

Concerns and complaints policy

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Policy statement

Vision, mission and values

We aim to be fair, open, and honest when dealing with any concern or complaint. All concerns or complaints will be given careful consideration and we will deal with them as swiftly as possible and in accordance with our policy. We aim to solve any concern through dialogue and mutual understanding, and, in all cases, we put the interests of the student above all other issues. We provide sufficient opportunity for any concern to be fully discussed, and then resolved.

Purpose and intent

We believe that our academies provide a good education for all our students, and that all staff work very hard to build positive relationships with parents and carers. However, if a concern or complaint does arise, we have the following policy and procedures in place in accordance with the terms of the [Independent School Standards 2019](#) Part 7.

Roles and responsibilities

Effective concern and complaint handling is extremely important to us. To ensure that there is effective handling, management and oversight of these, there are a number of people who are involved. Each is aware of their specific responsibilities to fostering good relationships with our parents and students.

Complainants – in order to continually review and evaluate our processes, we are always willing to listen to, and act upon any issues that are raised with us to resolve them to the best of our ability.

Principal/senior leader – commit to listening to any concern and meet with complainants in an attempt to rectify the situation and discuss a mutually appropriate solution.

Complaints governor/investigator - there may be times when complainants are not happy with the proposed solution offered by the principal/senior leader and in these instances, complainants will be referred to a governor who will review the complaint by speaking to both complainant and the principal/senior leader. They will be open-minded in their discussions and will take into account both sides to try and resolve the situation. This may result in actions for both parties.

The Executive Principal

Will review the investigation undertaken by the principal/senior leader and the complaints governor/investigator and either confirm that a fair and unbiased process has been undertaken or make any recommendations for further review.

Academy committee panel review

If complainants remain unsatisfied with the process, they may ask a governor panel to review the complaint. The purpose of the panel is to try and come to a final position to satisfy both sides.

Benefits

It is in everyone's interest that concerns and complaints are resolved at the earliest possible opportunity. Our main aim is to ensure that all our students are receiving high quality education and complaints can detract from this and may spill over into their home life. To ensure that this does not affect their education, we act swiftly in order to resolve issues informally, without the need to use the formal stages of the procedure. We take concerns seriously and will make every effort to resolve the matter as quickly as possible.

We value feedback to enable us to consider the way we operate and work with our parents/carers and students, which we use to improve what we do and the way we do it.

Policy

Introduction and purpose

The policy explains how we deal with any concerns and complaints that are raised by our parents/carers and students. The policy, process and guidance enable a positive and proactive approach to managing issues raised.

The policy is our guide to how we do this using best practice in this area, as advocated in the [Department for Education best practice guidance for academies complaints procedures](#)

Who can make a complaint

This policy and procedure applies to complaints from parents/carers of students i.e., for persons for whom education is being provided within the Diverse Academies Trust. It does not cover complaints from parents of students who have left voluntarily (except in cases where the complaints process was started when the student was educated within the trust), or as a result of exclusion. It does not apply to parent/carers of prospective students.

Any person not referenced above, including members of the public, may make a complaint to the trust or one of our academies about the provision of facilities or services that we provide. All complaints will be investigated. It will be for the senior leader in charge of the investigation to decide how this will be undertaken.

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

In order for issues to be resolved as quickly and fairly as possible complainants should not discuss these publicly or via social media such as Facebook and Twitter. Complaints will be dealt with confidentially for those involved, and we expect complainants to also observe the same confidentiality.

If a complainant commences legal action against the trust or an academy in relation to their complaint, we will seek legal advice and consider whether to suspend the complaints procedure in relation to their complaint 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 a lack of action’.

This policy deals with concerns at an informal and formal stage – see page 17 onwards

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the member of staff receiving the concern will refer you to another 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.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case there will be an attempt to resolve the issue internally in the first instance, through the stages outlined within this procedure.

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

Policy implementation

1.1 If any parent or carer is unhappy with the education that their child is receiving, or has any concern relating to the academy, we encourage that person to talk to the child's tutor immediately. If a parent has a concern about a member of staff, please talk to the senior leader of the trust/academy principal in the first instance.

