



# Complaints Procedure

*This procedure is based on the DfE (Department for Education) Model Policy and will be reviewed every two years, or sooner if new guidance is produced by the DfE.*

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## 1. Introduction

It is in everyone's interest that complaints about Acer Trust are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. To that end, we must be clear about the procedures we will apply when we receive a complaint.

The Acer Trust is governed by a Board of Trustees who are responsible for, and oversee, the management and administration of schools within the Trust. The Acer Trust delegates responsibility for oversight and management of the school to the School Governing Bodies.

The Trust Board and Governors of schools within the Acer Trust have adopted the following procedure to deal with formal complaints.

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to an Acer Trust School about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

## 2. Initial Concerns

It is important to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the number that develop into formal complaints.

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'*.

**The underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures.**

Acer Trust schools 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, you will be referred to an appropriate alternative staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, you will be referred 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.

In most cases the class teacher/form tutor or year leader/Head of Year will receive the first approach. If the concern is not handled to the satisfaction of the person who has raised the issue then a member of the Senior Leadership Team can be contacted (details on the school website).

There is no rigid time-scale for resolving concerns and complaints at this stage, given the importance of dialogue through informal discussions, however it is expected that most concerns will be resolved within **10 school days**. Should the nature or complexity of the concern mean that more time is required, the school will write to the Complainant within 10 school days informing them of the reason for the delay and confirming a revised date for resolution.

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

Before making a formal complaint, please make sure you have, where appropriate:

- Contacted the appropriate member of staff in the school to try and resolve the issue; and/or
- Contacted the relevant member of the senior team in the school to see if they can support resolving the issue.

### 3. How to raise a concern or make a complaint

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

To make a formal complaint:

- **Complaints against school staff** (except the Headteacher) at a school in the Acer Trust should be made in the first instance to the Headteacher. Please mark them as Private and Confidential.
- **Complaints that involve or are about the Headteacher** of a school in the Acer Trust should be addressed to the school's Chair of Governors, marked Private and Confidential.
- **Complaints about an individual Acer Trust school governor**, including the Chair or Vice Chair of Governors should be addressed to the Clerk to the School Governing Body, marked Private and Confidential.
- **Complaints about the Chair and Vice Chair of Governors jointly, or the whole Governing Body of a school** within Acer Trust should be addressed to the Chief Executive Officer (CEO) marked Private and Confidential.
- **Complaints about staff who work across the Trust** should be addressed to the Chief Executive Officer (CEO), marked Private and Confidential.
- **Complaints about Acer Trust as an organisation** should be addressed to the Chief Executive Officer (CEO), marked Private and Confidential.
- **Complaints about the CEO, senior central staff or a trustee of the Trust**, should be addressed to the Chair of Trustees, marked Private and Confidential.
- **Complaints about the Chair of the Trust**, should be addressed to the Vice Chair of Trustees, marked Private and Confidential

Complainants should not approach individual governors to raise concerns or complaints. Governors have no power to act on an individual basis and it may also prevent them from considering complaints at a later stage of the procedure.

For ease of use, a template complaint form is included at Appendix 1 of this policy. If help is required in completing the form, the school office can be contacted. Help can also be requested from a third-party organisation, for example Citizens Advice.

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.

### **Codes of Conduct**

Please be aware that at Acer Trust we have Codes of Conduct for staff, parents, Trustees and Governors and we respectfully expect these to be followed when communicating with the school or Trust.

- [Acer Trust Parent Code of Conduct](#)
- [Acer Trust Staff Code of Conduct](#)
- [Acer Trust Trustee and Governor Code of Conduct](#)

### **Anonymous complaints**

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

### **Timescales for raising a complaint**

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 only if exceptional circumstances apply.

*Note:* Exceptional circumstances are defined here as circumstances that could not reasonably have been foreseen and for which there is insufficient time to take the necessary action to resolve the situation arising from those circumstances within the published timescales.

### **Complaints received outside of term time**

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

### **Audio or video evidence**

Complainants should make sure they obtain informed consent from all parties present before recording conversations or meetings. In line with DfE guidance, we do not normally accept electronic recordings as evidence when we are asked to consider a complaint. Unless exceptional circumstances apply, we will not accept, as evidence, recordings of conversations that were obtained covertly and without informed consent of all parties being recorded.

### **Deviation from the procedure**

There may be occasions when it is necessary or reasonable to deviate from the published complaints procedure. In these cases, the complainant will be kept informed and reasons for the deviation given.

