1 (informal concern(s)). Any person with previous involvement in any of the issues presented by the complainant should not investigate the formal complaint. If in doubt, then seek independent advice as this is a critical to conducting a fair and lawful process.
- Where the complaint is particularly complex and involves legal issues, consider whether

it would be appropriate to engage an independent, external person to carry out the investigation into the Stage 2 complaint or to review the investigation and response at Stage 2.

Procedural considerations

- Acknowledge the complaint within five school days
- Unless there is a good reason not to do so, it is good practice for the investigating officer to meet with the complainant to discuss and clarify their complaint and to explore possible resolutions
- It is important to demonstrate that the complaint has been investigated thoroughly, particularly if the complainant decides to escalate their complaint internally or externally. Use the template witness statement and investigation report.

Provide a written response to the complaint, including an explanation of the decision and the reasons for it and what action will be taken to resolve the complaint (if any) within 15 school days of receipt of the formal written complaint. If further time is needed to investigate the complaint then give the complainant notice of this as soon as practicable, provide an explanation as to why this has been the case and give revised timescales.

Draft

Appendix 4 Letter acknowledging receipt of formal complaint (Headteacher)

This letter can be used where the headteacher (or someone appointed by them) will investigate the complaint.

[Name of [Parent(s)][Complainant(s)]]

[Address]

[Date]

Dear [Name of [Parent(s)][Complainant(s)]]

Re: Your formal complaint

I write to acknowledge receipt of your formal complaint dated [date], which was received by the academy on [date].

[As [Headteacher], I will deal with this complaint under Stage 2 (Part [1][2]) of the [school/trust's] Complaints Procedure, a copy of which is available on the [schools/trust's] website at [insert link]. **[or]** [The [Headteacher] has appointed me to investigate your complaint under Stage 2 (Part [1][2]) of the [school/trust's] Complaints Procedure, a copy of which is available on the [school/trust's] website at [insert link].

[Use this paragraph if you are sufficiently clear on the scope of the complaint] I understand that your complaint relates to [summarise context of complaint(s)]. In particular:

- [Set out the individual complaint(s) raised]

I understand that the outcome(s) that you are seeking is:

- [Set out what outcome(s) the complainant is looking for]

If I have misunderstood your complaint or the outcomes you are seeking, then please let me know as soon as possible.

[Use this paragraph if you require more information in order to meaningfully progress the complaint] It is not clear from your letter what your specific complaint is and what actions you would like the academy to take to resolve it. It would be helpful if you would complete the Complaints Form attached as Annex 2 to the Complaints Procedure and return this to me.

You should include where possible the nature of the complaint, details of how the matter has been dealt with so far, the names of potential witnesses, dates and times of events and copies of all relevant documents. You should also provide a clear statement of the actions that you would like us to take to resolve your complaint. Once I have received your completed Complaint Form, I will write to you again to confirm the next steps in the complaints process.

[Use this paragraph if any of the complaints relate to matters excluded from the complaints procedure] I note from your letter of complaint that you have concerns about [detail excluded matter]. In line with Annex 1 of our Complaints Procedure, this is not a matter which is covered under our Complaints Procedure. If you would like these issues to be investigated then [signpost to the appropriate mechanism for dealing with these matters.]

[If a meeting is to be held] I would like to meet with you as soon as possible, and ideally within 10 school days of receipt of your complaint, so that I may understand the details of your concerns more clearly and, I hope, come to a resolution. Please [telephone/email] [me/name] on [contact number/address] in order to arrange an appointment. [give details (times/dates/of availability)]. You are welcome to be accompanied to the meeting by one other person, such as a friend, relative or interpreter, if you would find this helpful. Please let me know the name of the person and their relationship to you in advance and whether any person attending the meeting has a disability or any special requirements so we can endeavour to make suitable arrangements.

[If a meeting is not to be held] In accordance with our Complaints Procedure, I will now ensure that an appropriate investigation takes place. Once all the relevant facts have been established as far as possible, I will write to you again to confirm my decision. My aim is for this to be within 15 school days of receipt of your formal complaint. You can therefore expect to receive a response by [date].

Yours sincerely

[Name]

[Headteacher] or [Job role]

Appendix 5 **Letter acknowledging receipt of formal complaint within 5 days of receipt.**

Use this letter where the complaint is about the Headteacher or the Headteacher has already considered the complaint at the informal stage (Stage 1). This letter can also be adapted to cover circumstances where a complaint is made against a member of a local governing body, the Chief Executive Officer or a trustee or member of the Trust as outlined in Stage 2 (Parts 1 and 2) of the Complaints Procedure.

[Name of Parent(s)]

[Address]

[Date]

Dear [Name of Parent(s)]

Re: Your formal complaint

I write to acknowledge receipt of your formal complaint dated [date], which was received by the [school/trust] on [date].

[I am a [governor] on the [local governing body] of [name of school].]

I have been asked to investigate your complaint under Stage 2 (Part [1][2]) of the [school/trust's] Complaints Procedure as your complaint is about the [Headteacher]. [or] I have been asked to investigate your complaint under Stage 2 (Part [1][2]) of the [school/trust's] Complaints Procedure as the [Headteacher] has already considered this matter under the informal stage of our published complaints procedure. A copy of our Complaints Procedure can be found on the [school/trust's website] at [insert link].

[Use this paragraph if you are sufficiently clear on the scope of the complaint] I understand that your complaint relates to [summarise context of complaint]. In particular:

- [Set out the individual complaint(s) raised]

I understand that the outcome(s) that you are seeking is/are:

- [Set out what outcome(s) the complainant is looking for]

If I have misunderstood your complaint or the outcomes you are seeking, then please let me know as soon as possible.

[Use this paragraph if you require more information in order to meaningfully progress the complaint] It is not clear from your letter what your specific complaint is and what actions you would like the academy to take to resolve it. It would be helpful if you would complete the Complaints Form attached as Annex 2 to the Complaints Procedure and return this to me.

You should include, where possible, the nature of the complaint, details of how the matter has been dealt with so far, the names of potential witnesses, dates and times of events and copies of all relevant documents. You should also provide a clear statement of the actions that you would like us to take to resolve your complaint. Once I receive your completed Complaint Form, I will write to you again to confirm the next steps in the complaints process.

[Use this paragraph if any of the complaints relate to matters excluded from the complaints procedure] I note from your letter of complaint that you have concerns about **[detail excluded matter]**. In line with Annex 1 of our Complaints Procedure, this is not a matter which is covered under our Complaints Procedure. If you would like these issues to be investigated then **[signpost to the appropriate mechanism for dealing with these matters.]**

[If a meeting is to be held] I would like to meet with you as soon as possible, and ideally within 10 school days of receipt of your complaint, so that I may understand the details of your concerns more clearly and, I hope, come to a resolution. Please **[telephone/email]** **[me/name]** on **[contact number/address]** in order to arrange an appointment. **[give details (times/dates/ of availability)]**. You are welcome to be accompanied to the meeting by one other person, such as a friend, relative or interpreter, if you would find this helpful. Please let me know the name of the person and their relationship to you in advance and whether any person attending the meeting has a disability or any special requirements so we can endeavour to make suitable arrangements.

[If a meeting is not to be held] In accordance with our Complaints Procedure, I will now ensure that appropriate investigation takes place. Once all the relevant facts have been established as far as possible, I will write to you again to confirm my decision. My aim is for this to be within 15 school days of receipt of your letter. You can therefore expect to receive a response by **[date]**.

Yours sincerely

[Name]

[Governor]

Appendix 6 Letter extending timescales

Use this letter where the date for providing your written response to the complaint will exceed the timescales in the Complaints Procedure (usually 15 school days following receipt of the complaint).

[Name of [Parent(s)][Complainant(s)]]

[Address]

[Date]

Dear [Name of [Parent(s)][Complainant(s)]]

Re: Your formal complaint

I write further to my letter dated [date]. [In that letter I advised that my aim was to confirm my decision in relation to your complaint within 15 school days of receipt of your letter of complaint and provide a response by [date].]

[Set out the circumstances causing the delay e.g.]

- *The complaint and actions you would like the academy/trust to take to resolve your complaint have not yet been clarified. I have asked you to [provide a completed Complaint Form] [come in to discuss your complaint] [but have not yet had a response].*
- *I have not yet been able to arrange a mutually convenient time to meet [with you] [with other key individuals]. [I have now arranged to meet with you on [date]].*
- *I am grateful to you [and [name of any person accompanying the complainant]] for taking the time to meet with me on [date] to discuss your complaint. As discussed, I will now ensure that appropriate investigation takes place. Once all the relevant facts have been established as far as possible, I will write to you again to confirm my decision.*
- *The issues you have raised in your complaint are complex and it has not been possible for me to complete my investigation within the standard timeframe for responding to complaints.*

[I am therefore writing to inform you that, due to the above circumstances, it will not be possible to give you a decision by [date].]

I expect to be in a position to provide you with my decision by [date]. I will let you know if, for whatever reason, this date needs to be revised.

