



COMPLAINTS POLICY

Version Control:

V4 – Additions / Changes to reflect ESFA model complaints process.

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Signed: *Sarah Armitage*

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Based on ESFA model last updated 12 March 2021

General principles

Our Trust is committed to working in close partnership with parents and the community. However, we recognise that from time-to-time concerns or complaints may arise and it is our aim to work with all parties involved to resolve these as quickly and efficiently as possible. Usually, concerns can be resolved quickly through day-to-day communication between parents and school staff.

As the intention is to resolve matters where there is conflict, the investigation process is undertaken by the investigating officer and can be reviewed by a panel. This means that the investigating officer is required to gather relevant material to determine an outcome. The investigation and panel process seeks to understand the issues from every individual's perspective.

Trust and school policies

When the Trust or Governing Team of a school adopts or approves a policy, and the school puts the policy into operation, that is part of the day-to-day running of the school. If there is an objection to a policy, this is a matter that needs to be referred back to the Trust or Local Governing Team. It is separate to the complaint process.

Day-to-day operational decisions about curriculum and timetabling should be referred to the Local Governing Team for review. They are operational decisions that are expected of Headteachers and senior leaders by virtue of the Contract of Employment and expectations set out by the Department for Education (DfE). The method to address these issues is to refer these to the Local Governing Team.

The complaints process exists to enable parents, carers, pupils, former pupils, advocates and other individuals to complain about the *application* of policies, concerns about treatment or mistreatment or issues relating to prejudicial decisions to be properly reviewed in school and by an independent panel of governors.

However, for those situations where an informal resolution is not reached, there is a more formal process to investigate and deal with complaints.

The aim of this procedure is to:

- provide a fair complaints procedure which is clear and easy to use
- attempt to resolve concerns through informal discussions at the earliest stage
- provide clarity of who will be co-ordinating the process in school
- give clear timelines for resolution
- encourage resolving the issues and finding a way to move forwards
- demonstrate a fair approach to managing complaints and concerns
- explain how vexatious and unreasonable behaviour by complainants is dealt with

Complaints will be managed in line with the Complaints Process set out within this procedure:

[**Stage 1: Informal discussion**](#)

[**Stage 2: Referral to the relevant investigating officer**](#)

[**Stage 3: Review by an appointed panel**](#)

[**Stage 4: Appeal to the ESFA \(Education and Skills Funding Agency\)**](#)

The table entitled '[**Management of stages**](#)' sets out who will be involved in the management of your complaint depending on the stage it has reached.

Who can make a complaint?

The complaints process exists to enable parents, carers, pupils, former pupils, advocates and other individuals to make a complaint.

Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

If the matter relates to a member of staff that passes the threshold for a potential HR procedure, that will be implemented. Please note that the procedure and outcome of any HR process will not be shared with the complainant as to do so would breach the Data Privacy rights of the individual.

The difference between a concern and a complaint

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

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

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

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, discuss the matter with the headteacher or the governance lead for the trust, and arrangements can be made to refer you to another staff member.

Similarly, if the member of staff directly involved feels unable to deal with a concern, arrangements will be made to refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, the Trust or school will attempt to resolve the issue internally, through the stages outlined within this complaint's procedure.

How to raise a concern or make a complaint

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so.

There are different stages of who to raise the concern or complaint with depending on who the complaint relates to. Please see page 17 for further information.

For ease of use, a template complaint form is included on page 21. If you require help in completing the form, please contact the school office. You can also ask a third-party organisation, for example, Citizens Advice to help you.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

Arrangements for handling complaints from parents of children with SEN

Arrangements for handling complaints from parents of children with SEN about a school's support are within the scope of this policy. Such complaints should first be made to the headteacher; they will then be referred to this complaints policy. The school's SEN policy and information report includes information about the rights of parents of pupils with disabilities who believe that a school within our Trust, has discriminated against their child.

Anonymous complaints

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

Unreasonable actions

Our Trust defines unreasonable actions as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- refuses to co-operate with the complaint's investigation process
- refuses to accept that certain issues are not within the scope of the complaint's procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaint's procedure or with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- changes the basis of the complaint as the investigation proceeds
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education
- seeks an unrealistic outcome
- makes 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
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums

Complainants should try to limit their communication with the school that relates to their complaint, while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.