### **Scope of this complaints procedure**

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

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>Admissions to schools</li> </ul>	<p>Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority.</p> <p><a href="#">OCC Admissions</a></p>
<ul style="list-style-type: none"> <li>Matters likely to require a Child Protection Investigation</li> </ul>	<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). <a href="#">What to do if you think a child is at risk of abuse or neglect</a></p>
<ul style="list-style-type: none"> <li>Exclusion of children from school*</li> </ul>	<p>Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>.</p> <p><i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i></p>
<ul style="list-style-type: none"> <li>Whistleblowing</li> </ul>	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters directly with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</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 directly to the Department for Education (see link above), depending on the substance of your complaint.</p>
<ul style="list-style-type: none"> <li>Staff grievances</li> </ul>	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>
<ul style="list-style-type: none"> <li>Staff conduct</li> </ul>	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
<ul style="list-style-type: none"> <li>Complaints about services provided by other providers who may use school premises</li> </ul>	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them directly.</p>

or facilities	
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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 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 an Acer Trust school in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

### **Resolving complaints**

At each stage in the procedure, the Acer Trust school 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 about 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.

## **4. Making a Formal Complaint**

Where informal attempts have been unsuccessful in resolving a complaint the formal complaints procedure will be followed. There are three stages to the procedure.

### **Stage 1: Headteacher investigation**

Formal complaints about staff or the school must be made to the Headteacher via the school office. This should be done in writing, preferably on the Complaint Form in Appendix 1. The form is useful as it ensures that relevant information is communicated at the outset.

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 **3 school days**.

Within this response, the Headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Headteacher can consider whether a face-to-face meeting is the most appropriate way of doing this.

The Headteacher may ask another member of the school senior leadership team to be involved in carrying out the investigation.

The Headteacher may delegate the investigation but not delegate the decision to be taken.

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
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the Headteacher will provide a formal written

response **within 15 school days** of the date of receipt of the complaint.

If the Headteacher 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 the Acer Trust school will take to resolve the complaint.

The Headteacher will advise the complainant of how to escalate their complaint if they believe it has not been fully addressed at this stage.

### **Proceeding straight to Stage 2**

If the complaint is about:

- both the Chair and Vice Chair of the School Governing Body
- the entire governing body
- the majority of the governing body
- the Headteacher
- the CEO
- any senior central staff
- staff who work across the Trust
- the Acer Trust

the complaint will move to Stage 2 of the process. The process will mirror that described for the governor investigation.

## **Stage 2 – Governor investigation**

### **Where there is a Stage 1 Investigation.**

If the complainant believes that their complaint has not been fully addressed at Stage 1, they may request a governor investigation. This should be done in writing, preferably using the Complaint Form (see Appendix 1). The complainant will be requested to make it clear which areas of the complaint have not been addressed at Stage One so that the investigation can focus on these areas.

A request to escalate to Stage 2 must be made to the Clerk **within 10 school days** of the Stage 1 response. The Clerk will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within **5 school days**.

Requests received outside this timeframe will only be considered in exceptional circumstances.

*Note:* Exceptional circumstances are defined here as circumstances that could not reasonably have been foreseen and for which there is insufficient time to take the necessary action to resolve the situation arising from those circumstances within the published timescales.

The Stage Two investigation will be led by Governor(s), who may use an independent and appropriate senior lead from the wider Trust to support in carrying out the investigation. This will be determined in dialogue with the CEO and communicated to the complainant.

In order to clarify which parts of the complaint have not been fully addressed, or which part of the process have not been carried out effectively, Governor(s) will consider all relevant evidence; this may include but is not limited to:

- evidence and outcome from Stage 1 investigation, if applicable
- a statement from/discussion with the complainant

- where relevant a meeting with/statement from the Headteacher/ Investigator of Stage 1
- any previous correspondence regarding the complaint
- any supporting documents from all parties
- interviews with / statements from anyone related to the complaint
- relevant policies and whether they were followed.

The Governor(s) and any staff who have been involved in investigating the complaint will meet to scrutinise the investigation findings before deciding on the outcome and writing to the complainant.

When Stage Two follows Stage One, the Headteacher Investigation becomes the starting point for Stage Two.

### **Where there is no Stage 1 Investigation.**

In cases where there has been no Stage One investigation, for example when the complaint is about the Headteacher or the Trust, the complaint will go straight to Stage 2.

