

**KINGSWAY  
COMMUNITY TRUST  
  
COMPLAINTS POLICY**

**June 2024**

# Complaints Policy

Date: June 2024

Review date: Summer 2025

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## The Policy

The partnership between the parent/carer and the school is integral to the ethos and mission of the Trust. Not all concerns are complaints. A concern is an issue raised by a parent, pupil or other person that is resolved quickly and informally. Most concerns are resolved by the person to whom the concern is addressed e.g. the class teacher or the Head of School. Every effort should be made to allay concerns at this level and with the least possible formality. The ideal is that no concern should ever become a formal complaint.

Occasionally, however, a concern will be too serious to be handled in this way, perhaps needing greater investigation; or the person concerned may not feel that the answers given so far have been acceptable or adequate. In such circumstances the concern will become a complaint and this document outlines the formal procedure that should be followed in such cases.

This complaints policy is not limited to parents or carers of children that are registered at our Trust schools. Any person, including members of the public, may make a complaint to Kingsway Community Trust about any provision of facilities or services that we provide. However, complaints raised by non parents/carer such as members of the public, will follow the formal procedure as outlined in Appendix 3. Unless complaints are dealt with under separate statutory procedures, (such as appeals relating to exclusions or admissions), we will use this complaints policy.

The policy will be relied upon in respect of **all concerns or complaints** by parents/carers and pupils made against the Trust Schools ***other than complaints that are dealt with under other statutory procedures, including those below***

- (a) **Admissions to schools; Statutory assessments of Special Educational Needs (SEN); School re-organisation proposals; Matters likely to require Child Protection Investigation** - Concerns should be raised directly with local authorities (LA). For school admissions, it will depend on who is the admission authority (either the school or the LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.
- (b) **Exclusion of children from school** - Further information about raising concerns about exclusion can be found at: [www.gov.uk/schooldiscipline-exclusions/exclusions](http://www.gov.uk/schooldiscipline-exclusions/exclusions).
- (c) **Whistleblowing** – We have an internal whistleblowing policy for all our employees, including temporary staff and contractors. The Secretary of State is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters directly with their employer. Referrals can be made at [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus). Volunteer staff who have concerns about our schools should complain through this document, the Trust Complaints policy.
- (d) **Staff grievances and disciplinary procedures** - These matters will invoke the Trust's internal grievance procedures. Complainants will not be informed of the outcome of any investigation but will be notified that the matter is being addressed.
- (e) **Complaints about services provided by other providers who may use school premises or facilities** - Providers should have their own complaints procedure to deal with complaints about service. They should be contacted directly.
- (f) **Matters likely to require a Child Protection Investigation** – Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding.

If other bodies are investigating aspects of the complaint, for example the police, LA, safeguarding teams or tribunals, this may impact on our ability to adhere to the timescales within this policy or result in the policy being suspended until those public bodies have completed their investigations.

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

### **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 lack of action’. The Trust Board expects that most concerns can be resolved informally and recognises that the majority of issues raised by parents/carers or pupils are concerns rather than complaints. Each school will use its best endeavours to resolve any concerns that are made on this basis.

The Trust is committed to taking concerns seriously at the earliest stage, in the hope of keeping the number of formal complaints to a minimum and without the need for formal procedures. It is recognised however, that depending on the circumstances and the nature of the complaint, parents/carers or pupils may, in appropriate circumstances, wish to or may be asked to follow the formal stages of this policy from the outset.

If informal procedures fail to resolve the issue, then the stage 1 complaints procedure should be followed.

Complainants should not approach individual governors or trustees 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.

Every complaint will receive fair and proper consideration and a timely response, but in order for the Trust to investigate a complaint, it needs to be made within 3 months of the incident/issue occurring. If a complaint is older than 3 months it will not normally be investigated. **We will consider complaints made outside of this time frame if exceptional circumstances apply.**

The Trust will do all it can to resolve concerns or complaints and to ensure parents/carers are happy with the education their child receives at the school. Complainants and pupils can be assured that all complaints and expressions of concern, whether raised informally or formally, will be treated seriously and will be dealt with in a sensitive, impartial and confidential manner. The Trust will seek to resolve complaints in an open and transparent manner and acknowledge that complaints can foster opportunities for development and improvement. It should also be noted that malicious/vexatious complaints may incur appropriate action by the Trust in accordance with the Trust Vexatious and Persistent Complaints Policy.