[OR]

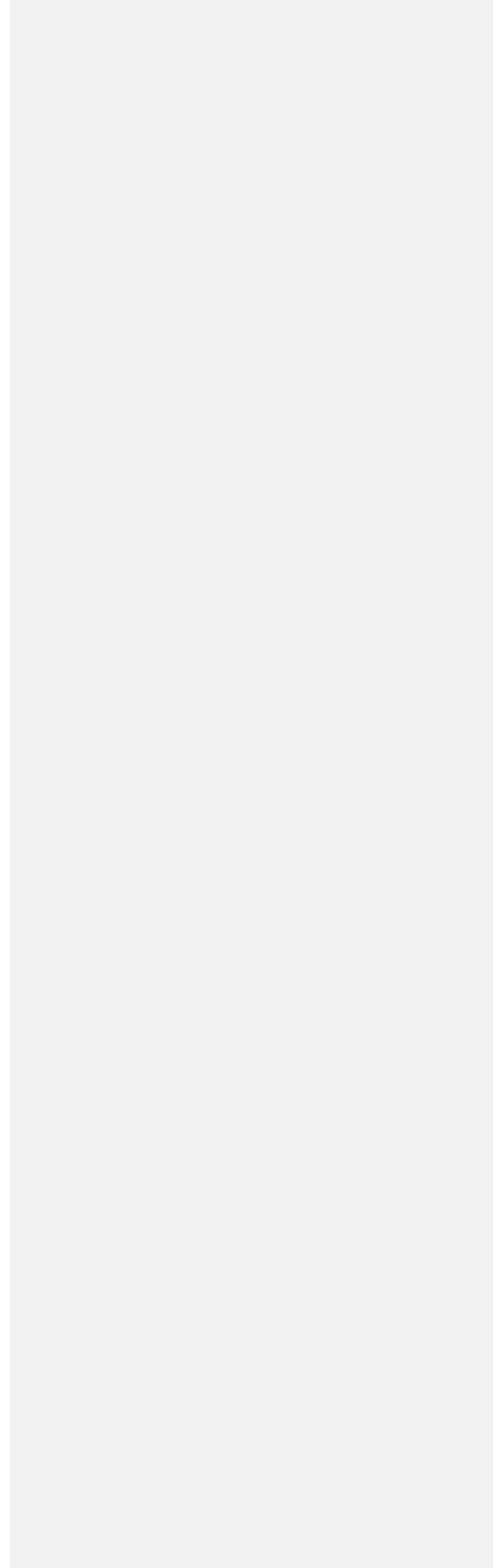
Once [circumstances set out above] have been met, I will be able to give you a clearer idea of the timescales going forward.

Yours sincerely

[Name]

[Headteacher] / [Job role] / [Governor]

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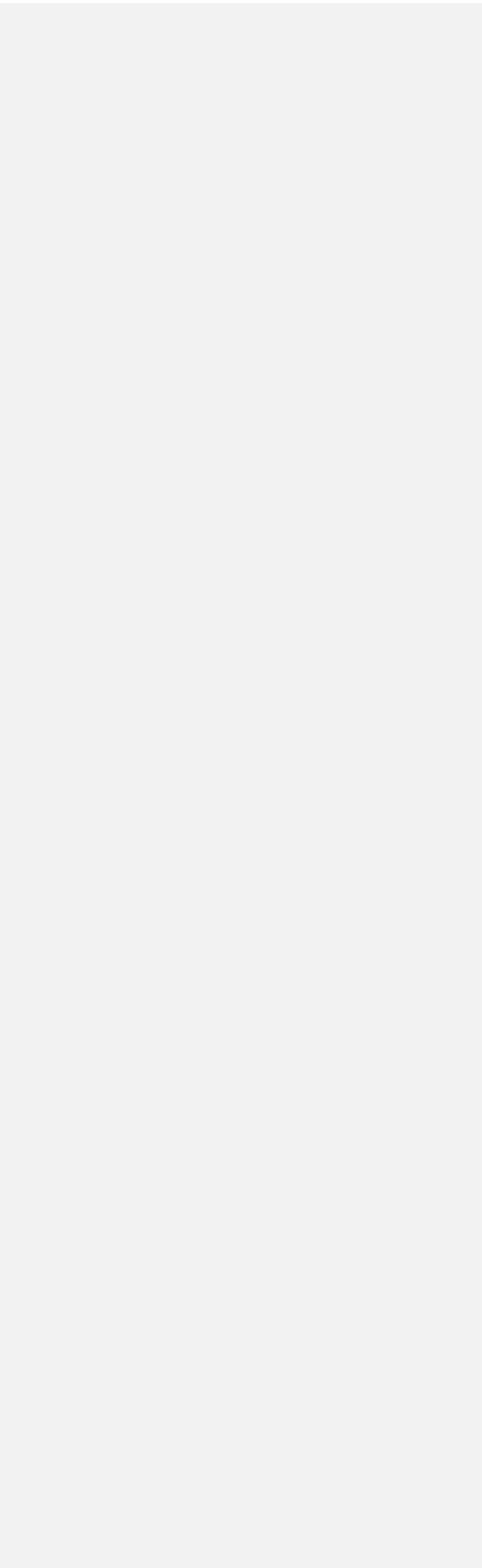
Appendix 7 **Witness Statement**

Name: _____ **Year (if pupil/student):** _____

Why statement is needed (to be completed by interviewer):

Details:

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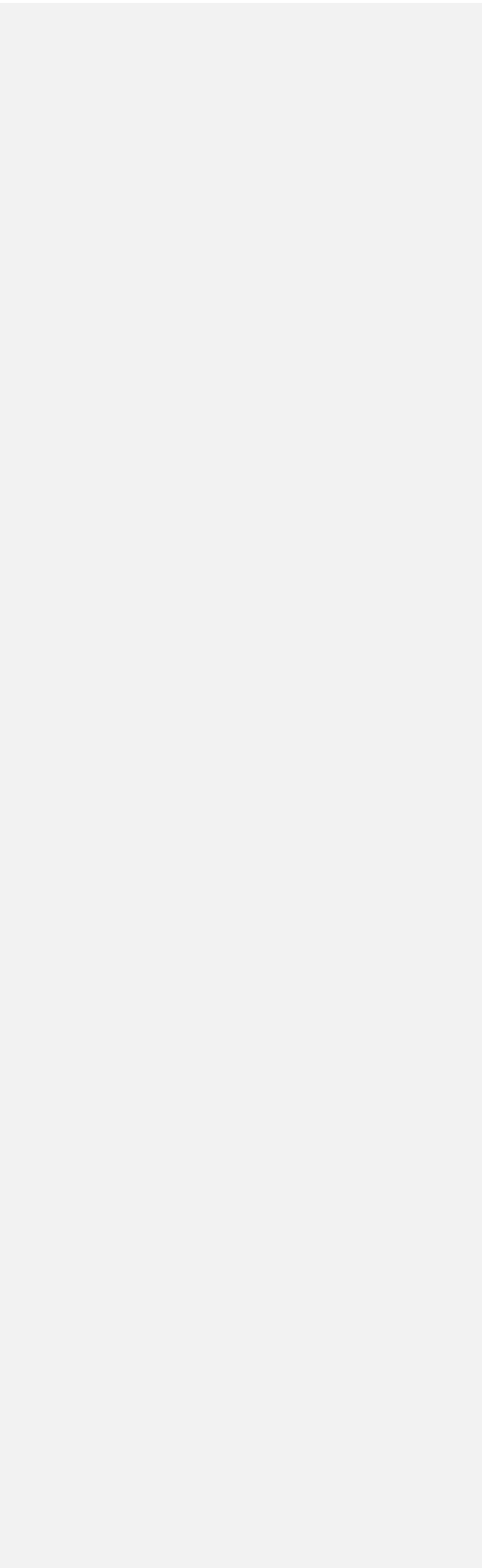




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Signed: _____ **Date:** _____

Parent/staff member(s) present:



Appendix 8 **Template Investigation Report – confidential report**

Report	Stage 2 Investigation into Complaint
Author	[Name and job role of Investigating Officer]
Date	[Date]

Introduction

Use this section to confirm that the procedural aspects of the Complaints Procedure have been complied with including:

- when the complaint was received and acknowledged
- that the complaint is being dealt with under Stage 2 of the Complaints Procedure.

Below is an example.

- 1.1 A formal complaint was raised by [name of [parent(s)][complainant(s)]] (the “complainant”) on [date].
- 1.2 This letter of complaint was formally acknowledged by [name] on [date]. In this letter, the complainant was advised that the complaint would be dealt with under Stage 2 (Part [1][2]) of the [academy/trust’s] Complaints Procedure. It also confirmed that I would be conducting an investigation into the issues raised in line with the [academy/trust’s] Complaints Procedure.
- 1.3 I have had no previous involvement in any of the issues presented by the complainant. The purpose of my investigation was to establish, on the balance of probabilities, the facts relating to the complainant’s complaints so that a decision could be reached on whether the complaints raised should be upheld and, if so, what action should be taken.