1.2 There are areas where concerns and complaints should be raised through other routes e.g.:

- a. concerns and complaint's which have an alternative statutory avenue of appeal or complaint, e.g. admissions to schools (see admission information on the individual academy website and on the [trust website](#)), exclusion of children from schools Suspension and Permanent Exclusion guidance
- b. statutory SEND assessments (Education Health and Care Plans - EHCP) concerns should be raised directly with the local authority
- c. concerns and complaints which must be dealt with by specific employment procedures e.g. allegations of professional abuse, criminal offences or those that are potentially staff disciplinary issues
- d. staff grievances will be dealt with under the trust's internal grievance procedures
- e. complaints about staff conduct will be dealt with under our internal grievance or disciplinary procedures. Complainants will not be informed of any disciplinary action taken against a member of staff as a result of a complaint. However, the complainant will be notified that the matter is being addressed
- f. matters likely to require a child protection investigation or of a safeguarding nature will be dealt with under our [child protection/safeguarding policy](#) and in accordance with relevant statutory guidance. Adult to child and child on child safeguarding allegations are covered by clear guidance in that policy. The Local Authority Designated Officer (LADO) will be advised of any adult to child safeguarding concerns. Any child on child safeguarding issues will be discussed with the local Multi Agency Safeguarding Hub (MASH).
- g. concerns or complaints of financial improprieties or other criminal activities will be dealt with through the [whistleblowing policy](#). Whistleblowing complaints can occur when an individual knows, or suspects, that there is some wrongdoing occurring within the organisation and alerts the employer or the relevant authority.

The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <https://www.gov.uk/contact-dfe>

- h. for concerns or complaints about services provided by other providers who may use trust/academy premises, please refer these via the trust or individual academy reception as appropriate

Parents and carers can withdraw their child from any aspect of Religious Education (RE) including the Daily Act of Collective Worship (DACW) and do not have to explain why. If you are not satisfied with the handling of a request to withdraw your child from RE or the DACW, you may follow the complaints procedure. This right of withdrawal does not apply to other areas of the curriculum where religious matters may be spontaneously raised by pupils or arise in other subjects such as history or citizenship.

Anonymous complaints

We will not normally investigate anonymous complaints. However, the appropriate senior leader (to include CEO in all references to senior leader/principal or chair of trustees/governors, if appropriate) will determine whether the complaint warrants an investigation.

Complaint campaigns

If we are the focus of a campaign where complaints are received from 3 or more separate individuals that are all based on the same subject (whether or not connected with the academy) we will seek advice from our lawyers and send a template response to all complainants and publish a single response on the academy's website (as applicable). If complainants are dissatisfied with the response, they may continue to complain to the Department for Education.

Timescales

All complainants must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances (as decided by the trust/academy) apply.

Complaints received outside of term time

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

Withdrawal of a complaint

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

Monitoring and evaluation

All staff will be given clear information about how to deal with concerns and complaints they receive and their responsibility to deal with them so that complainants do not get passed from one person to another.

Trustees and governors monitor this policy and procedure to ensure that all complaints are handled properly.

A written record of all concerns and complaints either dealt with at an academy or trust level is kept by the business manager or governance professional as appropriate and it is noted whether they are resolved following the formal procedure or whether they proceed to a panel hearing. Records will also state any action taken by the academy/trust as a result of those complaints (regardless of whether they are upheld) and provides that correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of State or a body conducting an inspection under [section 109 of the 2008 Education and Skills Act](#)

requests access to them.

Any findings and recommendations made by a panel will be available for review by the CEO/executive principal/principal or chair of governors.

Trustees will take into account any local or national decisions that affect our concerns and complaints process and make any modifications they feel necessary to this policy. This policy is made available to all parents and carers, so that they can be properly informed about our process.

This Concerns and Complaints Policy and associated forms are available through the [trust website](#). A printed version and versions that support those with disabilities (where available) can be obtained from the head office or each academy's office available in response to a personal visit, a telephone request, by letter or email.

Review of the policy

This policy is reviewed every two years by the Trust or if any new guidance or recommendations are made by the Department for Education (DfE) or if there are legislative changes. The Trust will monitor the application and outcomes of this policy to ensure it is working effectively.

Complaints about the application of an academy's behaviour policy can be made through this policy.

If at any stage in the procedure it becomes apparent that the concern or complaint falls outside of this general procedure, complainants will be informed.

Roles and responsibilities for effective handling of complaints

The following explains the roles/actions of those involved.

Complainant (the person making the complaint)

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 trust/academy 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.

The Principal/senior leader will:

- thoroughly investigate all complaints advised to him/her by reviewing the investigation already held by members of staff and referring to those who might have been in previous discussions with the complainant. The investigation will be undertaken with an open mind and through discussions and meetings with the complainant, the principal/senior leader will endeavour to reach a satisfactory resolution.

Academy complaints governor/investigator:

The academy complaints governor role is to establish the facts relevant to the complaint by providing a comprehensive, independent, open, transparent and fair consideration of the complaint through:

- sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
- interviewing staff and children/young people and other people relevant to the complaint
- consideration of records and other relevant information. This will include reviewing student records that will be unredacted to ensure that a balanced view of the issue can be gained
- analysing information
- liaising with the complainant and the senior leader/principal-as appropriate to clarify what the complainant feels would resolve the complaint.