Correspondence, statements and records will remain confidential except in so far as is required by Part 7 paragraph 33 (k) of the Education (Independent Schools Standards) Regulations 2014; where disclosure is required in the course of the school’s inspection; or where any other legal obligation prevails.

It is reasonable and legal for personal information relating to the child/parent to be shared with the HR Advisor supporting the school in responding to a parental complaint. Normal protocols in ensuring the security of that information should be observed.

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

## Purpose of the Policy

- To encourage resolution of problems by informal means wherever possible;
- To be easily accessible and publicised;
- To be simple to understand and use;
- To be impartial;
- To be non-adversarial;
- To allow swift handling within established time-limits for action and keep people informed of the progress;
- To ensure a full and fair investigation by an independent person where necessary;
- To respect people's desire for confidentiality;
- To address all the points at issue and provide an effective response and appropriate redress, where necessary;
- To provide information to the School's senior management team so that services can be improved.

## How to make a complaint

All formal complaints should be made in writing. They may also be made by a third party acting on behalf on a Complainant, as long as they have appropriate consent to do so.

Complaints that involve or are about the Executive Headteacher should be addressed to the Chair of the Trust Board via the school office, marked as Private and Confidential.

Complaints about the individual Governor or Trustee or the whole governing body or Trust Board should be addressed to the Clerk to the Trust Board via the school office, marked Private and Confidential.

### Anonymous complaints

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

### 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.

### Resolving complaints

At each stage in the procedure, Kingsway Community Trust 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.

## Stages of the Policy

The policy has three main stages ;

- Stage One – Complaint is raised informally with class teacher or Head of School
- Stage Two – Complaint investigated by Executive Headteacher
- Stage Three – Panel Hearing

### Stage One - Complaint

It is hoped that most concerns are raised and resolved quickly and informally with the class teacher and therefore prevents the concern becoming a complaint. If a concern is not resolved informally then it can be escalated to a stage 1 complaint.

If Complainants have a concern or complaint, they should contact either the class teacher or Head of School. In many cases the matter will be resolved immediately by this means to the Complainants satisfaction. Complainants should not approach individual governors to raise a concern or complaint. 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.

Where a parent makes a complaint to the Head of School, the Head of School may choose to deal with the complaint informally, or formally through the sharing of the complaints policy as a stage 1 complaint.

The school will use its reasonable endeavours to resolve any complaints within 10 working days of them being raised except when they are raised during school holidays or within 2 working days of their commencement. In these cases the school will use its reasonable endeavour to resolve the complaint as soon as possible after the commencement of the new term (usually within 10 days).

If the issue remains unresolved, the next step is to make a formal complaint.

If the complaints cite the Head of School, then the complaint will be dealt with as a stage 2 formal complaint and investigated by the Executive Headteacher.

### Stage Two - Formal Complaint

If the complaint cannot be resolved on an informal basis then the Complainant should notify the Executive Headteacher of their complaint in writing. Parents/carers should also identify how they wish their complaint to be resolved.

The Executive Headteacher may delegate responsibility for undertaking the investigation of the complaint to the Head of School in appropriate circumstances unless the Executive Headteacher deems it appropriate for them to deal with the matter personally.

Complaints that involve or are about the Executive Headteacher, should be addressed to the Chair of the Trust Board, marked private and confidential. The EHT will also be informed of the complaint. The Chair of the Trust Board will arrange for the matter to be investigated as they consider appropriate in all circumstances. The Complainants will be notified of all decisions in this regard. In decided the appropriate manner for the matter to be

investigated, the Chair of the Trust Board will take into account the provisions of Part 7 of the Education (Independent School Standards)(England) Regulations 2014.

Complaints about the Chair of Trustees/Governors or any individual Trustee/Governor should be addressed to the Clerk to the Trust Board marked as Private and Confidential. The Clerk will then arrange for the matter to be investigated and heard, this can be done by a suitably skilled and impartial member of the Trust Board (at Stage 2) or a committee of members of the Trust Board (at Stage 3).

Complaints against the entire Governing body/Trust Board or complaints involving both the Chair and Vice Chair should also be sent to the Clerk, who should then determine the most appropriate course of action. This will depend on nature of the complaint. The Clerk may consider utilising an impartial independent party.