Details of complaints and timeline

Use this section to:

- set out the background to the Stage 2 complaint, including details of all steps and actions taken at Stage 1 (informal concerns)
- outline the details of the Stage 2 complaint.

Below is an example.

Stage 1 – Informal

- 1.4 The complainant originally raised their concerns with [name of staff] on [date]. At this stage, the concerns related to [set out details].

1.5 As part of the Stage 1 investigation:

1.5.1 [name of staff member] met with the complainant on [date] to understand the extent of their concerns;

1.5.2 [name of staff member] wrote to the complainant on [date] in response to the concerns raised and outlined above.

1.6 Correspondence between the academy and the complainant relating to this informal stage can be found at Appendix 1.

Stage 2 – Formal Written Complaint

1.7 On [date], the complainant escalated their complaint to Stage 2 of the [academy/trust's] Complaints Procedure.

1.8 In [their letter of [date] OR as set out in the Complaints Form], the complainant summarised their complaints and why they were dissatisfied at the Stage 1 response and outcome as follows:

1.8.1 [set out the individual complaint(s) raised and why they were dissatisfied at the Stage 1 response]

1.9 A copy of the complainant's [letter of complaint OR Complaints Form] (and accompanying documents) can be found at Appendix 2.

Details of investigation

Use this section to outline what actions were taken as part of the Stage 2 investigation including:

- meeting(s) held or correspondence with the complainant
- interviews conducted with pupils/students or staff
- documents reviewed.

Below is an example.

1.10 A meeting was held with the complainant on [date] to clarify their complaint and to give them the opportunity to provide me with any further information that they wanted to be considered.

1.11 Prior to and following the meeting, the complainant sent me emails relating to other issues to give additional context.

1.12 As part of my investigation, the following staff were interviewed [and witness statements taken]:

1.12.1 [Name of staff and job role]

1.13 I also reviewed the following documents:

1.13.1 [Set out all documents reviewed as part of the investigation which might include:

- relevant academy/trust policies
- documents relating to the student e.g. CPOMs, EHCP etc.
- CCTV footage
- relevant DfE statutory or non-statutory guidance and any applicable legislation].

1.14 All documentation referred to in this report is included within Appendix 3, except for the [academy/trust's] Complaints Procedure which can be found on the [academy/trust's] website at [insert link].

Findings, conclusions and recommendations

Use this section to detail the findings, conclusions and recommendations in relation to each of the complaints raised.

A suggested structure is below as an example.

The evidence, findings, conclusions and recommendations can be broken down into the following key themes:

1.15 [Complaint 1]

Summary of Complaint

[Briefly detail the complainant's complaint taken from any relevant Stage 1 correspondence, the letter of complaint and/or the meeting held with the complainant as set out above at 2.5]

Findings

[Explain what evidence has been uncovered in relation to this complaint. This may include:

- questions put to and responded to by interviewees
- information gleaned from relevant academy/trust held documents
- reference to wording from academy/trust policies or relevant DfE guidance or legislation].

Conclusion

Complaint [upheld] [not upheld].

[Set out in detail why the conclusion above has been reached.]

Recommendation(s)

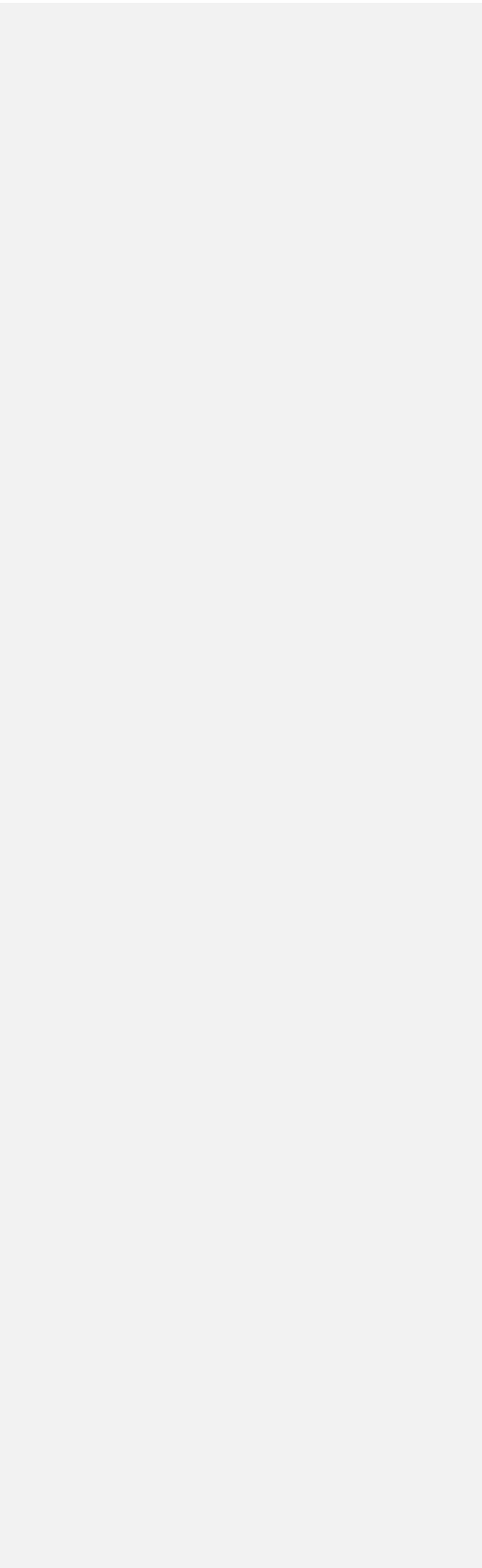
[None.] OR [Outline any recommendations arising from the investigation into the complaint. A recommendation can be offered even if the complaint is not upheld. Examples of recommendations could be a review of policy/procedure by a given date, inclusion of something specific within a policy or a recommendation for staff training etc.]

Repeat the above for each of the complaints.

..... [signed]

[Name and Job Role of Investigating Officer]

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Appendix 9 **FAQs – Handling complaints (Brown Jacobson LLP)**

Do we need a complaints policy?

Part 7 of the Education (Independent Schools Standards) Regulations 2014 requires the proprietor of a school to ensure the school has a written complaints procedure which is in line with the regulations. The proprietor of an academy is its academy trust.

We have created a Model Complaints Procedure for academies and trusts which is compliant with these Regulations and the Department for Education (DfE)'s 'Best practice guidance for academies complaints procedures' (March 2021). The resources included in the Support Pack are all compliant with the Model Complaints Procedure.

How can we avoid concerns and complaints arising or escalating unnecessarily?

In any organisation, it is inevitable that things go wrong, or are perceived to go wrong, and concerns and complaints will arise. The aim of an effective complaints procedure is to find a way to resolve those concerns or complaints and, where possible, to achieve reconciliation between the academy/trust and the complainant. Academy trusts that deal effectively with complaints ensure that all staff are trained on:

- the differences between a concern and a complaint;
- strategies for de-escalating situations which may lead to complaints or their escalation;
- how to resolve complaints in a manner which maintains/restores the relationship between the academy and the parent in the best interests of the child;
- maintaining a professional approach.

Staff should feel well-supported pastorally so that they have an appropriate outlet for sharing their own personal concerns or views in a confidential manner, and know when and where to get help to deal with situations when they arise. Training is a crucial part in enabling staff to feel confident in addressing concerns.

Where a complainant highlights an error on the part of a staff member/academy, avoid an automatically defensive position. The matter should be investigated. Where errors have been made, then apologise for them and explain what will be done to rectify the issues. Very often,

a

complainant simply wants to feel that their experience (or that of their child) has been heard, receive acknowledgement that their concerns/complaints have been taken seriously and/or to understand what steps will be taken going forwards.

Can we refuse to consider a complaint if the complainant does not complete our standard complaints form?

Complainants can be encouraged to use a standard complaints form and a template form is included in the Model Complaints Procedure. However, provided it is clear what the complaint(s) is

and what outcome(s) is being sought, then it is usual to accept receipt of a complaint in an alternative written form.

Whilst complaints will normally be expected to be submitted in writing, you should consider you duties under the Equality Act 2010 and make appropriate reasonable adjustments for those who may have a disability or for those who have difficulties using English.

What does a good complaint investigation look like?

The purpose of an investigation is to establish the facts the case in order to inform decisions about what action (if any) is appropriate. A good investigation will show that you have acted reasonably, fairly, objectively and in a proportionate manner. The investigator should be someone without prior involvement in the matter to avoid any bias, or perception of bias. As part of a good investigation, the investigator should:

- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (if further information is necessary);
- clarify what the complainant feels would put things right;
- interview and/or take witness statements from those involved in the matter and/or those complained of, allowing them to be accompanied if they wish (after first speaking with the complainant);
- review relevant documentation (e.g., pupil attendance records, behaviour records, any support strategies, pastoral support plans, individual education plans etc.);
- stay factual and use non-emotive, conciliatory language;
- remember your responsibilities under the Equality Act 2010 and ensuring accessibility to information;
- keep notes of the evidence and findings and/or collate the findings into a report;
- consider whether taking legal advice would be prudent.
-

A template witness statement and template investigation report are included in the Support Pack.