- for complaints against the Governing Body, an investigation will be led by the CEO
- for complaints against the Headteacher, an investigation will be led by a Governor(s).
- for complaints against the Trust, an investigation will be led by a Trustee(s)
- for complaints against any senior central staff, staff who work across the Trust, or the CEO an investigation will be led by the Chair of Trustees or they may ask another Trustee to do so.

All investigations can be supported by an independent and appropriate senior lead from the wider Trust. In some cases, the Chair of Trustees may decide to ask an external investigator to complete the investigation, and this will be communicated to the complainant.

After considering the available evidence the nominated Governor(s)/Trustee(s) can:

- uphold the complaint and direct that certain action be taken to resolve it;
- dismiss the complaint in part: in other words, the Governor(s)/Trustee(s) may find one aspect of the complaint to be valid, but not another aspect. They may recommend certain action to be taken to resolve any aspect that they find in favour of the complainant;
- dismiss the complaint in full.

The nominated Governor(s)/Trustee(s) should inform the complainant of their decision in writing **within 20 school days of receipt of the request to escalate to Stage 2.**

They should explain clearly why they have come to the decision that they made. They should detail any agreed actions as a result of the complaint. Finally, they should provide the complainant with details of how to progress the complaint to Stage 3 if they believe their complaint has not been fully addressed, providing them with the contact details of the Clerk to the Governing Body.

## **Stage 3 – Panel Hearing**

If the complainant does not believe that their complaint has been fully addressed at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3.

This consists of a Panel Hearing with at least three governors who were not directly involved in the matters detailed in the complaint or any previous investigation. 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. The independent panel member may be a governor at one of the other schools in the Trust.

Prior to the hearing, the panel members will decide amongst themselves who will act as the Chair of the Complaints Appeal Panel.

This is the final stage of the school's complaints procedure.

### **Timeline for Panel Hearing**

A request to escalate to Stage 3 must be made to the Clerk, via the school office, **within 10 school days** of receipt of the Stage 2 response. Requests received outside of this time frame will only be considered if exceptional circumstances apply and are explained to the Clerk at the same time that the request for a Stage 3 hearing is made.

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

The Clerk will write to the complainant to inform them of the date of the meeting, which may be held by video conference if appropriate. They will aim to convene a meeting **within 30 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. If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. In this case the Panel will meet with the Clerk in attendance and consider the complaint on the basis of written submissions from both parties, with neither party being present.

At least **15 school days** before the meeting, the Clerk will:

- confirm and notify both parties 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 and
- inform all parties that copies of any further written material should be submitted to the clerk at least **10 school days** before the meeting. Any evidence submitted after this, including on the day of the hearing, will only be considered in exceptional circumstances with the agreement of the panel, whose decision is final.

Any written material will be collated and circulated by the clerk to all parties so that it is received at least 5 school days before the date of the meeting. The Panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

### **With regards to the Panel Hearing:**

- The panel will be selected through the Clerk of the school or the Trust Governance Support Manager for the Trust.
- It may be appropriate in some cases for a Trustee to be involved in a Governor Panel Hearing. This will depend on the individual case.
- For complaints about governors/governing body the panel will consist of Trustees and an independent panel member
- For complaints about the Chair of Trustees/Trust Board the panel will consist of completely independent members
- Minutes will be taken for the meeting by a member of the Acer Trust's clerking team.
- All Stage Three panel reports and minutes will be fact checked, as per Stage Two, for accuracy of names, dates, data and to ensure that recommendations do not contravene any educational guidelines, policy or regulation.

- Once the Stage Three Panel have issued their report following the hearing, the panel will be disbanded and have no further involvement. There can be no further action or appeal by the investigators, panel members or complainant.
- Recommendations of the panel are delivered through school/Trust activity with governance oversight from the Schools Governing Body or Trust Board.

### **Attendees at the meeting**

The Clerk will invite the following parties as applicable:

- a panel of three governors, one or more of whom is independent
- the complainant
- the Headteacher
- the investigator (if appropriate)
- the Chair of Governors/Nominated Governor who dealt with the complaint at Stage 2
- relevant witnesses

The complainant may ask to be accompanied to the meeting by a supportive companion, interpreter or advocate. It is not advisable for this person to be a member of the school community, for reasons of confidentiality and to avoid conflict of interest. The complainant must advise the Clerk to the Complaint Review Panel of the name and role of this additional person prior to the hearing, and the Clerk will seek agreement from the chair of the Panel. If the additional person is attending as an advocate, they will be presenting the complainant's case and speaking on their behalf, and therefore the complainant will not be able to address the Panel directly. If the additional person is attending as a supportive companion they will not be able to address the Panel directly.