Whenever possible, the Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues, the Headteacher, or other appropriate person, will write to the complainant explaining that their behaviour is unreasonable.

If the complainant continues to behave unreasonably, and not modify their behaviour to enable a fair process to be followed, then they may be notified that the complaint process is frustrated. In those circumstances, the investigating officer will conclude the process – taking into account information available at that time.

For complainants who excessively contact our school causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

Time scales

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

Complaints received outside of term time

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

Scope of this complaint's procedure

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

Exceptions	Who to contact
Admissions to schools	<p>Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority.</p> <p>Concerns about admissions and statutory assessments of Special Educational Needs should be raised with Derbyshire County Council</p>
Matters likely to require a Child Protection Investigation	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).</p>
Exclusion of children from school	<p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.</p> <p><i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i></p>
Whistleblowing	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the Department for Education (see link above), depending on the substance of your complaint.</p>
Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.
Staff conduct	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
External partners who provide SEN	Complaints about services provided by other providers who use Trust premises or facilities should be directed to the provider concerned.

Support	
Early Years	<p>We will investigate all written complaints relating to the Trust's fulfilment of the Early Years Foundation Stage requirements and notify the complainant of the outcome with 28 days of receiving the complaint. Schools will keep a record of the complaint (see section entitled 'Record Keeping' below) and make this available to Ofsted on request.</p> <p>Parents and carers can notify Ofsted if they believe that a school is not meeting Early Years Foundation Stage requirements by:</p> <ul style="list-style-type: none"> ➤ Calling 0300 123 4666 ➤ Emailing enquiries@ofsted.gov.uk ➤ Using the online contact form available at https://www.gov.uk/government/organisations/ofsted#org-contacts <p>Schools will notify parents and carers if they become aware that they are to be inspected by Ofsted. Schools will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis.</p>

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

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

As the trust delegates responsibility for managing complaints to each school to manage, the trust would not expect to have any role in reviewing the complaint or process until it reaches stage 2. The Trust must be notified by the school of any complaints made at stage 2 so a plan can be set for who will be the investigating officer and clerk. In exceptional circumstances the trust may agree to review the process, and may give direction to a school. However, this will be subject to the absolute discretion of the Trust Leader. If policies and procedures have been correctly implemented and followed it is unlikely that any further action will be required. If a complainant wishes the Trust Leader to review an outcome, this must be requested in writing. The request must set out why the complainant feels that the process has not been properly followed.

This does not stop the complainant making a referral to the Education and Skills Funding Agency (ESFA). A trust review is an internal procedure only.

Resolving complaints

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

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

- an apology

Withdrawal of a complaint

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

Complex complaints

There may be occasions where a complaint becomes more complex following individual meetings. Complex complaints may require additional time to work through and understand the issues.

In some instances, a more specialist or experienced investigator may be required.

Complex complaints may also need to be assessed and reviewed with external support.

If a matter is determined to be 'complex' all parties will be notified by the investigating officer, with details of how the matter will be progressed.

Each complex complaint is likely to require an individually scheduled timeline, which may be outside the scope of the standard complaint timelines.

Stage 1 – Informal complaints

It is to be hoped that most concerns can be expressed and resolved on an informal basis.

Concerns should be raised with either the class teacher, year head / subject head or Headteacher. Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at stage 3 of the procedure.

At the conclusion of their investigation, the appropriate person investigating the complaint will provide an informal written response within five school days of the date of receipt of the complaint.

If the issue remains unresolved, the next step is to make a formal complaint (stage 2).

Stage 2 – Formal complaints

Formal complaints must be made to the Headteacher (unless they are about the Headteacher), via the school office via the admin email account. This may be done in person or in writing (preferably on the Complaint Form).

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

Within this response, the Headteacher (or relevant Governor or Trustee depending on who the complaint is about) will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Headteacher (or relevant Governor or Trustee) can consider whether a face-to-face meeting is the most appropriate way of doing this.

If the matter is within the scope of the complaint policy, it is important that the right person to investigate is identified. The Headteacher (or relevant Governor or Trustee) will look, initially, within the resources of the school or Trust (if appropriate), but it may be necessary to seek an external, neutral third party to undertake this role. The Headteacher (or relevant Governor or Trustee) has discretion to appoint this person, and to notify the complainant about who the person is and reasons for the decision.