Where the complaint is particularly complex and involves legal issues, or where there is no one internally who is sufficiently independent and impartial, the trust may engage an independent, external person to carry out the investigation (see 'Our Services').

How do we deal with recorded evidence such as CCTV, mobile and audio recordings?

CCTV or other recordings in which a person can be identified directly, or indirectly identified from that information in combination with other information, is 'personal data' for the purposes of data protection legislation. A person is entitled to request a copy of any personal data which is held by the academy trust; this is known as a subject access request. The rights of third parties need to be balanced against the requester's right to a copy of the information. For example, in some cases, it may be appropriate to show the requester a copy of the CCTV footage but not to provide the requester with a copy of it. This is a complex area of law and you should consider taking legal advice if you are unsure on how to respond to a request.

The Complaints Procedure makes clear that a Complaints Committee will not normally accept recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

Should we provide the investigation report and appendices to the complainant with the Stage 2 outcome letter?

The contents of the decision letter should reflect the findings from the investigation report so there is no need to provide the report with the outcome letter as standard. The report and its appendices will need to be disclosed as part of the evidence in the event of a Stage 3 Complaints Committee hearing, so should be written with this in mind. In addition, if the complainant requests a copy of the report earlier than this, this should be provided as the information will relate to their child and/or them. It should not be necessary to redact information from the report but third party information (e.g. name of pupil/student witnesses) can be redacted if necessary and proportionate to do so. The complainant and the Complaints Committee should receive the same version of the report (with or without redactions).

Are there any data protection implications if we engage an external investigating officer to undertake the Stage 2 investigation?

Exchanging information with external investigators should be undertaken in line with the data

protection principles. There must be a lawful basis for sharing the information and only information relevant to the complaint investigation should be shared. Information should be shared securely and the academy/trust should reassure itself that the external investigator has appropriate arrangements for storing the information securely.

Can meetings be held virtually?

If you have adopted our Complaints Procedure, then you have the flexibility to hold any meeting virtually, as long as all parties have access to appropriate equipment to attend and are happy to do so. This includes informal meetings under Stage 1, investigation meetings under Stage 2 and the Stage 3 Complaints Committee hearing.

When should you deal with complaints about members of staff under the Complaints procedure?

Academies/academy trusts often struggle to identify when to deal with complaints about staff members under their complaints procedure and when to refer to disciplinary processes. Often we see both running in tandem, which can cause confusion.

Our Complaints Procedure states that: "Certain complaints about staff may need to be dealt with under the school's internal disciplinary procedures, if appropriate. 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."

The question is, then, when is it appropriate? This will depend on a number of factors including the nature of the complaint and whether it includes alleged breaches of academy/trust policies by a member of staff or amounts to an allegation of potential misconduct in accordance with the academy/trust's disciplinary rules. It may be that some initial fact-finding is needed before deciding which process to look at the complaint under. If you are in doubt about which process to follow, you should seek legal and/or HR advice.

If you determine that a complaint relates to the conduct of a member of staff, and so will be dealt with through your disciplinary procedure, we would advise that you thank the complainant for bringing their concerns to your attention and inform them of this approach at the outset. You should also provide an outcome at the conclusion of those processes, as far as you can. You will not be able to provide information that is confidential to the staff member (i.e. any actions, decisions or sanctions) but you should reassure the complainant that the matter has been dealt with and addressed appropriately through internal procedures. There may also be wider school issues that you are able to respond to which will help to reassure them that their concerns have been considered fully. Remember that complaints about staff which raise pupil safeguarding concerns must be dealt with appropriately under the academy/trust's safeguarding procedures

and allegations procedures, and in line with the DfE's Keeping Children Safe in Education guidance.

What should we consider when dealing with complaints around SEND?

Complaints about special educational needs (SEN) are increasingly common and require the investigator and/or the Complaints Committee to consider to what extent the academy/trust has

acted in compliance with the law on SEN, including the SEND Code of Practice, the Children and Families Act 2014 and the academy/trust's policies and procedures for supporting pupils with SEN.

This can be a complex task and you may wish to take legal advice. Some (but not all) pupils with SEN will also be considered disabled under the Equality Act 2010 (see below).

Although you should do so with all complaints/concerns, it is important that you keep detailed records of all conversations and input sought, both internal and external, in relation to the complaint in the event of further challenge (potentially in the SEND Tribunal) down the line.

What should you consider when dealing with complaints around discrimination?

It is unlawful to discriminate (directly or indirectly) against anyone because of, or in connection with, a 'protected characteristic' (which includes age, gender reassignment, being married or in a

civil partnership, being pregnant or on maternity leave, disability, race, nationality, ethnic or national origin, religion or belief, sex or sexual orientation). There are also additional obligations to

make reasonable adjustments to avoid disadvantage for people with disabilities.

As discrimination claims could end up in the county court or SEND Tribunal (meaning potentially time consuming and expensive litigation), complaints which relate to discrimination should be taken seriously and handled carefully, and you should consider taking legal advice. Regard should

be had to the requirements of the Equality Act 2010, the 'Equality and Human Rights Commission's Technical Guidance for Schools in England' and the DfE's guidance on 'The Equality Act 2010 and schools'. You will want to ensure that you are acting in line with your policies and procedures, such as those regarding uniform and religious observation. You should consider whether your policies could be considered discriminatory. We can help you review these

if you would like us to do so.

Full records of conversations and advice sought should be kept for the academy/trust to rely on in the event of further challenge.

Who can you pick to be an independent person on the Complaints Committee?

The DfE recommends that the independent member should not have any association with the trust

or the individual academy. This is to ensure that the committee has the benefit of an external source of scrutiny and challenge in its consideration of the complaint. The independent

committee member should not be a member, trustee or employee of the school.

The DfE also advises against using someone with a clear connection with the school (for example, a solicitor who routinely handles legal matters for the school).

For schools within a MAT, the DfE still suggests that the independent member should have no association with the trust. However, they acknowledge that a local governor from a different academy can be an independent member if they have no conflict or prior knowledge of the complaint. This is because such person would have no direct involvement with the management and running of the school being complained about.

We often see schools ask members of the senior leadership teams at other local schools to sit on their Complaints Committee. This arrangement seems to work well as they tend to have experience managing complaints, but usually have no connection to the school or prior involvement in the complaint.

Can you refuse to allow a complainant to escalate their complaint to the next stage?

In most cases, where a complainant is not satisfied with the response at the previous stage, they must be allowed to escalate to the next stage and be given the opportunity to complete the complaints procedure in full. However, where an individual is seeking to pursue a complaint which is repetitious or vexatious, or otherwise pursue a complaint in an unreasonable manner, the academy trust may be permitted to deviate from its standard complaints procedures. This is covered by a Part 3 of the Complaints Procedure and in the guidance note in the Support Pack.

When is legal representation permitted at the Complaints Committee hearing?

Legal representation is not usually appropriate, and parties should be dissuaded from bringing legal representation.

The DfE recommends that neither the complainant nor the school brings legal representation to the hearing. This is because the hearing should be reconciliatory in nature with the aim of putting right things that have gone wrong. Having legal representatives present could interfere with this aim.

There may be some specific instances where legal representation is appropriate. For example, if an academy or trust employee is a witness in a complaint, they may be entitled to bring union or legal representation.

Ultimately, it will be the Chair's decision and it will depend on the circumstances of the case. The Model Complaints Procedure allows the Complaints Committee itself to take legal advice and/or be supported by a legal advisor at the hearing on matters of law and procedure.

What do we do if the complainant requests an adjournment of the complaints hearing?

It is important follow your written complaints procedure and act reasonably in the circumstances. If

it is the first request for an adjournment and clear reasons are given, e.g. illness or urgent childcare or work commitments, then we would generally recommend that the hearing is rescheduled. If there are repeated requests for an adjournment and/or no reasons are provided for the request, the Complaints Committee may want to consider whether they should proceed in

the complainant's absence. Our Complaints Procedure makes provision for a hearing to proceed on written submissions if it is not possible to find a mutually convenient date and time for

a hearing within a reasonable timeframe.

Draft

Appendix 10 Checklist on referral to the Complaints panel.

On receipt of a referral to the Complaints Committee (Stage 3 complaint) refer to the Complaints Procedure which outlines the steps that need to be taken. The checklist below will help you identify the initial considerations.

Previous stages

- Has the complaint already been considered under Stages 1 and 2? If not, the complaint should first be considered under the relevant stage of the Complaints Procedure.
- If it is a Part 2 complaint ('Concerns or complaints from other persons'), it should only be considered under this stage if the Head of School/Principal or the Chief Executive Officer (as appropriate) has decided to escalate the complaint straight to Stage 3 and/or the Clerk has decided to convene a Complaints Committee.

What is the complaint about?

If the referral raises any new issues or complaints, these should be dealt with at Stage 1 or Stage 2 (as appropriate). No new issues or unrelated evidence will be reviewed by the Complaints Committee. The Complaints Committee will not review any new complaints at this stage or consider evidence unrelated to the initial complaint. New complaints must be dealt with from Stages 1 or 2 of the Complaints Procedure.