As this is not a legal process, neither party may bring legal representation with them except in exceptional circumstances, by prior agreement of the panel.

Representatives from the media are not permitted to attend.

### **Conduct of the meeting**

The aim of the meeting is to resolve the complaint and achieve reconciliation between the school and the complainant. The Panel will:

- consider those aspects of the complaint which the complainant believes have not been fully addressed at the previous stages in the complaints procedure and where the complainant believes that the school has not followed its complaints policy.
- consider the effectiveness of the investigation process at Stage 1 and 2
- consider ways to resolve the complaint and, if possible, achieve reconciliation between the school and the complainant

The Panel will not only consider the handling of the complaint at the previous stages, but will also consider those aspects of the original complaint which the complainant believes have not been fully addressed.

The panel hearing will consider the complaint as it was submitted at stage 1 and 2. Any new issues will need to be dealt with by a separate complaint procedure.

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. Financial compensation is not a possible outcome of the process.

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

It is the role of the Panel Chair to ensure that the meeting is conducted professionally and each party is treated with respect.

The format of the meeting is outlined in Appendix 2. In exceptional circumstances, the Panel Chair may decide to hold the meeting with one party in the room at a time and the format of the meeting will need to be adapted accordingly.

The Panel will consider the complaint and all the evidence presented and will come to their decisions on the balance of probabilities. The Panel can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part
- determine that all or part of the complaint is out of their scope to consider.

If the complaint is upheld in whole or in part, the Panel 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 Panel will provide the complainant and the Headteacher of the Acer Trust school with a full explanation of their decision and the reason(s) for it, in writing, and a copy of the minutes of the Panel hearing, **within 10 school days**.

The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they believe that their complaint has been handled unreasonably or unlawfully by the Acer Trust school.

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

The Panel will ensure that those findings and recommendations are sent by post, electronic mail or otherwise given to the complainant and, where relevant, the person complained about, with a copy to the Headteacher.

The Panel's findings and recommendations will also be made available for inspection on the school premises by the Acer Trust Board and the headteacher.

## 5. Complaints about the Trust

If a complainant wishes to complain directly about the Trust, then the complaint should be sent to the CEO to be investigated.

The CEO will write to the complainant acknowledging the complaint **within 5 school days** of the date that the written request was received. The acknowledgement will confirm that the complaint will now be investigated under Stage 2 of this Complaints Procedure and will confirm the date for providing a response to the complainant.

Following the investigation, the CEO will write to the complainant confirming the outcome **within 20 school days** of the date that the letter was received. If this time limit cannot be met, the CEO will write to the complainant explaining the reason for the delay and providing a revised date.

If the complaint concerns the CEO or a Trustee, the complaint should be investigated by the Chair of the Trust Board. If a formal complaint form is received about the Chair, the complaint will be referred to the Vice Chair for investigation.

Note: 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 CEO.

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 10 school days**. The procedure will mirror that outlined under Stage 3 – Panel Hearing above.

If the complaint is:

- jointly about the Chair and Vice Chair of the Trust or
- the entire trust board or
- the majority of the trust board,

Stage 3 will be heard by a completely independent panel.

## 6. 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 panel hearing.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by a school of the Acer Trust. They will consider whether the Acer Trust school 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](http://www.education.gov.uk/contactus), by telephone on: 0370 000 2288 or by writing to:

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

## 7. Procedure for managing serial and unreasonable complaints

Acer Trust schools are committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with our school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Acer Trust schools define unreasonable behaviour 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 complaints investigation process
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints 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

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 determining that they may be acting "unreasonably".