If the complaint is about a member of staff, a HR process will be followed. That is outside the scope of this complaint guidance.

The Headteacher (or relevant Governor or Trustee) may delegate the investigation to another member of the school's senior leadership team or suitable investigating officer but not the decision to be taken.

Any interviews of pupils must **only** be conducted by school staff and not Governors or any independent investigator who is connected or part of the complaint.

During the investigation, the Headteacher (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish with someone not connected or part of the complaint.
- keep a written record of any meetings/interviews in relation to their investigation.

Meetings may be arranged on a face to face basis, phone calls or online. It will be dependent on the timescale and availability of the parties. It may be necessary for one or more party to join a face to face meeting using a phone or online service. Where the majority of meeting participants are physically present, the attendance of one or more parties remotely will not change the status of the face to face meeting. This is to ensure that there is no unnecessary delay.

Part of the investigation may require the person complained about, other school or trust staff and the investigator to access records that contain personal data about the complainant and/or pupils. Please note that this will be determined on a case by case basis to ensure that all potentially relevant material can be properly considered.

At the conclusion of their investigation, the Headteacher (or relevant Governor or Trustee) will provide a formal written response within fifteen school days of the date of receipt of the complaint.

If the Headteacher (or relevant Governor or Trustee) is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions that will be taken to resolve the complaint.

The Headteacher (or relevant Governor or Trustee) will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of stage 2.

If the complaint is about the Headteacher, or a member of the Local Governing Team (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at stage 3.

Complaints about the Headteacher or member of the Local Governing Team must be made to the Clerk, via the school office.

Stage 2 will be escalated to the Trust Leader of the Trust if the complaint is:

- jointly about the Chair and Vice Chair or
- the entire Local Governing Team or
- the majority of the Local Governing Team

Records

The records of a complaint process are subject to the Data Protection Act 2018 and other statutory requirements.

There is an obligation to keep appropriate records. The Investigating Officer will collect and keep records of meetings as necessary. When the investigating officer writes their report, they may decide whether to combine their notes into that report, and destroy original copies. They may decide to summarise their notes in the report and keep original copies. This will be specified in any report.

Schools keep necessary records and not a note of every meeting or discussion that is held between school staff or with parents, carers and pupils. To try and retain a record of every interaction or discussion about a pupil would be impossible on a daily basis.

On occasion emails may also be deleted as part of the retention and information management process.

Stage 3 – Independent Review Panel hearing

If the complainant is dissatisfied with the outcome at stage 2 and wishes to take the matter further, they can escalate the complaint to stage 3 – a panel hearing consisting of at least three people who were not directly involved in the matters detailed in the complaint with one panel member who is independent of the management and running of the school. This is the final stage of the complaint procedure.

Right to seek a panel

Following an investigation, or an outcome, either the complainant or the person complained about, can seek to take the matter to a panel hearing if they disagree with the outcome of the investigator's report and recommendations.

Procedure for stage 3

A request to escalate to stage 3 must be made to the Clerk, via the school office, within five school days of receipt of the stage 2 response.

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

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

Arrangements for the panel

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to arrange a meeting within five school days of receipt of the stage 3 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed. The meeting will take place after the point of set up.

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

A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate. If the complainant is bringing any supporter or advocate, the identity and/or details of this person must be notified to the clerk at least two school days before the meeting.

For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

Complaints about staff conduct will not generally be handled under this complaint's procedure. Complainants will be advised that any staff conduct complaints will be considered under (Human Resources) staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

Representatives from the media are not permitted to attend.

Material for the panel hearing

At least five school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible

Any written material will be circulated to all parties at least five school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

Staff from school who are connected with the complaint will be invited to attend. There may be occasions when it is not appropriate for them to attend a panel hearing, and it is for the trust to consider whether or not to require their attendance. It is not a decision for the complainant.

All parties will be notified two school days before the meeting of final details of all attendees.

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

The panel hearing

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The committee will consider the complaint and all the evidence presented, the focus of the meeting will be on the investigation process followed at stage 2. The complainant is expected to set out why they feel that the investigation was flawed, or why the wrong conclusion was reached. The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future

The Chair of the Committee will provide the complainant and Trust or Local Governing Team with a full explanation of their decision and the reason(s) for it, in writing, within five school days.