Who should consider the complaint?

- The Complaints Committee should be made up of at least 3 members made up of:
 - members of a [local] governing body and/or trustees (as appropriate) with no prior involvement in the matter; and,
 - one person who is independent of the management and running of the school. The DfE suggests that the independent member should not:
 1. be a member or trustee of the academy trust;
 2. be an employee of the individual academy; or
 3. have a clear connection with the school, e.g. a solicitor who routinely handles legal matters for the academy/trust.

However, where applicable, a local governor from a different academy within the same trust can be an independent member if they have no conflict or prior knowledge. Where possible, we recommend sourcing someone who is entirely independent so there is no perception of bias.

- The Clerk shall appoint one of these members to be the Chair of the Committee.

Procedural considerations

- Check that the referral to the Complaints Committee has been made within 15 school days of receiving notice of the outcome of Stage 2. If not, it should only be considered in exceptional circumstances.

- Acknowledge the written request within five school days of receipt
- Ensure the Clerk convenes a Complaints Committee within 20 school days of the request (where possible).
- Inform the complainant of the date, time and place of the hearing at least five school days before the hearing
- Circulate the complaint documentation at least three school days before the hearing
- Inform the complainant of the decision of the Complaints Committee within five school days of the hearing

Draft

Appendix 11 **Letter acknowledging request for Complaints panel hearing under Part 1 (Parent complaints)**

Use this letter within 5 days of receipt of request from a parent that a complaints panel be convened to consider the complaint

[Name of Parent(s)]

[Address]

[Date]

Dear [Name of Parent(s)]

Re: Request for Complaints Committee hearing

I am in receipt of your letter dated [date], which was received on [date], requesting that a Complaints Committee be convened to consider your complaint under Stage 3 of the [academy/trust's] Complaints Procedure.

I will now arrange for the Complaints Committee to be convened. Every effort will be made to enable the hearing to take place within 20 school days of the receipt of your request. If there are any dates and times that you will be unable to attend, please let me know as soon as possible by [calling me on [number]/emailing me on [address]].

You have the right to be accompanied to the hearing by one other person, such as a friend, relative or interpreter. You should notify me as soon as possible if you intend to bring anyone with you to the hearing and provide their name and their relationship to you. If any person attending the hearing has a disability or requires any reasonable adjustments to be made to facilitate their attendance, then please let me know as soon as possible.

At least five school days before the hearing, you will be sent written notification of the date, time and place of the hearing, together with brief details of the Committee members who will be present.

You should ensure that copies of all documents you wish the Committee to consider are sent to me at least three school days before the hearing. The Complaints Committee reserves the right not to consider any documentation presented by either you or the [academy/trust] after this time.

If you have any questions about this letter, please contact me at [email address].

Yours sincerely

[Name of Clerk to the Trustees]

Clerk to the Trustees

Appendix 12 **Letter acknowledging request for review under Part 2 (non-parent complainants)**

This letter can be used to send to non-parent complainant within 5 days of receipt of request for review of the stage 2 decision.

[Name of Complainant(s)]

[Address]

[Date]

Dear [Name of Complainant(s)]

Re: Request for review of outcome of Stage 2

I am in receipt of your letter dated [date], which was received on [date], requesting a review of the decision made under Stage 2 of Part 2 of the [academy/trust's] Complaints Procedure.

[Option 1: In accordance with Stage 3 of Part 2 of the Complaints Procedure, I will now arrange for a [governor] to review your complaint. The [governor] will aim to write to you with their decision within 15 school days of receipt of your request. You can therefore expect to receive a response by [date].]

[Option 2: In line with Stage 3 of Part 2 of the Complaints Procedure, I will arrange for the Complaints Committee to be convened. Every effort will be made to enable the hearing to take place within 20 school days of the receipt of your request. If there are any dates and times that you will be unable to attend, please let me know as soon as possible [by calling me on [number]/emailing me on [address]].]

You have the right to be accompanied to the hearing by one other person, such as a friend, relative or interpreter. You should notify me as soon as possible if you intend to bring anyone with you to the hearing and provide their name and their relationship to you. If any person attending the hearing has a disability or requires any reasonable adjustments to be made to facilitate their attendance, then please let me know as soon as possible.

At least five school days before the hearing, you will be sent written notification of the date, time and place of the hearing, together with brief details of the Committee members who will be present.

You should ensure that copies of all documents you wish the Committee to consider are sent to me at least three school days before the hearing. The Complaints Committee reserves the right not to consider any documentation presented by either you or the [academy/trust] after this time.]

If you have any questions about this letter, please contact me at [email address].

Yours sincerely

[Name of Clerk to the Trustees]

Clerk to the Trustees

Draft

Appendix 13 Letter confirming details of Complaints panel hearing

Use this letter at least 5 school days before the hearing to confirm details of the Complaints panel.

[Name of [Parent(s)] [Complainant(s)]]

[Address]

[Date]

Dear [Name of [Parent(s)] [Complainant(s)]]

Re: Request for Complaints Committee hearing

I write further to my letter of [date].

I can confirm that the Complaints Committee hearing will take place at [time] on [date] at [location].

The members of the Complaints Committee will comprise:

- [name], [role within the academy/trust] (Chair of the Complaints Committee)
- [name], [role within the academy/trust]
- [name], [role] (Independent member)

[In line with our Complaints Procedure, the Complaints Committee will receive legal advice on matters of law and procedure from [Name OR a legal advisor] from [firm of legal advisors] who will also be present at the hearing.]

You are reminded that you have the right to be accompanied to the hearing by a friend, relative or interpreter. You should notify me as soon as possible if you intend to bring anyone with you to the hearing and provide their name and their relationship to you. If any person attending the hearing has a disability or requires any reasonable adjustments to be made to facilitate their attendance, then please let me know as soon as possible.

Please ensure that copies of all documents you wish the Committee to consider are sent to me by [date]. The Complaints Committee reserves the right not to consider any documentation presented after this time. Copies of documents which the [academy/trust] intends to present to the Committee will be sent to you by [same date as above].

The hearing will be conducted in such a way as to ensure that each party has the opportunity to address the Complaints Committee. The procedure to be followed during the hearing will be as follows:

- you and the [academy/trust] representative will enter the hearing together;
- the Chair of the Complaints Committee will introduce the Committee members and outline the process;
- you will have the opportunity to explain your complaint and why you are dissatisfied with the Stage 2 outcome;
- the [academy/trust] representative and Committee members will be able to ask you questions;
- the [academy/trust] representative will then explain the [academy/trust's] actions;

Commented [AA1]: The hearing can be held via a virtual platform if all parties have access to appropriate equipment to attend and are happy for it to be held as such.

Commented [AA2]: The committee should be made up of at least three members including:

- members of the (local) governing body/trustees with no prior involvement in the matter
- one person who is independent of the management and running of the academy.

Commented [AA3]: At least 3 school days before the hearing

Commented [AA4]: Modify this section as required.

- you and the Committee members will be able to ask the [academy/trust] representative questions;
- you will sum up your complaint;
- the [academy/trust] representative will sum up the [academy/trust's] actions;
- the Chair of the Committee will explain that both parties will hear from the Committee within 5 school days;
- both parties will leave together while the Committee decides on its findings and any recommendations;
- I will stay to assist the Committee with its decision making.

After the hearing, the Complaints Committee will consider their decision and inform you and the [academy/trust] representative of their decision in writing within five school days.

If you have any questions about this letter, please contact me at [address].

Yours sincerely

[Name of Clerk to the Trustees]

Clerk to the Trustees

Appendix 14 Index for Complaints panel hearing documents

Date:

Location:

Section A: Stage 2 Formal written complaint

Document	Author	Date	[Page No]
Letter of formal complaint (including Complaints Form and any accompanying documents)	[Complainant]		
Letter acknowledging receipt of formal complaint	[Name]		
[Any other relevant correspondence between the parent and the [academy/trust] relating to the Stage 2 complaint]			
Investigation report and appendices	[Name]		
Letter confirming decision in relation to formal complaint	[Name]		

Commented [A5]: These should include any relevant correspondence relating to Stage 1 (informal concern). If it does not, then these should be included as a separate section of the Complaints Committee pack.

Section B: Stage 3 Referral to the Complaints Committee

Document	Author	Date	[Page No]
Letter requesting a Complaints Committee hearing (including any accompanying documents)	[Complainant]		
Letters from Clerk to parent	[Clerk]		
1 acknowledging receipt of request			
2 confirming details of Complaints Committee hearing			
circulating documentation			
[Any other relevant correspondence between the parent and the Clerk relating to the Stage 3 hearing]			

Section C: Policies

Document	Author	Date	[Page No]
[Academy/Trust] Complaints Procedure			
[Any other relevant academy/trust Policies]			

Section D: Parent Additional Evidence

Document	Author	Date	[Page No]
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Section E: Academy/Trust Additional Evidence

Document	Author	Date	[Page No]
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Appendix 15 Letter circulating Complaints panel hearing documents

This letter can be used at least 5 school days before the hearing to share Complaints panel hearing documents with the parents / complainants. Documents should also be shared with the Trust representative and members of the Complaints panel.