The Executive Headteacher will decide, after considering the complaint, the appropriate course of action but will endeavour to resolve the matter as speedily as possible.

In most cases, the Executive Headteacher will meet or speak with the Complainant to discuss the matter. The Executive Headteacher will use reasonable endeavours to speak to or meet the Complainant(s) within 10 working days of the stage 2 complaint being received. In cases where the complaint is received during school holidays or within 2 working days of their commencement, the Executive Headteacher will use reasonable endeavours to speak or meet with Complainants as soon as possible after the commencement of the new term (usually within 10 working days). It may be necessary for the Executive Headteacher to carry out further investigations.

Once the Executive Headteacher is satisfied that, so far as is reasonably practicable, all the relevant facts have been established, a decision will be made. The Complainants will be informed of this decision in writing, giving reasons for the decision including the steps/action the Trust has taken to resolve the issue. The written decision will normally be provided 10 working days following the conclusion of the investigation. The Executive Headteacher may also arrange a further meeting with the parents/carers to explain their decision.

The Trust will keep a written record of all formal complaints, including records of meetings and interviews held in relation to the complaint, and the Trust's decision, which will be recorded and will be kept for 1 year after the pupil leaves the school. This record will state if complaints were resolved at this stage of the policy or whether the matter was taken further.

Where Complainants are dissatisfied with the result at Stage 2 they should notify the Executive Headteacher/ Chair of the Trust Board or Clerk of the Trust Board as appropriate in writing within 10 working days of receiving the school's written response under Stage Two. The matter will then be dealt with under Stage Three of the procedure.

### **Stage Three – 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 Complaints panel hearing. A request to escalate to Stage 3 must be made to the Clerk, in writing, 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.

The Clerk to the Complaints Panel will write to the Complainant to acknowledge their written request in writing, and inform the Complainant of the steps involved in stage 3. The Clerk provides an independent source of advice on procedure for all parties.

Where the written request is received by the Clerk during school holidays or within 2 working days of their commencement, the Clerk has 5 works days from the commencement of the following school term to acknowledge the Complainant's written request.

The Clerk will endeavour to convene a Complaints Panel hearing as soon as possible to consider the matter, normally no later than 20 working days after their receipt of the Complainants appeal, dependent upon the availability of Complaints Panel members. Where it is not reasonably practicable for the hearing to be convened within 20 working days after receipt of the request, the Complainant will be notified of the likely timescale for the hearing to take place, which must be reasonable in all the circumstances.

The Complaints Panel will normally consist of at least three people; two trustees or governors who have not previously been involved in the complaint, and one panel member who is independent of the management and running of the school. The process used for selecting an independent person will conform to any relevant guidance issued by the Department for Education (DFE).

The Trust also has a collaboration agreement in place with CLIC Trust to enable both trusts to utilise the expertise of the other for purposes of panels when one of the Trusts is unable to provide sufficient Trustees or Governors who have not previously been involved in a process or communications about a matter in hand, from their own number.

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.

The following are entitled to attend the Complaints Panel hearing, submit written representations and address the Complaints Panel:

- The Complainant (including parents/carer if appropriate – the Complainant can be accompanied for support purposes);
- The Executive Headteacher and Head of School as appropriate;
- The Chair of the Trust Board if appropriate;
- Any other interested person whom the Complaints Panel considers to have a reasonable and just interest in the appeal and whose contribution would assist the Complaints Panel in their decision-making.

Where the Complaints Panel deems it necessary, it may require that further particulars of the complaint or any related matter be supplied in advance of the hearing. In such cases all parties will be given the opportunity to submit written evidence to the Complaints Panel in support of their position, including:

- (a) Documents in support of complaint(s),
- (b) Chronology and key dates relating to complaint(s), and
- (c) Written submission setting out the complaint(s) in more detail.

The Panel will decide whether to deal with the complaint by inviting parties to a face to face meeting, a virtual meeting or through written representations, but in making their decision, they will be sensitive to the Complainants needs. If the Complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or a friend but there is no legal right to legal representation.

If a panel meeting is to take place virtually, the panel will need to consider whether or not:-

- All participants agree to the use of remote access
- All participants have access to the technology which will allow them to hear and speak throughout the meeting and to see and be seen if a live video link is used
- All participants will be able to put across their point or view or fulfill their function
- The meeting can be held fairly and transparently via remote access

Representatives from the media are not permitted to attend.