The letter to the complainant will include details of how to contact the ESFA if they are dissatisfied with the way their complaint has been handled by Trust or Local Governing Team.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions that the Trust or Local Governing Board will take to resolve the complaint.

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the school premises by the proprietor and the Headteacher.

A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.

All correspondence statements and records relating to individual complaints will be kept confidential, except where the Secretary of State or a Board conducting an inspection under section 109 of the 2008 Act requests access to them.

In person or online meetings

It is the usual expectation that any meeting will be in person, however if the complainant wishes to request an online meeting, this will be considered. There may be practical or exceptional circumstances that are considered necessary to hold the meeting on line.

There may be occasions when some panel members, school staff or the clerk may need to attend remotely. This will be explained to the complainant if it is necessary.

There is no consent for the meeting to be recorded either by video or on any audio recording device. There is no consent for any recorded information to be used in any public forum, or on social media, or in any other way.

Complaints escalated to the Trust

If a complaint is escalated to Embark Federation or if a complainant wishes to complain directly about the trust, then the management stages on page 17 should be followed.

An Independent Investigating Officer can be appointed. The investigation will focus on the matters raised in the complaint.

The Trust Leader will write to the complainant acknowledging the complaint within five school days of the date that the written request was received. The acknowledgement will confirm that the complaint will now be investigated under stage 2 of this Complaints Policy and will confirm the date for providing a response to the complainant.

Following the investigation, the Trust Leader will write to the complainant confirming the outcome within fifteen school days of the date that the letter was received. If this time limit cannot be met, the Trust Leader will write to the Complainant within five school days of the date that the letter was received, explaining the reason for the delay and providing a revised date.

Complaint about the Trust Leader or a trustee

Please see the different stages of who to raise a concern or complaint with depending on who the complaint refers to. Please see page 17 for further information.

Where the Chair of the Trust Board has investigated the complaint, they will write the letter of outcome to the Complainant and provide a copy to the Trust Leader.

If the complainant is not satisfied with the outcome of the previous stage, the complainant should write to the Clerk to the Trust Board asking for the complaint to be heard before a Complaint Panel, within five school days.

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

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

Arrangements for the trust complaint panel procedure

The Governance Professional will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within fifteen school days of receipt of the stage 2 request. If this is not possible, the Governance Professional will provide an anticipated date and keep the complainant informed.

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

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire Trust Board or
- the majority of the Trust Board

Stage 3 will be heard by a completely independent committee panel.

The Complaint Panel will consist of three members. None of the three members of the Complaint Panel will have been involved in the incidents or events which led to the complaint or have been involved in dealing with the complaint in the previous stages, or have any detailed prior knowledge of the complaint.

One of the Complaint Panel members will be independent of the management and running of the Academy Trust. This means that the independent Complaint Panel member will not be a Trustee or an employee of the Trust.

A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.

For instance, if a trust employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

Complaints about staff conduct will not generally be handled under this complaint's procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with the complainant.

Representatives from the media are not permitted to attend.

Material for the panel hearing

At least fifteen school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible

Any written material will be circulated to all parties at least five school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

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

The trust panel hearing

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future

The Chair of the Committee will provide the complainant and Embark Federation with a full explanation of their decision and the reason(s) for it, in writing, within five school days.

The letter to the complainant will include details of how to contact the ESFA if they are dissatisfied with the way their complaint has been handled by Embark Federation.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Embark Federation will take to resolve the complaint.

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the school premises by the proprietor and the Headteacher.

A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.

All correspondence statements and records relating to individual complaints will be kept confidential, except where the Secretary of State or a Board conducting an inspection under section 109 of the 2008 Act requests access to them.

Data protection

Prior to commencing any investigation, it is necessary for the complainant to give consideration to what personal data that they are content to be shared with an investigating officer. Attached to the complaint form is consent to share material to enable an investigation to be undertaken.

Over the course of the investigation, information may be gathered from third parties. On occasion, this information may contain personal data, but it may be given in confidence by witnesses. The investigating officer will have to determine if whole statements or summaries can be provided to parties and the panel.