[Name of [Parent(s)] [Complainant(s)]]

[Address]

[Date]

Dear [Parent(s)] [Complainant(s)]

Re: Bundle of documents for Complaints Committee hearing

[Thank you for your [letter][email] of [date] with the additional documents you would like the Complaints Committee to consider at the hearing.]

I enclose with this [letter][email] the indexed bundle of documents for the Complaints Committee hearing. By way of reminder, the hearing will take place at [time] on [date] at [location].

If you have any questions about this letter, the bundle of documents or the hearing then please contact me at [address].

Yours sincerely

[Name of Clerk to the Trustees]

Clerk to the Trustees

Commented [AA6]: If sending by post ensure it is sent securely, e.g. recorded/special delivery particularly if it contains special categories of personal data. If sending by email ensure it is being sent securely and consider whether password protection is appropriate.

Appendix 16 **Script for Chair of Complaints panel**

Previous stages

Chair's opening remarks

Introductions

Welcome — my name is [name]. I am the Chair of this Stage 3 Complaints Committee. This Committee comprises of three people who have no prior knowledge or involvement in the complaint we are discussing today. [Name of committee member] is our independent member who is independent of the running and management of the [academy/trust].

[Name of Clerk] is instructed to clerk these proceedings.

[[Name] from [firm] is legal advisor to the panel.]

I will now ask each person present to introduce themselves. [Introductions]

I would like to remind you that today's hearing is, and should remain, confidential and is subject to data protection legislation and other legal obligations.

Committee's Role

The Committee will determine your complaints based on the information circulated in advance of and presented at this hearing today, both written and spoken. Our decision will not be influenced by any other persons or bodies.

The Complaints Committee will principally consider the [academy's/trust's] actions and investigation at Stages 1 and 2 of the complaint and whether [academy/trust] policies and any relevant legislation and/or statutory guidance have been followed. The Committee has discretion to review any other aspects of the complaint as it sees fit but will not review any new complaints today or consider evidence unrelated to the initial complaint. In accordance with Part 7 of the Independent School Standards Regulations, we can make findings and recommendations where appropriate.

[[Name of Clerk] and/ OR [Name of legal advisor]] is here only to take minutes of today's hearing and advise on matters of procedure and law and not to influence our decision. We may ask [the Clerk OR our legal advisor] some legal questions when we consider the information presented to us, and you can be assured that we will reach our decision independently.

Procedure

You will have received a copy of the procedure we intend to follow today. Can you confirm that you have received it? In summary, the procedure is as follows:

[you/your representative] will have the opportunity to explain your complaint and why you are dissatisfied with the Stage 2 outcome;

the [academy/trust] representative and committee members may ask questions;

the [academy/trust] representative will explain the [academy/trust's] actions;

[you/your representative] and the committee members may ask questions;

[you/your representative] will sum up the complaint;

the [academy/trust] representative will sum up the [academy/trust's] actions;

all parties other than the Committee and Clerk [and legal advisor] will then leave to allow the committee to decide.

If you forget to say anything or ask questions at the right point in the procedure, don't worry, I'm happy to go back to cover anything you may have missed. I want you to feel that you have been given every opportunity to have your say.

I can confirm that the Committee have read through the paperwork submitted to us. Can I confirm that everyone has received copies of the pack of documents?

You should note that this hearing may be adjourned if the Committee require further evidence or clarification to help us determine your complaint but, hopefully, this will not be necessary.

Please can I ask that all parties turn off or mute any electronic devices. Electronic recordings of this hearing are not permitted but the Clerk will ensure that sufficient notes are taken to record an accurate reflection of the points considered and any decisions taken or actions agreed.

Finally, I want to acknowledge that this can be difficult, and I appreciate that you may all feel a range of emotions. I must, however, ask that all parties wait their turn to speak in accordance with the procedure, do not interrupt each other and stay respectful and courteous throughout this hearing.

Does anyone have any questions before we begin?

Complaint

From the pack, we understand that the complaint(s) you have asked to be referred to us relate(s) to [summarise context of complaint(s)]. In particular, your complaints are as follows:

[Set out the outstanding individual complaint(s) raised]

I understand that the outcomes that you are seeking are:

[Set out what outcomes the complainant is looking for]

Both parties will have the opportunity to explain the complaint(s) in their own words, but it would be helpful if both parties could confirm that this is an accurate summary of the complaint(s) and outcomes sought, or briefly clarify the position.

[commence hearing]

Final remarks

Thank you all for attending today. We are grateful for the time and effort that has gone into presenting your complaint(s) today and for the time of [academy][trust] staff in attending to respond to it. The Complaints Committee will now discuss what we have read and heard and will aim to send you our findings within five school days.

Draft

Appendix 17 **Minutes – Complaints panel hearing**

Time/Date:

Location:

In attendance:

[Name] (Committee Member and Chair) (“initials”)

[Name] (Committee Member) (“initials”)

[Name] (Committee Member (Independent)) (“initials”)

[Name] (Clerk) (“Clerk”)

[Name] (Legal Advisor) (“Legal Advisor”)

[Name] (Academy/Trust representative) (“initials”)

[Name] ([Parent][Complainant]) (“initials”)

[Name] ([Parent’s][Complainant’s] representative) (“initials”)

1. Chair made introductions and set out the role of the Committee and the procedure to be followed.

2. The Complaints Committee noted that the [academy/trust’s] Complaints procedure had been adhered to and all parties had been provided with the relevant paperwork in advance of the hearing.

3. All parties confirmed they have reviewed the documentation circulated. Parties were reminded to turn off all electronic devices and that no electronic recordings of the hearing were permitted.

4. The Chair summarised the complaint(s) as follows:

4.1 [summarise context of complaint and/or set out the individual complaint(s) raised]

4.2 [Parent(s)] [Complainant(s)] confirmed that this was an accurate summary/elaborated as follows:

4.3 [insert details of any clarification provided as applicable]

5. [Parent(s)] [Complainant(s)] was/were given the opportunity to explain their complaint and why they were dissatisfied with the Stage 2 Outcome. [Insert details, including any references to the bundle of documents]

6. Questions from Complaints Committee and [Academy/Trust representative] to the [Parent(s)] [Complainant(s)]:

6.1 [Set out question(s) and response(s)]

7. [Academy/Trust representative] explained to the Complaints Committee how they attempted to resolve the complaint at Stages 1 and 2 of the Complaints Procedure and actions they had taken. [Insert details, including any references to the bundle of documents]

8. Questions from the Complaints Committee and [Parent(s)] [Complainant(s)] to the [Academy/Trust representative]:

8.1 [Set out question(s) and response(s)]

9. The [Parent(s)] [Complainant(s)] summed up their complaint(s). [Insert details.]

10. The [Academy/Trust representative] summed up the [academy/trust's] position. [Insert details.]

11. The Chair thanked the parties and explained that they will hear from the Committee within 5 school days with a decision.

All parties left the hearing at [time] whilst the Complaints Committee stayed to decide the appeal, supported by the Clerk [and Legal Advisor].

Complaints Committee's deliberation and decision

12. [Complaint 1]

Summary of Complaint

This should include:

- brief details of complaint
- summary of the parent/complainant's evidence in relation to it and any evidence presented in support
- summary of the academy/trust representative's position and any evidence presented in support]

Decision

Complaint [upheld] [upheld in part] [not upheld].

[Set out in detail why the conclusion above has been reached. This may include:

- An explanation of what evidence the Committee found to be persuasive or inconclusive and why

- Reference to any relevant documents in the bundle which support the conclusion]

Recommendation(s)

[None.] OR [Outline any recommendations; a recommendation can be offered even if the complaint is not upheld.]

Repeat the above for each of the complaints.

Hearing concluded at [time].

Draft

Appendix 18 Letter with Complaints panel decision

Use this letter to confirm the decision reached by the Complaints Panel. This should be sent within 5 school days of the hearing.

[Name of [Parent(s)] [Complainant(s)]]

[Address]

[Date]

Dear [Name of [Parent(s)] [Complainant(s)]]

Re: Complaints Committee hearing

I am writing following the Complaints Committee hearing which took place at [time] on [date] at [location].

The members of the Complaints Committee comprised:

- [name], [role within the academy/trust] (Chair of the Complaints Committee)
- [name], [role within the academy/trust]
- [name], [role] (Independent member)

You [both] attended the hearing. [You were accompanied by [name] [who also made representations on your behalf]].

Others in attendance for the whole hearing were:

- [insert names and job roles of others who attended the whole hearing]

The following also attended for part of the hearing:

- [insert names and titles of other who attended for part of the hearing, e.g. witnesses]

The purpose of the hearing was to review your complaint in accordance with Stage 3 (Part [1][2]) of the [Academy/Trust's] Complaints Procedure. As set out in your letter dated [date], your complaint was:

- [insert summary of complaint, numbered if more than one]

I would like to thank you for attending this hearing and we are grateful to you for the time and effort you put into presenting your complaint.