The academy complaints governor/investigator will:

- conduct interviews with an open mind and be prepared to persist in their questioning
- keep notes of interviews or arrange for an independent note taker to document the meeting
- ensure that any papers produced during the investigation are kept securely pending any further action to be taken
- be mindful of the timescales to respond
- prepare a comprehensive report that sets out the facts, identifies solutions and recommends courses of action to resolve problems. The senior leader/principal and complainant will receive the report and agree upon the actions or the complainant may consider escalation to the next step of the policy procedure. If the complaint reaches the complaints committee panel stage, the panel will refer to the report when they are determining whether to uphold or dismiss the complaint
- ensure confidentiality of all discussions

The Executive Principal will:

- review the investigations that have taken place ensuring that it meets the requirements of the policy
- if the executive principal has been involved in the complaint, another executive principal who has not been involved with the academy or the complaint will undertake this role
- a letter should be written which confirms the investigation that has been undertaken, ensuring that the complainant and school leaders receive a copy of the investigators report

Business Manager

The Business Manager (or member of staff designated by the business manager) should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, senior leader/executive principal/principal, chair of governors

- collate any written material relevant to the complaint (for example, all relevant paperwork, school, and complainant submissions) and give to the academy complaints governor/investigator within agreed timescales
- be aware of issues regarding:
 - sharing third party information
 - additional support: this may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- be the point of contact until such time as the complaint reaches the formal hearing stage, liaising with the governance professional thereafter
- Keep records of the complaint on an academy log, for all formal complaints received via the form at Appendix 1 or where a complaint is received in writing. The log must record any contact made with the complainant and comprehensive notes of any actions taken including whether the case progressed to a panel hearing, any actions to be taken when the case has been deemed as closed regardless of outcome and ensuring these are carried out and all data is kept securely.

Academy committee panel review

The trust board and all academy committees have a duty to deal with complaints impartially. Details of complaints will not be shared with the full board/academy committee at any stage while they are still being considered in case a complaints committee panel needs to be organised at the hearing stage.

The exception to this is when a complaint is made against the whole board/academy committee and they need to be aware of the allegations made against them, to be able to respond to any independent investigation.

If the whole board/academy committee becomes aware of the significant detail of a complaint (that is not collectively against them) and before the final stage has been completed, consideration will be given, and arrangements put in place to invite an independent panel to hear the complaint. The independent governors invited to serve on a complaints panel may come from:

- another school/academy; either within or outside of the Trust
- the local authority's governor services team
- the diocese, if appropriate.

Governance Professional (clerk)

The governance professional will be the contact point for the complainant if the complaint reaches trustee/governor involvement level and will:

- keep records of the issue, contact made with complainant and comprehensive notes of any actions taken
- 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 UK General Data Protection Regulations (UK GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible
- receive paperwork (redacted where necessary) from the business manager and send it to the parties in advance of the meeting within an agreed timescale
- record and circulate the minutes of the meeting to all parties
- notify all parties of the panel's decision.

Board/academy committee panel chair

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

- both parties are asked (via the governance professional) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the panel is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or UK GDPR. Information identifying third parties will be redacted from information received.
- if new evidence is presented at the panel meeting all attendees will be given the opportunity to consider and comment upon it; this may require a short adjournment of the meeting
- both the complainant and the trust/academy are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the 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

- the meeting is minuted
- they liaise with the governance professional
- Any new issues raised are not responded to as these should be dealt with under a new process.

Committee panel member

Committee panel members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so
- no trustee/governor may sit on the panel if they have had a prior knowledge or involvement in the complaint or in the circumstances surrounding it
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the trust/academy and the complainant
- the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations
- many complainants will feel nervous and inhibited in a formal setting and should be put at ease
- parents/carers often feel emotional when discussing an issue that affects their child
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting
- careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.

The 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 meeting, if any, the child/young person needs to attend.

However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the panel considers is not in the child/young person's best interests. The chair of the panel will make the final decision.

The welfare of the child/young person is paramount.

Procedure

Complaint routes

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

Complaints against school staff (except the principal) should be made in the first instance, to the principal of the academy. Please mark them as private and confidential.

Complaints that involve or are about the principal or executive principal should be marked private and confidential, addressed to the Head of HR via the head office address marked for the attention of the Chief Education Officers. These complaints will dealt with under our HR policies and guidance.

Complaints about the chair of governors, any individual governor or the whole academy committee should be addressed to the governance professional to the Academy Committee via the academy office. Please mark them as private and confidential. These complaints will be heard by the trustees and an independent panel member.

Complaints against any members of head office staff (except the Chief Executive Officer, CEO) should be made in the first instance, to the CEO via the head office address. Please mark them as private and confidential.

Complaints about the CEO should be addressed to the chair of trustees, via the head office address. Please mark them as private and confidential.