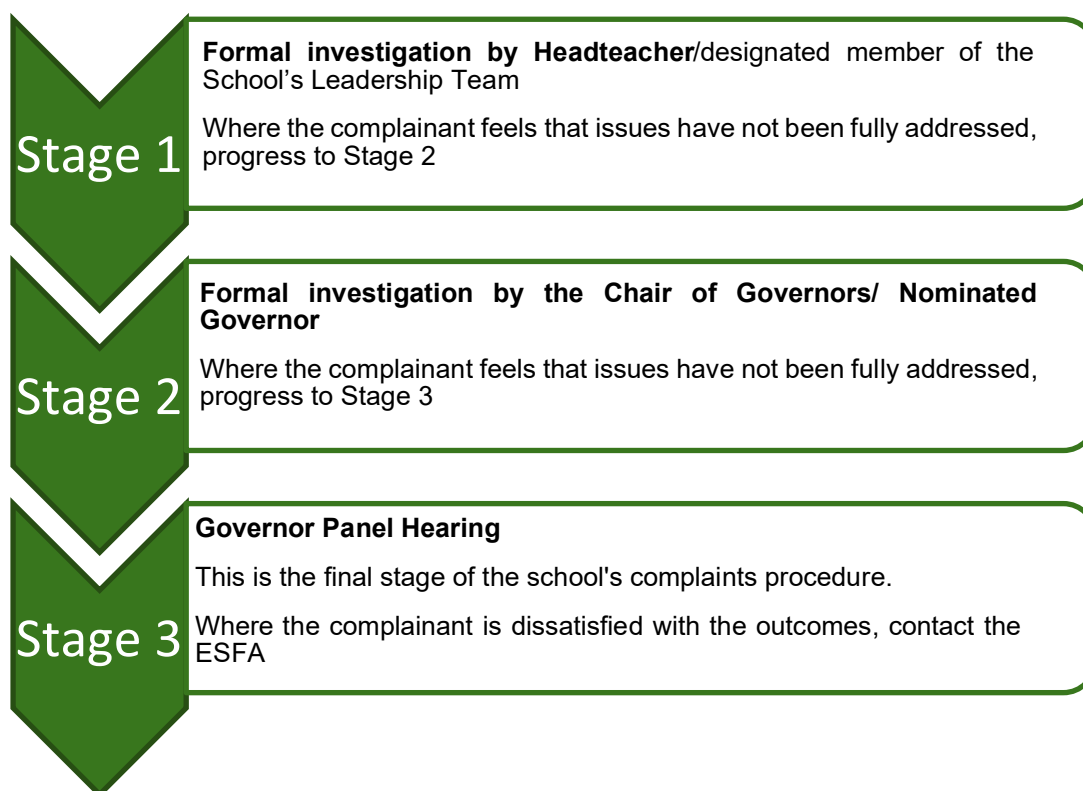
If the behaviour continues, the Headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact an Acer Trust school causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from the Acer Trust school. A decision to bar an individual will be reviewed by either the chair of Governors or a committee of Governors. If confirmed the school will notify the decision in writing, confirming the length of such action and when it may be reviewed to the complainant.

### **Procedure for managing complaint campaigns**

In the rare event that the school receives a large volume of complaints all based on the same subject, from complainants unconnected with the school, we will either send a template response to all complainants or publish a single response on the school's website.

## Summary of stages and timeline for school formal complaints procedure



### Stage 1: Headteacher Investigation

- Acknowledgement of receipt of complaint to be sent within 3 days of receipt of the complaint.
- Complaint to be investigated and written response to be received by complainant within 15 days of receipt of the formal complaint.

### Stage 2: Governor Investigation

- If the complainant believes that their complaint has not been fully addressed at stage 1, they may request to move to stage 2. This request must be made within 10 days of the receipt of the outcome letter at stage 1.
- Acknowledgement of receipt of complaint to be sent within 3 days of receipt of the complaint.
- Complaint to be investigated and written response to be received by complainant within 20 days of receipt of the stage 2 formal complaint.

### Stage 3: Governor Panel Hearing

- If the complainant believes that their complaint has not been fully addressed at stage 2, they may request to move to stage 3. This request must be made within 10 days of the receipt of the outcome letter at stage 2.
- Acknowledgement of receipt of request to escalate complaint to stage 3 to be sent within 5 days.
- Hearing to be held within 30 days of receipt of request to go to stage 3.
- Paperwork for Stage 3 hearing to be received from all parties at least 10 days before the hearing.
- Paperwork for Stage 3 hearing to be sent to all parties at least 5 days before the hearing.
- Outcome letter from panel to be received by complainant within 10 days of the hearing.

**Note:** In all cases, timescales refer to school days so exclude weekends, school holidays, Public Holidays and INSET days.

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.

## Appendix 1 – Complaint form

To download a complaint process summary and complaint form please use the following link:

Please complete and return to the Headteacher for Stage 1 or the Clerk for Stages 2 and 3 who will acknowledge receipt and explain what action will be taken.