All evidence will be considered by the Complaints Panel, along with the appeal lodged by the Complainant.

All evidence will be initially sent to the Clerk who will then circulate the documentation to all parties, including the Complaints Panel members, along with an order of proceedings.

All written evidence must be received by Clerk no later than 10 works days in advance of the hearing. The Clerk will distribution the written evidence to the relevant parties no later than 5 school days in advance of the of the hearing. 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 policy.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a Complainants 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.

It is for the Complaints Panel to decide how to conduct the proceedings of the meeting, which should be reasonably informal so that all parties can present their case effectively. If possible, the Complaints Panel will resolve the parents'/carers' complaint immediately without the need for further investigation. Where further investigation is required, the Complaints Panel will decide how it should be carried out.

After due consideration of all the facts and evidence they consider relevant, the Complaints Panel will reach a decision, and may make recommendations which it shall endeavour to implement within 10 working days of the hearing. Any decision reached that may have financial implications for the Trust will need the appropriate approval from the relevant authorities e.g. Trust Board, although any such approval must be compatible with the decision of the Complaints Panel. For more complex or multi-pronged complaints the timescales may be extended as appropriate – whilst attempting to deal in a timely manner.

The Panel will consider the complaint and all the evidence presented. The Panel 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 Complaint Panel's findings will be sent by the Clerk in writing to the Complainants, the EHT, Governors and the Trust and, where relevant, the personal complained of, within 10 working days of the hearing. The letter will state the reasons for the decisions reached and any recommendations made by the Complaints Panel. The letter to the Complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by the Trust. The decisions reached by the Complaints Panel is the final school based stage of the complaints process. The findings and recommendations will be made available for inspection on the school premises by the Executive 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 body conducting an inspection under section 109 of the 2008 Act requests access to them.

### Handling Of Campaign Complaints

The school may find that they have become the focus of a campaign and receive large volumes of complaints that are:

- All based on the same subject
- From Complainants unconnected with the school

If complaints of this nature are received, the school will choose to either send a template response to all Complainants or publish a single response on the school's website. The method of response will be dependent upon the nature of the complaint.

Should the Complainants in this situation be dissatisfied with the school's response, they may contact the Department for Education.

### Withdrawal of a Complaint

If a Complainant wishes to withdraw their complaint, the school will ask them to confirm this in writing, or where this is not possible in person or by telephone. If the Complainant cannot confirm their withdrawal in writing, they may be asked to sign a document stating that they have taken this decision and the date of that decision.

### Next Steps

If the Complainant believes the Trust did not handle their complaint in accordance with the published complaints procedure or they acted lawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education (DFE) after they have completed the school process.

The DFE will not normally reinvestigate the substance of complaints or overturn any decisions made by the Trust. They will consider whether the Trust has adhered to education legislation and any statutory policies connected with the complaint.

The Complainant can refer their complaint to the DFE online at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus) by telephone on: 0370 000 2288 or by writing to:

Department for Education  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

**Should the Complainant continue to make contact on the same issue, the Chair of the Trust Board has the power to inform them that the process is complete and the matter is therefore closed.**

Date	Issue Name	Date approved by Trustees	Review date
December 2017	December 2017	18.12.17	Autumn 2020
Autumn 2020	December 2020	7.12.20	Autumn 2022
May 2021	May 2021	23.5.21	Summer 2023
October 2022	October 2022	17.10.22	Autumn 2024

December 2022	December 2022	12.12.22	Autumn 2024
Provision around virtual meetings added			
June 2024	Junel 2024	15.7.24	Summer 2024
Updated from One Education model policy			

## Appendix 1 - Roles and Responsibilities

### The Complainant

The Complainant or person who makes the complaint will receive a more effective response to the complaint if they:-

- Co-operates with the school in seeking a solution to the complaint;
- Expresses the complaint in full, in writing, as early as possible;
- Responds promptly to requests for information or meetings or in agreeing the details of the complaint;
- Asks for assistance as needed;
- Treats all those involved in the complaint with respect.
- Refrain from publicising the details of their complaint on social media and respect confidentiality

### The Complaints Coordinator (Governance & Compliance Manager)

The complaints coordinator will:-

- Ensure that the Complainant is fully updated at each stage of the procedure;
- Ensure that all people involved in the complaint procedure are aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 2018 and Freedom of Information Act 2000 and General Data Protection Regulation;
- Liaise with staff members, Executive Headteacher, Chair of the Trust Board and Clerk to ensure the smooth running of the complaints procedure;
- Keep records;
- Be aware of issues regarding:-
  - Sharing third party information; consent must be in place before this is actioned
  - Additional support - this may be needed by Complainants when making a complaint including interpretation support.