Complaints about the chair of trustees, an individual trustee or the whole trust board should be addressed to the governance professional to trustees via the head office. Please mark them as private and confidential.

Unless otherwise advised, all complaints will be dealt with in line with this policy and whoever receives a complaint will ensure that it has been dealt with according to the stages as recorded in this policy.

Any letters marked 'private and confidential' might be opened by the PA/governance professional of the person being written to. They will maintain confidentiality.

For ease of use and to enable complainants to record steps already taken and to record what actions may resolve the complaint, a template form (Form A) is included at the end of this process. If you require help in completing the form, please contact us. You can also ask a third-party

organisation to help you, for example Citizens Advice. We would encourage this form to be completed in all cases.

Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken. Any recordings taken covertly will not be used or taken into consideration at any stage of the procedure.

Duplicate complaints

After closing a complaint, if a duplicate complaint is received from:

- a partner
- a grandparent
- a child
- a known person to the complainant

the trust/academy will inform the new complainant that it has already considered that complaint and the local process is complete. The trust/academy will advise the new complainant to contact the Department for Education (DfE) if they are dissatisfied with the handling of the original complaint.

Every effort will be taken to ensure that no new aspects to the original complaint are overlooked that may not have been previously considered. If it is identified that there are new aspects these will be investigated and dealt with to the full extent of the procedure.

If the complaint has been fully investigated according to this policy but the complainant persists on raising the issue, the trust/academy may refer to its [Unreasonable Complaints and Vexatious Communication policy](#). If the complainant's written or verbal behaviour is unreasonable, we will also refer to this policy.

Operational guidance

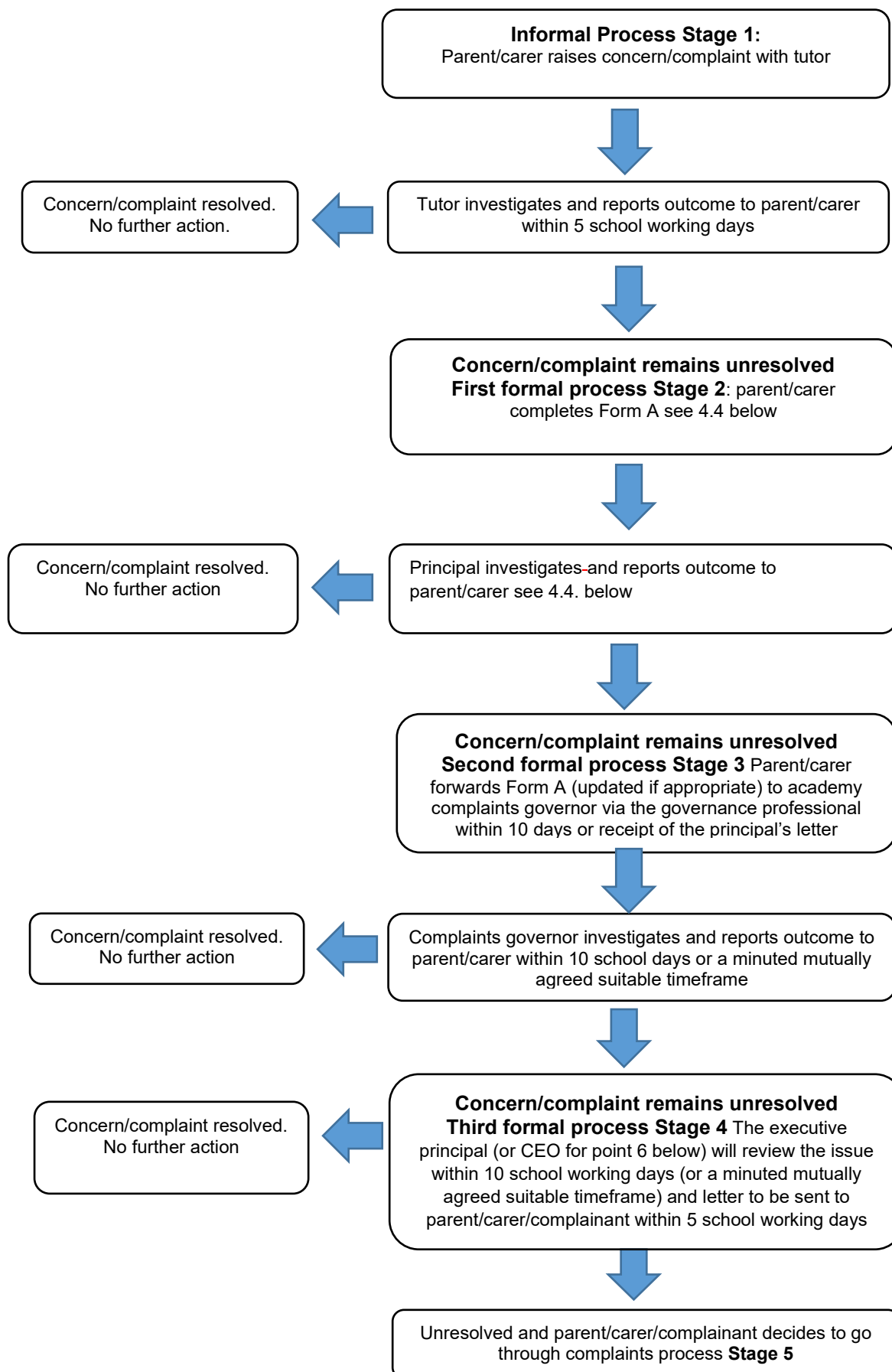
Diverse Academies Trust has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. The trust has delegated day-to-day responsibility for operating the policy locally to the appropriate senior leader in each setting.