<b>Your name:</b>		
<b>Pupil's name (if relevant):</b>		
<b>Your relationship to the pupil (if relevant):</b>		
<b>Contact details:</b>		
<b>Please give details of your complaint (adding extra pages if necessary):</b>		
<b>No.</b>	<b>Details of issue</b>	<b>What action has been taken to resolve the matter and by whom?</b>
<b>1</b>		
<b>2</b>		
<b>3</b>		
<b>etc</b>		

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

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

**Signature:**

**Date:**

**Official use**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Action taken:**

**Date:**

## Appendix 2 – Stage 3 Governors Panel Hearing

### Format of a Complaints Panel Hearing

- The Chair of the Governors Panel Hearing will invite everybody into the room at the same time. He/she will facilitate introductions and clarify roles.
- The Chair will confirm that electronic recording of the meeting is not permitted , unless the complainant's disability/additional needs require it
- The Chair will explain to all present the purpose of the meeting:
  - The Panel will consider those aspects of the complaint which the complainant believes have not been fully addressed at the previous stages in the complaints procedure and where the complainant believes that the school has not followed its complaints policy.
  - Consider the effectiveness of the investigation process at Stage 1 and 2
  - Consider ways to resolve the complaint and, if possible, achieve reconciliation between the school and the complainant
- The Chair will then outline the procedure for the meeting. He/she should listen to any concerns about the procedure but has the final decision about arrangements.
- The complainant is invited to explain the complaint. (up to 20 minutes)
- The Headteacher and Stage 2 investigator may ask questions of the complainant.
- The panel may ask questions of the complainant.
- The Headteacher is then invited to explain the school's actions. (up to 20 minutes)
- The complainant may question the Headteacher. If they feel that the Headteacher's account and explanation of actions was factually incorrect, they can state this at this point.
- The panel may question the Headteacher and Stage 2 investigator.
- The complainant is then invited to sum up their complaint. (up to 5 mins).
- The Headteacher (or the Stage 2 investigator) is then invited to sum up the school's actions and response to the complaint. (Up to 5 mins).
- The chair explains that both parties will hear from the panel within 10 school working days.
- The chair checks that both parties have said all they wanted to say and that they feel they have had a fair hearing. If either party says 'no' the chair should attempt to rectify that before the hearing ends.
- Both parties leave together while the panel decides on the issues.
- The clerk will remain with the panel.

The meeting will then close.

### Deliberation by the Panel

The Panel will then deliberate. The Clerk to the Panel will note the key points of the discussion and offer procedural advice.

The Panel will then arrive at its decision. This will cover:

- Findings on the issues raised by the complainant about the way in which their complaint was addressed by the Stage 1 and 2 investigations
- Full explanation of decisions reached by them and their reasons
- (Where appropriate) Action to be taken by the school to resolve the complaint
- Any recommendations for the school's leadership and governing body to consider

The decision will be notified to all parties, in writing, **within 10 school days**, along with a copy of the minutes of the Panel Hearing.

## Appendix 3: 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 (Stage 1)**

The Stage 1 investigator's role is to provide a comprehensive, open, transparent and fair consideration of the complaint through:

- sensitive and thorough discussion with the complainant to establish their perspective and desired outcomes
- interviewing staff 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.

### **Investigator (Stage 2)**

The Stage 2 investigator's role is to provide an impartial overview of the complaint, investigation and procedure at Stage 1 by:

- ensuring they understand which elements(s) of the complaint or remain unaddressed for the complainant
- gathering details about the specific issues involved in the complaint
- reviewing all documentation and correspondence associated with the complaint
- addressing their attention to unresolved aspects of the complaint
- liaising with complainant and headteacher / investigator as required for clarification
- investigating conflicting evidence by seeking corroborative evidence
- establishing desired outcomes
- identifying, if possible, a resolution or way forward.

### **Clerk to the Stage 3 Panel Hearing**

The Clerk is the contact point for the complainant and the Panel 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 and send it to the parties in advance of the meeting within an agreed timescale

- record the proceedings
- circulate the minutes of the meeting within 10 school days of the meeting
- notify all parties of the Panel's decision.

### **Panel Chair**

The Panel's chair, who is nominated in advance of the complaint panel hearing, will ensure that the meeting is conducted in line with the complaints procedure and best practice principles.

### **Panel Members**

Panel 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 Panel if they have had a prior involvement in the complaint or in the circumstances surrounding it
- they should read all documentation and understand the aims and purpose of the panel meeting, which is 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.
- complainants may 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 if a child/young person is present during all or part of the meeting; the welfare of the child/young person is paramount.