### The Investigator – dependent on stage of complaint and nature of complaint

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;
  - Consideration of records and other relevant information;
  - Interviewing staff and children/young people and other people relevant to the complaint;
  - Analysing information;
- Effectively liaising with the Complainant and the complaints co-ordinator as appropriate to clarify what the Complainant feels would put things right;
- Responding to the Complainant in plain and clear language.

The investigator should:-

- Conduct interviews with an open mind and be prepared to persist in the questioning
- Keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- Ensure that any papers produced during the investigation are kept securely pending any appeal
- Be mindful of the timescales to respond
- Prepare a comprehensive report for the Executive Headteacher or Complaints Committee that sets out the facts, identifies the solutions and recommends courses of action to resolve problem.

The Executive 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.

### **The Panel Clerk**

This could be Clerk to the Trust Board, the Complaints Coordinator or an independent Clerk. The Clerk is the contact point for the Complainant for the panel meeting and is expected to:-

- Set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- Collate any written material and send it to the parties in advance of the hearing;
- Meet and welcome the parties as they arrive at the hearing;
- Record the proceedings;
- Circulate the minutes of the panel hearing;
- Notify all parties of the panel's decision;
- Liaise with the complaints co-ordinator and/or Investigator

### **The Panel Chair**

The Panel Chair who is nominated in advance of the complaint meeting, has a key role in ensuring 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 minuted;
- The remit of the panel is explained to the Complainant and both they and the school have the opportunity of putting their case without undue interruption;
- The issues are addressed;
- Key findings of fact are made;
- XComplainants and others who may not be used to speaking at such a hearing are put at ease – this is particularly important if the Complainant is a child/young person;
- The hearing is conducted in an informal manner with everyone treated with respect and courtesy;
- The aim of the hearing will always be to resolve the complaint and achieve reconciliation between the school and the Complainant and to that end the Chair will always ask the Complainant what practical outcome they are looking for
- The layout of the room will set the tone – care is needed to ensure the setting is not adversarial;
- The panel is open-minded and acts independently;
- No member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- Both the Complainant and the school are given the opportunity to state their case and seek clarity;
- Written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the Data Protection Act 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 hearing;

- They liaise with the Clerk and Complaints Coordinator.