1 The stages to follow – stages 1 to 5

Stage 1	Meet with Tutor/Head of Year/Class Teacher/Key Stage Lead/Senior Leader		Informal
Stage 2	Meet with Principal	Form A	1 st formal process stage
Stage 3	Meet with Complaints Governor	Form A	2 nd formal process stage
Stage 4	Meet with Executive Principal		3 rd formal process stage
Stage 5	Complaints panel	Form B	4 th formal process stage

2. Informal process and first stages of formal process

see below for full descriptions of each step



3 Stage 1 (the informal process) and stages 2, 3 and 4 of the formal process

(as flowchart above)

If, due to investigations taking place, the timescales noted are unable to be met the complainant will be informed and a mutually agreed timescale will be agreed and noted in the complaint record or in minutes of meetings.

If at any stage a complainant tries to circumnavigate one of the stages in this process, they will be advised that the process contained within this policy must be followed and they will be directed to the relevant stage in the process.

4. Informal process stage 1

4.1 If a parent or carer has an education concern they should, in the first instance, discuss the matter with their child's tutor/teacher at the academy. Most matters of concern can be dealt with in this way. The aim is to take action promptly at the most appropriate level to achieve a mutually acceptable solution.

4.2 All teachers work very hard to ensure that each child is happy at their academy and making good progress; they always want to know if there is a problem, so that they can take action before the problem seriously affects the child's progress wellbeing. The tutor/teacher/relevant member of staff will either act, or work with appropriate colleagues to understand the nature of the issue and explore a reasonable outcome to resolve the concern. If the tutor/teacher is the subject for your concern, please contact the academy and you will be advised who would be best to deal with your query.

4.3 Making an attempt at informal resolution does not mean that the complainant cannot make a formal complaint if the attempt fails.

Formal process stage 2

4.4 Where a complainant feels, following interaction with staff, a situation has not been resolved, they should put their concerns in writing to the principal using form A (appendix 1). The principal considers any such concern very seriously and each case will be investigated thoroughly. The principal will contact parents within 5 days of receipt to arrange to meet the parent or carer to try and resolve matters. This meeting will take place within 10 working days or as soon as practicable in agreement by all parties and a response will be provided within 10 working days. Most concerns are normally resolved at this stage but in the event that they aren't complainants have 10 school days to instigate stage 3 below.

Formal process stage 3

4.5 If you feel that your concern has not been dealt with to your satisfaction you may write to the academy committee's complaints governor/investigator. Please forward already completed form A (appendix 1) updated if necessary with any new information in order that we can deal with your concern more efficiently. Any correspondence to the complaints governor/investigator must be marked 'private and confidential' and addressed to the governance professional at the academy. The governor in question will do all they can to resolve the issue through a dialogue with the academy and complainant and the issue will be fully investigated. Where a concern/complaint is made that involves the complaints governor any correspondence should be sent to the chair of governors via the governance professional for the academy.

4.6 Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints if a panel of governors needs to be formed at a later stage in the process.

4.7 The complaints governor/investigator will always ensure the principal has completed their investigation to resolve the issue before getting involved.

4.8 If the complaint is:

- jointly about the chair and vice chair or
- the entire academy committee or
- the majority of the academy committee

the formal process will be escalated to the CEO of the trust by the governance professional.