Having carefully considered all the information circulated to the Complaints Committee and the additional information provided at the hearing by you and by the [academy/trust], the Committee has made the following decisions regarding your complaint.

1. [Complaint 1]

Summary of Complaint

[This should include:

- brief details of complaint
- summary of the parent's/complainant's evidence in relation to it
- why they were not happy with the response at Stage 2 and any evidence presented in support
- summary of the academy/trust representative's position and any evidence presented in support]

Decision

Complaint [upheld] [upheld in part] [not upheld].

[Set out in detail why the conclusion above has been reached. This may include:

- an explanation of what evidence the Committee found to be persuasive or inconclusive and why
- reference to any relevant documents in the bundle which support the conclusion]

Recommendation(s)

[None.] **OR** [Outline any recommendations; a recommendation can be offered even if the complaint is not upheld.]

Repeat the above for each of the complaints.

It is the Committee's hope that you will feel that your complaint was heard and received fairly. This concludes the [Academy/Trust's] Complaints Procedure. If you remain dissatisfied, you are entitled to refer your complaint to the Department for Education (DfE) which has limited powers to consider complaints about academies. The DfE cannot change our decision about your complaint but can review whether the complaint was handled properly. Details about the DfE procedure and the DfE academy complaints form are available at [How DfE handles complaints about academies - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/how-dfe-handles-complaints-about-academies).

Yours sincerely

[Name of Chair of Committee] **OR** [Name of Clerk]

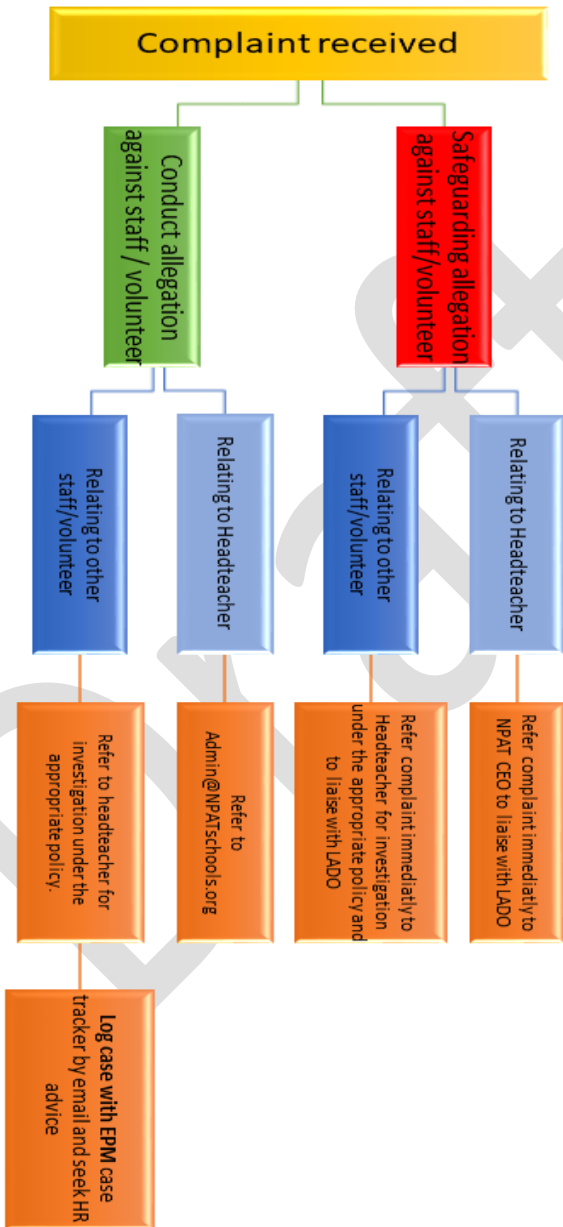
Chair of Complaints Committee **OR** Clerk

cc.

[Name of Academy/Trust Representative], [Job Role]

[Insert any others who will receive copies]

Appendix 19 Complaints involving allegations against staff flow chart



Guidance note:

Repetitious and vexatious complaints and complaints pursued in an otherwise unreasonable manner

Academy trusts are legally required to have, and to effectively implement, a complaints procedure which deals with the handling of complaints from parents of pupils¹. As a public body, there is also an expectation that the academy trust will have a process for dealing with complaints from others, such as ex-parents or members of the local community.

In some cases, an individual will seek to pursue a complaint which is repetitious or vexatious, or otherwise pursue a complaint in an unreasonable manner. Where this happens, the academy trust is permitted to deviate from its standard complaints procedures. This guidance note explores the circumstances where this may be appropriate and what action the academy trust can take.

Responding to complaints

As outlined in our Model Complaints Procedure, and the DfE best practice guidance², raising a complaint is an expression of dissatisfaction about actions taken or a lack of action. A complaint usually arises where things have, or are perceived to have, gone wrong and where the complainant wants action taken to address or resolve it.

Very often, a complainant simply wants acknowledgement that their concerns have been taken seriously and/or to understand what steps for redress will be taken. However, complainants may express themselves in a way which is emotive or personal. Complainants may seek to take action to raise the profile of their complaint to get attention to their concerns more quickly, such as copying in third party agencies like Ofsted or the LA or using social or traditional media. They may also seek to make requests for information, either to further evidence the legitimacy of their complaint or to gain attention. This can frequently be the case when parents raise concerns or complaints relating to situations involving their child.

By its nature, it is unpleasant to be on the receiving end of a complaint, whether or not it is wellfounded or how it is expressed. Academy trusts that deal effectively with complaints ensure that all staff are well trained on:

- the differences between a concern and a complaint;
- strategies for deescalating situations which may lead to complaints or their escalation;

¹ Education (Independent School Standards) Regulations 2014

² Best practice guidance for academies complaints procedures - GOV.UK (www.gov.uk) (March 2021)

- how to resolve complaints in a manner which maintains/restores the relationship between the academy and the parent in the best interests of the child;
- maintaining a professional approach.

Staff should feel well-supported pastorally so that they have an appropriate outlet for sharing their own personal concerns or views in a confidential manner and know when and where to get help to deal with situations when they arise.

Separate the 'complaint' from the 'complainant'

It is important to separate the 'complaint', which may or may not have merit, from the 'complainant', whose behaviour or correspondence may be difficult, unpleasant or offensive.

The DfE's best practice guidance makes it clear that:

- you should not mark a complaint as 'serial' before the complainant has completed the procedure;
- under no circumstances should a complainant be marked as 'serial' for exercising their right to refer their complaint to their MP, regardless of which stage the complaint has reached;
- academies should not refuse to accept further correspondence or complaints from an individual they have had repeat or excessive contact with. The application of a 'serial or persistent' marking should be against the subject or complaint itself rather than the complainant;
- you should not stop responding just because an individual is difficult to deal with or asks complex questions;
- you need to make sure that you act reasonably and consider any new complaint. Anyone has the right to raise a new complaint at any time and failure to respond could result in a judgment that the school has failed to act reasonably.

The DfE³ has limited powers to consider complaints about how an academy trust has handled a complaint, but is able to do so where the complainant can provide evidence that:

- the published complaints procedure has not been followed; or
- the academy trust has not allowed its complaints procedure to be completed.

Where there are concerns about the complaint, or the way in which the complaint is being pursued, then Part 3 of our Model Complaints Procedure sets out the actions which the academy trust can take in relation to the complaint. These are explored further below.

Where there are concerns about the complainant's conduct towards staff (but not necessarily about the complaint itself), then the academy trust may be able to take action to restrict the complainant's access to academy staff. This might include requesting contact in a particular form (for example, letters only), requiring contact to take place with a named person only, restricting telephone calls to specified days and times or number of contacts or in extreme cases banning the complainant from the academy's premises. These actions are usually outlined in a separate

³ How DfE handles complaints about academies - GOV.UK (www.gov.uk) (July 2020)

parent code of conduct or procedures⁴.

In practice, it is not always easy to make this distinction and you should consider taking legal advice on what action would be most appropriate in a specific case.

Repetitious (including serial and/or persistent) complaints

These are complaints where a complainant's complaint is the same, similar to or based on the same facts of a complaint which has already been considered in full and the academy trust has:

- taken every reasonable step to address the complainant's concerns
- given the complainant a clear statement of the academy trust's position and their options

These might include circumstances where the complainant was too late to bring or escalate a complaint and there are no exceptional circumstances warranting the delay, or where the complaints process has been exhausted and the Complaints Committee has already given its determination.

These kinds of complaints are usually easy to identify. In such cases, the academy trust can usually reasonably refuse to respond to any further correspondence in relation to these matters (see template letter 5(b)).

Vexatious complaints and complaints pursued in an otherwise unreasonable manner

The Office of the Independent Adjudicator defines the characteristics of a 'frivolous' or 'vexatious' complaint as:

- complaints which are obsessive, persistent, harassing, prolific or repetitious;
- insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason;
- insistence upon pursuing meritorious complaints in an unreasonable manner;
- complaints which are designed to cause disruption or annoyance;
- demands for redress that lack any serious purpose or value.