If the complainant does not give consent to share information, it is important to note that the scope of the complaint may be limited and, therefore, the actions available to conclude the complaints process may also be limited. In some instances, the complaint may not be able to proceed. The complainant will be informed if this is the case to give an opportunity to consider consent to share the material again within five school days.

The investigation does not place any limits on school staff processing pupil data as required. Additionally, this can include reviewing information to prepare for interviews with the investigating officer or the panel.

The same complaints process will be applied to Data Protection issues. A written outcome will be provided.

All staff must be aware of the complaints process. All complaints should be directed to the Data Protection Compliance Manager. If any member of staff is aware that a person wishes to complain they should direct the person to the school website and complaints policy and form.

Data Protection Compliance Manager is responsible for dealing with all complaints in line with this procedure.

The school's complaints policy sets out the complaints process. This will be the basis for dealing with Data Protection complaints and appeals. A written outcome will be provided.

If the school does not comply with a Subject Access Request within 1 month (subject to any extension), or refuses all or part of the request, written reasons will be provided, setting out the principles for the refusal.

However, if you feel that the school has not dealt with your matter satisfactorily you can complain to the Information Commissioner.

By post: Customer Contact, Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, SK9 5AF

Or by email: casework@ico.org.uk

More information is on the ICO website www.ico.org.uk/

Next steps

If the complainant believes the school / trust did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the ESFA after they have completed stage 3.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by Embark Federation. They will consider whether the Embark School or Embark Federation has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed [Part 7 of the Education \(Independent School Standards\) Regulations 2014](#).

The complainant can refer their complaint to the ESFA online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Academy Complaints and Customer Insight Unit

Education and Skills Funding Agency
Cheylesmore House

5 Quinton Road
Coventry
CV1 2WT

Vexatious complaints

If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of Governors is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

If a complaint amounts to harassment of an individual, then any future complaints may be considered as vexatious.

If a complaint or complainant is determined to be vexatious then investigations may be terminated, limited, or refused. Written reasons will be provided.

If the complainant subsequently contacts the school or Trust again about the same issue, the school or Trust can choose not to respond. The normal circumstance in which the school or Trust will not respond is if:

- › The school or Trust has taken every reasonable step to address the complainant's needs, *and*
- › The complainant has been given a clear statement of the school or Trust's position and their options (if any), *and*
- › The complainant is contacting the school or Trust repeatedly but making substantially the same points each time

However, this list is not intended to be exhaustive.

The school or Trust will be most likely to choose not to respond if:

- › There is reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience, *and/or*
- › The individual's letters/emails/telephone calls are often or always abusive or aggressive, *and/or*
- › The individual makes insulting personal comments about, or threats towards, school or Trust staff.

Unreasonable behaviour which is abusive, offensive, or threatening may constitute an unreasonably persistent complaint.

Once the school or Trust has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

The school or Trust will ensure when making this decision that complainants making any new complaint are heard, and that the school and Trust act reasonably.

Duplicate complaints

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and the local process is complete
- Direct them to the DfE if they are dissatisfied with our original handling of the complaint
- If there are new aspects, we will follow this procedure again

Complaint campaigns

There can be occasions where the school receives large volumes of complaints from multiple sources. In these cases, we reserve our right to treat this as a complaints campaign and as such we may choose to manage these complaints as a whole and produce a single statement which is shared with all complainants.

Although the subject matter of the complaint will be taken seriously and fully investigated, the issue will not be investigated repeatedly without good reason.

In the event of a complaint which is identified as a part of a series of near identical complaints, the following process will be followed:

- the complainant begins the complaints process as usual
- school staff identify that this complaint is one of many very similar complaints
- a single letter of response is prepared
- this letter of response is shared with each complainant
- complainants will have an opportunity to appeal the outcome of the complaint

As there may be a high volume of complainants and therefore a high number of appeals received, appeals may also be managed as a whole and as such the procedure will be varied. It will not be possible for all complainants to attend an appeal panel meeting, however an opportunity to submit additional information will be provided.

Management of stages

Complaints or concerns against school staff or local governors.

Please make complaints as Private and Confidential when contacting the relevant person.