4.9 The complainant will be asked what they think might resolve the issue.

4.10 A response will be received within 10 school days and complainants have 10 days to instigate stage 4.

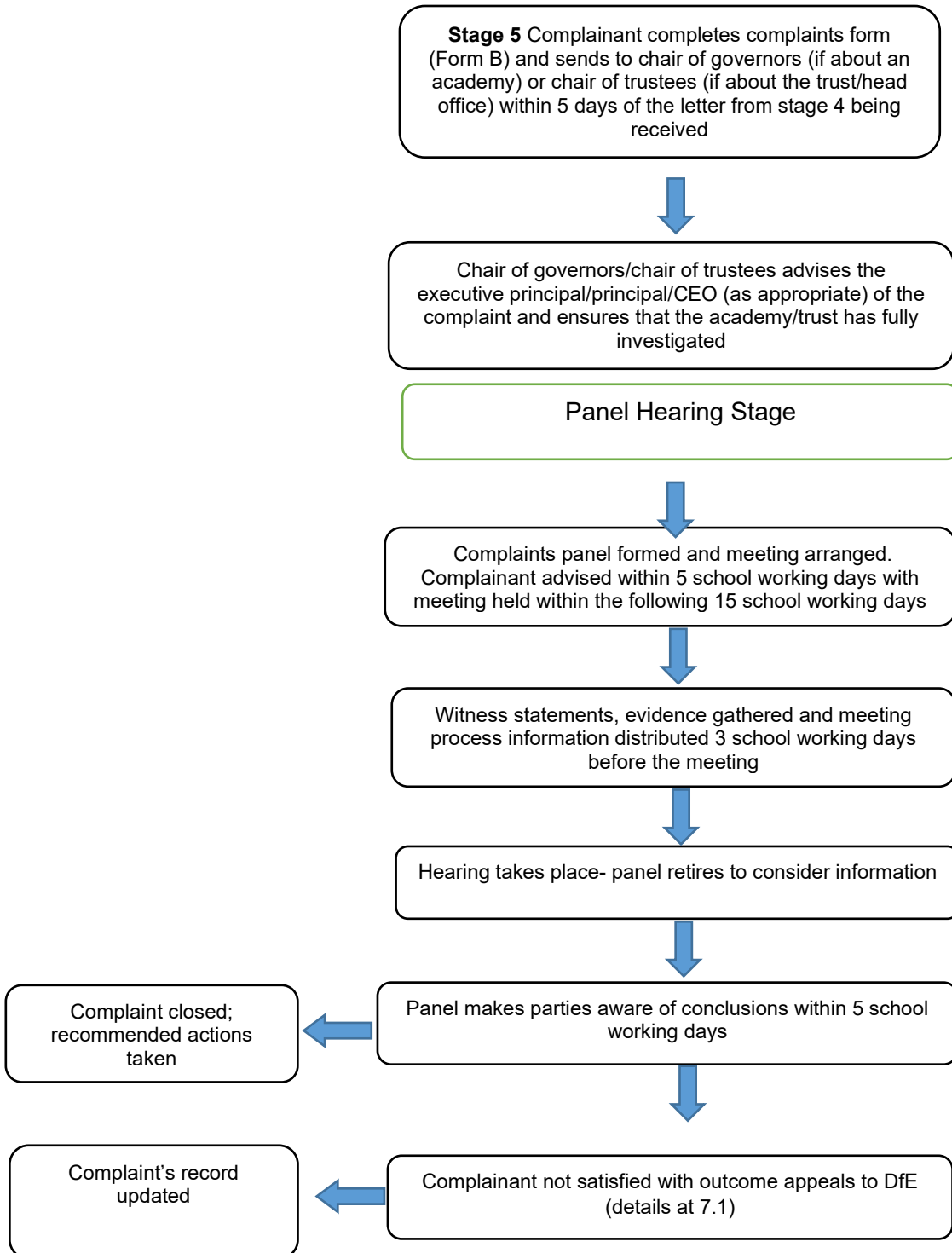
Formal process stage 4

4.11 If a parent or carer is unhappy with the outcome the executive principal for the academy (or CEO, or member of staff designated by the CEO if the complaint is about the trust) will review the concern and advise the complainant of their findings. If the executive principal of the academy has been involved in previous discussions an executive principal from another academy will be asked to review the complaint.

It is the role of the executive principal (or CEO or member of staff designated by the CEO if the complaint is about the trust) to confirm that every effort has been made to try and resolve the complaint in the most appropriate way and that the policy process and procedures have been followed. The complainant will receive a letter advising them of their investigations.

5 Stage 5 The formal panel hearing process

If, due to investigations taking place, the timescales noted in the diagrams below are unable to be met the complainant will be informed and the reason for the delay will be noted in the complaints record or in minutes.



5.1 Only if the previous process (as detailed above on pages 18 and 19 – stages 1-4) fails to resolve the matter should a complaint be escalated. This complaint must be made in writing, stating the nature of the complaint and how the academy/trust has handled it so far and how the complainant would like the situation resolved. The complainant should complete form B (appendix 2) at the end of this policy and send it to the trust/academy as appropriate addressed private and confidential to the chair of trustees/chair of governors at the head office or academy postal address. Where a complaint is made against the chair of trustees, chair of governors or individual governor, form B should be used addressed to the governance professional at the trust's postal address. or to HR at the head office address if the complaint is about the CEO, chief education officers, executive principal or principal.