Part 3 of the Complaints Procedure gives some examples of vexatious complaints. As above, where possible, the emphasis should be on the complaint, and the manner in which it is being pursued, and not the complainant.

In serious cases of complainant misconduct, the academy trust may have good cause to limit the manner in which the complainant's complaint is considered in addition to limiting that person's access to school staff (in line with its parent code of conduct or procedures). This might include where the complainant's behaviour or language towards staff, governors or trustees is aggressive, abusive, offensive, discriminatory or threatening or insulting personal comments are made about, or threats are made towards, staff. However, it would not necessarily mean that the academy trust would be able to refuse to consider the complaint any further.

In relation to both vexatious complaints and complaints pursued in an otherwise unreasonable manner, it is usually reasonable to send a warning letter to the individual concerned outlining your concerns and asking them to desist from such behaviour and outlining the consequences if

⁴ See [Parent behaviour support pack for academy trusts & schools \(brownecobson.com\)](#)

they chose not to do so (see template letter 5(c)). If they fail to do so, then it may be appropriate:

- not to respond to any further correspondence from the complainant regarding this complaint but complete the Complaints Procedure on the basis of information already obtained from the complainant;
- not to hold a Complaints Committee hearing but conduct it on the papers only;
- in extreme cases, not to consider the complaint further and not respond to any further correspondence (see template letter 5(d)).

You will need to be prepared to justify and clearly evidence to the DfE the reasons for your decision in the event of a referral to them. As above, you should consider taking legal advice on what action would be most appropriate in a specific case to avoid DfE censure.

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Appendix 21 Repetitious complaints – Action letter

You should refer to the guidance note on vexatious complaints and consider taking legal advice before using this letter.

[Name of [Parent(s)] [Complainant(s)]]

[Address]

[Date]

Dear [Name of [Parent(s)] [Complainant(s)]]

Re: Your formal complaint

I write to acknowledge receipt of your formal complaint dated [date], which was received by the [academy/trust] on [date].

I note from your letter of complaint that you have concerns about [detail matter].

These matters are [the same] [substantively similar to] [based on the same facts] as the previous formal complaint you raised on [date].

[Set out the circumstances relating to this original complaint e.g.]

- These matters were investigated under Stage 2 of the Trust's Complaints Procedure, and you chose not to escalate your complaint under Stage 3 of the Complaints Procedure within the timescales given and no exceptional circumstances have been given which would explain the delay.
- These matters were considered at a Complaints Committee hearing and the Complaints Committee wrote to you on [date] outlining their decision in relation to your complaints. This concluded our Complaints Procedure in relation to these matters.

In line with Part 3 of our Complaints Procedure, we have therefore decided not to consider this complaint further and we will not be responding to any further correspondence from you regarding these matters.

If you remain dissatisfied, you are entitled to refer your complaint to the Department for Education (DfE) which has limited powers to consider complaints about academies. The DfE cannot change our decision about your complaint but can review whether the complaint was handled properly. Details about the DfE procedure and the DfE academy complaints form are available at [How DfE handles complaints about academies - GOV.UK \(www.gov.uk\)](http://www.gov.uk).

Yours sincerely

[Name]

[Job role]

Commented [AA7]: It is important to note that you should not refuse to accept further correspondence or complaints from an individual you have had repeat or excessive contact with. The application of a 'serial or persistent' marking should be against the subject or complaint itself rather than the complainant i.e. any new concerns/complaints should be considered in line with your complaints procedure. Refusing to consider the complaint is a decision which should be made in exceptional circumstances and we would suggest you seek legal advice before doing so.

Commented [AA8]: Individual dealing with complaint at the time - this will depend on the stage of the Complaints procedure that the complaint is currently being considered under and who the complaint is against.

Appendix 22 Vexatious complaints – warning letter

You should refer to the guidance note on vexatious complaints and consider taking legal advice before using this letter.

[Name of [Parent(s)] [Complainant(s)]]

[Address]

[Date]

Dear [Name of [Parent(s)] [Complainant(s)]]

Re: Concerns regarding [your complaint] [the conduct of your complaint]

I am writing to express my concerns about [the complaint] [the manner in which you have communicated the complaint] you raised with the [academy/trust] on [date].

[Set out details of the circumstances causing concern; refer to our guidance note at 5a and Part 3 of the Complaints Procedure, e.g.]

- *Your correspondence to me in relation to your complaint is [abusive, offensive, discriminatory and/or threatening]. [Give examples e.g. During our meeting on [date], I found the manner in which you conducted yourself to be intimidating and aggressive. There were several times, as I was trying to respond to your complaints, that [insert issue].] We expect our members of staff to be addressed in a respectful manner and for communication to remain calm at all times.*
- *The manner in which you are conducting your complaint is hindering the consideration of your complaints because of [insert details]. There are instances of insulting and factually incorrect information, such as [insert examples]. There is [also] evidence of unreasonable requests being made, which are unrealistic and, if complied with, would make excessive demands on staff time, such as [insert examples].*
- *I am deeply concerned about the frequent, lengthy and complicated correspondence you are sending to me about your complaint. [Give examples e.g. Since [date], I have received [number] of emails from you relating to your complaint.]*

In light of the above, we consider [your complaint to be vexatious] [the manner in which you are pursuing your complaint to be unreasonable]. In these circumstances, we have the right under Part 3 of our Complaints Procedure to deviate from our usual Complaints Procedure.

At this stage, we are writing to warn you that, should you continue to conduct your complaint in a similar manner, we may decide:

- to conduct the Complaints Committee on the papers only
- not consider your complaint further
- not respond to any further correspondence from you regarding this complaint

[We may also take action to restrict your access to the academy and its staff [in line with our Parent Code of Conduct which can be found on our website]].

I do hope however that going forwards you will refrain from the behaviours described above so that such action will not be necessary and that we can find a resolution to your complaint.

Yours sincerely,

[Name]

[Job role]

Commented [AA9]: Individual dealing with complaint at the time – this will depend on the stage of the Complaints procedure that the complaint is currently being considered under and who the complaint is against.

Appendix 23 Vexatious complaints – Action letter

You should refer to the guidance note on vexatious complaints and consider taking legal advice before using this letter.

[Name of [Parent(s)] [Complainant(s)]]

[Address]

[Date]

Dear [Name of [Parent(s)] [Complainant(s)]]

Re: Concerns regarding [your complaint] [the conduct of your complaint]

I am writing to express my [further] concerns about [your complaint] [the manner in which you are conducting the complaint] you raised with the [academy/trust] on [date].

[Set out details of the circumstances causing concern; refer to the guidance note and Part 3 of the Complaints Procedure for examples. Refer to the examples raised in the previous warning letter (if applicable) and detail any further examples, e.g.]

Despite my letter of [date], your correspondence to me in relation to your complaint continues to be [abusive, offensive, discriminatory and/or threatening]. [Give examples].

The manner in which you are conducting your complaint is continuing to hinder the consideration of your complaints. [Insert further relevant examples of insulting or factually incorrect information given or unreasonable requests being made].

In my letter of [date], I outlined my concerns about the frequent, lengthy and complicated correspondence you were sending to me about your complaint. Despite my letter asking you to refrain from such action, I have received a further [number] of emails from you relating to your complaint.]

I write to inform you that, in line with Part 3 of our Complaints Procedure, [your complaint is now considered vexatious] [we are regarding the manner in which you are pursuing your complaint to be unreasonable].

Option 1: We have therefore decided not to respond to any further correspondence from you regarding this complaint. Your complaint will still be dealt with in line with our Complaints Procedure.

Option 2: We have therefore decided to conduct the Complaints Committee on the papers only. This means the Complaints Committee will not hold a hearing for the parties to present their case orally but will instead make their findings based on documentation which has been provided by you and the [academy/trust].

Option 3: We have therefore decided not to consider this [complaint] further and we will not be responding to any further correspondence from you regarding these matters.

If you remain dissatisfied, you are entitled to refer your complaint to the Department for Education (DfE) which has limited powers to consider complaints about academies. The DfE cannot change our decision about your complaint but can review whether the complaint was handled properly. Details about the DfE procedure and the DfE academy complaints form are available at [How DfE handles complaints about academies - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/604222/How_DfE_handles_complaints_about_academies_-_GOV.UK.pdf).

Yours sincerely,

[Name]

[Job Role]

Commented [A10]: It is important to note that you should not refuse to accept further correspondence or complaints from an individual you have had repeat or excessive contact with. The application of a 'serial or persistent' marking should be against the subject or complaint itself rather than the complainant i.e. any new concerns/complaints should be considered in line with your complaints procedure. Refusing to consider the complaint is a decision which should be made in exceptional circumstances and we would suggest you seek legal advice before doing so if possible.

Commented [A11]: Individual dealing with complaint at the time – this will depend on the stage of the Complaints procedure that the complaint is currently being considered under and who the complaint is against.