## **Panel Member**

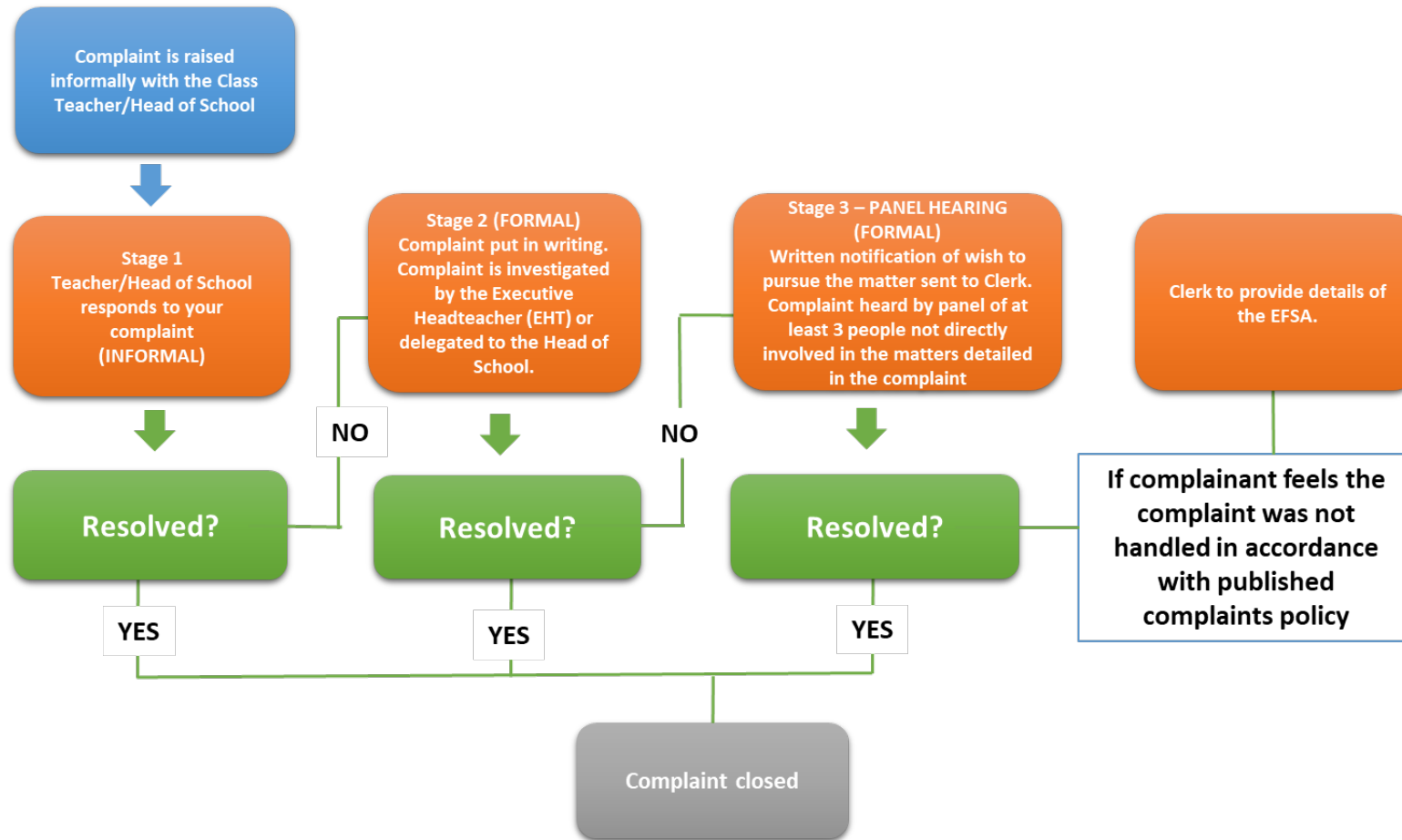
Panelists will need to be aware that:-

- It is important that the review panel hearing is independent and impartial, and that it is seen to be so; No Trustee/Governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- The aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the Complainant; However, it must be recognised that the Complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the Complainant that his or her complaint has been taken seriously.
- Many Complainants will feel nervous and inhibited in a formal setting; Parents/carers often feel emotional when discussing an issue that affects their child. The Panel Chair will ensure that the proceedings are as welcoming as possible.
- Extra care needs to be taken when the Complainant is a child/young person and present during all or part of the hearing; The panel 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 panel 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 panel should give the parent the opportunity to say which parts of the hearing, if any, the child/young person needs to attend.
- The parent should be advised however that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting which the panel considers not to be in the child/young person's best interests.
- The welfare of the child/young person is paramount.

## Appendix 2 – Complaints Policy Flow Chart



# Complaints Policy Flow Chart



## **Appendix 3 – Complaints made by Members of the Public/Non Parents**

The Trust is committed to taking concerns seriously at the earliest stage, in the hope of keeping the number of formal complaints to a minimum and without the need for formal procedures. It is recognised however that, depending on the circumstances and the nature of the complaint, members of the public, in appropriate circumstances, wish to or may be asked to follow the formal stages of this policy from the outset.

Every complaint will receive fair and proper consideration and a timely response but in order for the Trust to investigate a complaint, it needs to be made within 3 months of the incident/issue occurring. If a complaint is older than 3 months it will not normally be investigated. **We will consider complaints made outside of this time frame if exceptional circumstances apply.**

### **How to make a complaint**

All formal complaints should be made in writing. They may also be made by a third party acting on behalf on a Complainant, as long as they have appropriate consent to do so.

Complaints that involve or are about the Executive Headteacher should be addressed to the Chair of the Trust Board via the school office, marked as Private and Confidential and will begin at Stage 2 of these procedures.

Complaints about the individual Governor or Trustee or the whole governing body or Trust Board should be addressed to the Clerk to the Trust Board via the school office, marked Private and Confidential.

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.

### **Anonymous complaints**

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

### **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 complaints procedure**

This procedure covers all complaints about any provision of community facilities or services by Kingsway Community Trust, 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>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)</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>

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

### Withdrawal of a complaint

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

### Resolving complaints

At each stage in the procedure, Kingsway Community Trust 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.

## Stages of the Policy

The policy has two stages ;

- Stage One – Complaint is raised with the Executive Headteacher
- Stage Two – Complaint is investigated Chair of Trustees or designated Trustee

## **Stage One Complaint**

If a member of the public has a complaint they should put forward their complaint in writing to the Executive Headteacher. In many cases the matter will be resolved immediately by this means to the Complainant's satisfaction.

At the conclusion of their investigation, the Executive Headteacher will provide an informal written response within 10 school days of the date of receipt of the complaint, except when they are raised during school holidays or within 2 school days of the commencement of school holidays. In these cases the school will use its reasonable endeavours to resolve the complaint as soon as possible after the commencement of the new term (usually within 10 days).

The Executive Headteacher will decide, after considering the complaint, the appropriate course of action but will endeavour to resolve the matter as speedily as possible.

In most cases, the Executive Headteacher will meet or speak with the Complainant to discuss the matter. The Executive Headteacher will use reasonable endeavours to speak to or meet them within 10 working days of the formal complaint being received. In cases where the complaint is received during school holidays or within 2 working days of their commencement, the Executive Headteacher will use his/her reasonable endeavours to speak or meet with the Complainant as soon as possible after the commencement of the new term (usually within 10 working days). It may be necessary for the Executive Headteacher to carry out further investigations.

Once the Executive Headteacher is satisfied that, so far as is reasonably practicable, all of the relevant facts have been established, a decision will be made. The Complainant will be informed of this decision in writing, giving reasons for the decision including the steps/action the Trust has taken to resolve the issue.

The Executive Headteacher will provide the Complainant and the Trust with a full explanation of their decision and the reason(s) for it, in writing, within 10 school days of the hearing.

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 Trust will take to resolve the complaint.

Complaints about the Executive Headteacher or member of the governing body must be made to the Clerk, via the school office.

If the complaint is dis-satisfied with the outcome at Stage one and wishes to take the matter further, they can escalate the complaint to Stage 2 by notifying the Board Clerk in writing within 10 school days of the receipt of the stage 1 response.

## **Stage 2 Complaint**

If the Complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2. This is the final stage of the complaints procedure.

At this stage, the complaint will be investigated by the Chair of the Board, or a designated Trustee.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing within 5 school days. Requests received outside of this time frame will only be considered if exceptional circumstances

apply. Where the written request is received by the Clerk during school holidays or within 5 working days of their commencement, the Clerk has 10 working days from the commencement of the following school term to acknowledge the Complainant's written request.

All evidence will be considered by the Chair or designated Trustee, along with the appeal lodged by the Complainant. The Chair/designated Trustee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the policy.

After due consideration of all the facts and evidence they consider relevant, the Chair/designated Trustee will reach a decision, and may make recommendations which it shall endeavour to implement within 10 working days of the hearing. Any decision reached that may have financial implications for the Trust will need the appropriate approval from the relevant authorities e.g. Trust Board. For more complex or multi pronged complaints the timescales may be extended as appropriate – whilst attempting to deal in a timely manner.

The Chair/Designated Trustee will consider the complaint and all the evidence presented. The Chair/designated Trustee 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 Chair/designated Trustee 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/designated Trustee will provide the Complainant and the Trust with a full explanation of their decision and the reason(s) for it, in writing, within 10 school days of the hearing.

The letter to the Complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by the Trust.

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 Trust will take to resolve the complaint.

The decision reached by the Chair/designated Trustee is the final school based stage of the complaints process. The findings and recommendations will be made available for inspection on the school premises by the Executive 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 body conducting an inspection under section 109 of the 2008 Act requests access to them.

## **Next Steps**

If the Complainant believes the Trust did not handle their complaint in accordance with the published complaints procedure or they acted lawfully 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 the Trust. They will consider whether the Trust 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

**Should the Complainant continue to make contact on the same issue, the Chair of the Trust Board has the power to inform them that the process is complete and the matter is therefore closed.**