5.2 Panel Hearing - a complaints panel will be formed to consider how the complaint was handled at the previous stages but has the discretion to review other aspects of the complaint as it sees fit. The panel will comprise of at least three people not directly involved in the matters detailed in the complaint, one of whom will be independent of the management and running of the trust/academy. This is to ensure that the panel has the benefit of an external source of scrutiny and challenge in its consideration of the complaint. The independent panel member will not be a member, trustee or employee of the academy/trust. A governor from a local academy committee at a different school within Diverse Academies Trust, who has no conflict of interest or prior knowledge of the complaint, can be an independent panel member.

The panel will arrange a meeting so the nature of the complaint can be understood, and the complainant/complainants have an opportunity to explain the complaint in more detail. Attendees at a meeting will be the three panel members, the governance professional, the complainant/s, a supporter if chosen, the principal or CEO who dealt with the complaint and any member of staff who may be the subject of the complaint.

If the attendance of any student is required, parental permission will be sought if they are under the age of 18. Depending upon the nature of the complaint and the information being shared, the student may be asked to give their consent to share their personal data with the complaints panel and meeting attendees if they are in Year 9 or above. The information will be redacted if it contains third party data or personal information unless prior consent from each individual has been given.

A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. Generally, we do not encourage either the complainant or the academy to bring legal representatives to the panel meeting as these panels are not a form of legal proceedings and prior notice must always be given to the panel chair. However, there may be occasions when legal representation is appropriate. For instance, if a trust employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

Representatives from the media are not permitted to attend.

The organisation will give the complainant at least 5 school working days' notice of the meeting. The governance professional will set the date, time and venue of the hearing ensuring that the venue and proceedings are accessible. All efforts will be taken to arrange a mutually convenient time to attend the meeting, but it would usually be expected to be held during the school working day. Copies of any further written material to be submitted to the panel should be received at least 5 days prior to the meeting so that it can be included in the pack of information sent to all parties.

The meeting may be held online with the consent of all parties and if this is the case, the panel will consider if:

- 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 of view or fulfil their function; and
- the meeting can be held fairly and transparently via remote access.

Where there are concerns about any of these points the complaints panel hearing will take place in person.

If the complainant rejects the offer of three proposed dates, without good reason, the governance professional will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties. If parents do not attend the meeting, the panel will hold the meeting without representation from staff.

All written materials will be collated and sent to all parties at least 3 school working days in advance of the meeting. A copy of the procedure at the meeting will also be sent to each party. All parties will be welcomed to the hearing and the proceedings recorded formally in minutes of the meeting.

5.3 At the meeting the complaints panel will consider the evidence previously received or hear witnesses as appropriate. The aim of the hearing, which is held in private, and is independent and impartial, will always be to clarify the actions the complainant feels would resolve the complaint and try to achieve reconciliation between the academy/trust and the complainant wherever possible.

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

5.4 Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before recordings of meetings or conversations take place. Consent will

be recorded in any minutes taken. Any recordings of conversations that were obtained covertly will not be used or taken into consideration at any stage of the complaint's procedure and the person recording the meeting may receive a warning letter requesting that the recording is deleted.

5.5 The chair of the panel will explain the remit of the panel to the parties and give each party the opportunity to put their case without undue interruption. Their role will be to ensure that all issues are addressed, and key findings of fact are made. Complainants will be advised that the panel may:

- a. dismiss the complaint in whole or in part
- b. uphold the complaint in whole or in part and will decide on the appropriate action to be taken to resolve the complaint and where appropriate recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

5.6 Complainants should be put at ease and the chair will ensure that each party treats the other with respect and courtesy. The panel members will be reminded that they should be open minded, act independently and no member of the panel should have a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure. Each side will be given the opportunity to ask questions and state their case. Written material is seen by all parties in advance of the meeting.

Any late submission of additional evidence or witnesses from either side after the deadline for submission has passed must be agreed by the chair of the panel. If submission is accepted, the meeting may adjourn for each party to read the additional information. Confidentiality will be respected at all times.

5.7 The panel may be adjourned if it requires further evidence or in exceptional circumstances (for example if clarification sought by the panel is essential to the proceedings). The adjourned date must be as soon as possible.

5.8 After listening to all parties and all the evidence, the complaints panel will consider their decision and inform the complainant, and where relevant, the person complained about of their decision in writing within 5 school days. The panel will do all they can at this stage to resolve the complaint to the complainant's satisfaction.

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 academy/trust will take to resolve the complaint. However, it is recognised that the complainant may not be satisfied with the outcome of the hearing. 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.

The letter to the complainant will include details of how to contact the Department for Education (DfE) if they are dissatisfied with the way their complaint has been handled.