Complaint relates to	Stage 1 Informal	Stage 2 Formal Investigating Officer	Stage 3 Complaint Panel
Pupils, parents or staff (other than the Headteacher)	The appropriate member of staff	The Headteacher or another Senior Leader	Panel appointed consisting of at least three people who are not directly involved in matters detailed in the complaint with one panel member who is independent of the management and running of the school.
The Headteacher	The Headteacher	The Chair of Governors.	Panel appointed consisting of at least three people who are not directly involved in matters detailed in the complaint with one panel member who is independent of the management and running of the school.
A Governor or Local Governing Team		The Chair of Governors	Panel appointed consisting of at least three people who are not directly involved in matters detailed in the complaint with one panel member who is independent of the management and running of the school.

The Chair of Governors		Governance and Data Lead of the Trust Central Team.	Panel appointed consisting of at least three people who are not directly involved in matters detailed in the complaint with one panel member who is independent of the management and running of the school.
The whole Local Governing Team		Governance and Data Lead of the Trust Central Team.	Panel appointed consisting of at least three people who are not directly involved in matters detailed in the complaint with one panel member who is independent of the management and running of the school.

Complaint against Embark Trust Central Team, Trustee or The Chair of Trustees

Complaint relates to	Stage 1 - Informal	Stage 2 - Formal Investigating Officer	Stage 3 Complaint Panel
Trust Central Team staff and Trust Leader	The appropriate Academy Trust Officer.	Trust Leader or Deputy Trust Leader	Panel of Trustees appointed by the Chair or Vice-Chair of the Trust.
Trust Leader	Trust Leader	Chair of Trust Board	Panel appointed of completely independent members
Trustees (other than the Chair of the Trust)		Chair of Trust Board	Panel appointed of completely independent members
The Chair of the Trust (or group of Trustees including the Chair of Trustees)		Vice-Chair of the Trust	Panel appointed of completely independent members
The whole Board of Trustees		Governance and Data Lead of the Trust Central Team.	Members to appoint an independent investigation and Panel completely independent members

Roles and responsibilities

Complainant

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

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

Investigator

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

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

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the Headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems
- The Headteacher or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details

Complaints co-ordinator

(This could be the Headteacher or Trust Leader / designated complaints governor or trustee or other staff member providing administrative support)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, Headteacher, Trust Leader, Chair of Governors, Chair of Trust or the Clerk and to ensure the smooth running of the complaint's procedure
- be aware of issues regarding:
 - sharing third party information
 - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records

Clerk to the local governing team / trust board

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

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)

- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example: stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision

Committee chair

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

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.

If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting

- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk (and complaints co-ordinator, if the school has one)

Committee member

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so no governor / trustee may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant

We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations

- many complainants will feel nervous and inhibited in a formal setting

Parents/carers often feel emotional when discussing an issue that affects their child

- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting

Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated

The committee should respect the views of the child/young person and give them equal consideration to those of adults

If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend. However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests

- the welfare of the child/young person is paramount

Complaint form

Your name	
House/ flat/ building number and street name	
Town	
County	
Postcode	
Your telephone number	
Your email address	

Formal complaint

Please provide as much detail as possible. All of the boxes expand to take additional text.

I am writing to make a formal complaint against/about	
Please describe what your complaint is and when it arose	
What you think the school/Trust did wrong or did not do. Include dates, names of witnesses etc.	
Please provide details about the consequences of what happened	
What action, if any, have you already taken to try to resolve your complaint? (who have you spoken with or written to and what was the outcome?).	
What do you think the school/Trust should do to resolve matters at this stage?	
Please list copies of any documents you are attaching to the complaint.	

**Please consider if you give consent to share your personal data with any investigating officer or not.
Please delete either**

I give my consent for information held in paper and electronic records in respect of the complaint to be made available to facilitate any investigation. I consent to this confidential and sensitive data to be shared for that specific purpose. I realise that any information held about any third party cannot be shared without their specific consent.

Should it be necessary in the view of the investigator to seek that third party consent I give my approval that they may share sufficient information with that third party to enable that person to make an informed choice about whether or not to give consent to sharing that person's information with the investigator.

OR

I do not give my consent to share my personal data to an allocated investigating officer. I acknowledge that this may limit the scope of the complaint investigation.

Signed

Date