5.9 When a complaint concerns the whole of the academy committee, the chair and vice chair, or the majority of the academy committee, an independent complaints panel may be drawn from within the organisation, and which will always include an independent panel member who has no connection with the complaint.

6 Complaints about the trust, CEO, or trustee including complaints about Head Office functions

If a complaint is escalated to the trust or if a complainant wishes to complain directly about the trust or a trustee, then the complaint should be investigated by the CEO (or someone appointed by him). 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 4 at page 19 of this complaints policy and will confirm the date for providing a response to the complainant.

If any time limits detailed in the process cannot be met, the CEO will write to the complainant explaining the reason for the delay and providing a revised date.

If a formal complaint form is received about the chair of the trust board, the complaint will be referred to the vice chair for investigation

If the complaint is unable to be resolved the process will move to stage 5 at page 20 above.

If the complaint is:

- jointly about the chair and vice chair or
- the entire trust board or
- the majority of the trust board

the complaint will be heard by a completely independent panel.

7 Final actions

7.1 If the complainant thinks the complaints panel did not provide them with a fair hearing or deal with the complaint according to this policy and process, or acted unlawfully or unreasonably in the exercise of their duties under education law, they can take their concerns further by contacting the Department for Education (DfE) via the information provided in the outcome letter from the panel, or by using the following link: <https://www.gov.uk/contact-dfe>

Or telephone 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.

The DfE will only consider the complaint if the complainant can provide evidence that the academy or trust:

- does not have a complaints procedure
- did not provide a copy of its complaints procedure when requested
- does not have a procedure that complies with statutory regulations
- has not followed its published complaints procedure
- has not allowed its complaints procedure to be completed

They will not reinvestigate the original complaint and do not have any power to overturn any decisions made by the trust/academy complaints panel. They will investigate to consider whether the academy has adhered to education legislation and statutory policies connected to the complaint and whether they have followed part 7 of the [Education \(Independent School Standards\) Regulations 2019](#).

They are **not** able to:

- review the accuracy of minutes taken or documents provided
- order that compensation is paid
- direct the school to discipline / exclude pupils
- force the school to discipline / dismiss staff
- instruct the school to apologise

Please note that 'unreasonable' is used in the legal sense and means acting in a way that no reasonable school or authority would act in the same circumstances.

7.2 If the complainant tries to reopen the same issue, the chair of the Diverse Academies board is able under this policy to inform them in writing that the procedure has been exhausted and that the matter is closed.

7.3 In considering the concerns raised by complainants, the organisation may also refer and work to the Diverse Academies Unreasonable Complaints and Vexatious Communication policy a copy of which is available [here](#) or from an academy.

7.4 If at any formal stage of the complaint it is determined that staff disciplinary or capability proceedings are necessary in order to resolve the issue, the details of this action will remain confidential to HR/executive principal/principal/CEO. The complainant is not entitled to participate in the proceedings or receive any details about them.

<i>Policy lead</i>	<i>Alison Elway</i>
<i>Policy renewal date</i>	<i>June 2025 unless any statutory changes are applicable beforehand</i>
<i>Policy approving body</i>	<i>Governance and Partnership Committee</i>
<i>Date of approval</i>	<i>14 June 2023</i>
<i>Adopted on</i>	<i>19 June 2023</i>

Appendix 1: Form A formal complaint process.

Complete for complaint stage 2 and 3 (please refer to pages 18 and 19 above)

Please complete and return to the principal and/or complaints governor (depending on the stage of the process at the academy) who will acknowledge receipt and explain what action will be taken.

Name:	
Student's name (if applicable):	
Your relationship to the student (if applicable):	
Address:	
Telephone number:	
Email address:	
Detail of concern (continue on a separate sheet if necessary):	
Details of action you have already taken to try and resolve your concern. Who did you speak to and what was the response:	
What actions do you feel might resolve the problem at this stage?	
Are you attaching paperwork? If so please give details:	
Signature:	
Date:	
For Academy use only:	
Date acknowledgement letter sent:	By whom:
Concern referred to:	
Action taken:	Date:

Appendix 2: Form B formal complaint panel

Complete for stage 5 (please refer to page 20 above)

To proceed please complete and return to the chair of governors/chair of trustees at the academy/head office who will acknowledge receipt and explain what action will be taken.

Name:

Student's name (if applicable):

Your relationship to the student (if applicable):

Address:

Telephone number:

Email address:

Date and details of your original concern:

Detail of complaint:

Details of any previous discussions with staff or the complaints governor and the reasons why you do not feel your complaint has been satisfied:

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

Are you attaching paperwork? If so please give details:

Signature:

Date:

For Academy use only:

Diverse Academies Trust

Date acknowledgement letter sent:

By whom:

Concern referred to:

Action taken:

Date: