



# Complaints Policy

## Document Control:

<b>This document has been approved for operation within:</b>	Apex Collaborative Trust		
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<b>Owner</b>	Helen Whitaker		
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<b>Review period</b>	Annually	<b>Version</b>	4

Version	Changes identified
2	Addition of 'withdrawal of a complaint' section on P6 Addition of 'Section 5: Barring from the premises' on P13 Addition of 'Section 6: Complaints campaigns' on P14
3	Change of wording around main trust contact in the absence of the Head of Governance.
4	Change of contact email address for complaints to be the Trust complaints email address.

	<p>Change of contact email address for complaints addressed to the Chair of Governors to be the Trust complaints email address.</p> <p>Addition of further explanation around complaints received out of term time.</p> <p>Additional of text around trying to resolve the complaint informally before seeking to use formal procedures in 'Section 2 Stage 1 – Informal complaints'</p> <p>Text around the process if the complaint relates to the Headteacher or LSC moved in Stage 2 to make the process clearer.</p> <p>Text around accepting electronic records as evidence added on page 4.</p> <p>Flowcharts added to the end of each complaint stage.</p>

## Section 1: Who can make a complaint?

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

### The difference between a concern and a complaint

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

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

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

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, Helen Whitaker, Head of Governance ([complaints@apex-trust.org](mailto:complaints@apex-trust.org)), will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, Helen Whitaker will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

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

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

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

Complaints against school staff (except the Headteacher) should be made in the first instance, to the Headteacher via [complaints@apex-trust.org](mailto:complaints@apex-trust.org) or by post to the trust office: Bridgewater House, Suite 5, Surrey Road, Nelson, BB9 7TZ. Please mark as Private and Confidential.

Complaints that involve or are about the Headteacher should be addressed to the Chair of Governors, via [complaints@apex-trust.org](mailto:complaints@apex-trust.org) or by post to the trust office: Bridgewater House, Suite 5, Surrey Road, Nelson, BB9 7TZ. Please mark as Private and Confidential.

Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to Mrs Helen Whitaker, Head of Governance via [complaints@apex-trust.org](mailto:complaints@apex-trust.org) or

by post to the trust office: Bridgewater House, Suite 5, Surrey Road, Nelson, BB9 7TZ. Please mark as Private and Confidential

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

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

We do not normally accept electronic recordings as evidence when we are asked to consider a complaint. However, we may accept independently notarised transcriptions of recordings. We may also ask for the written consent of all recorded parties.

Unless exceptional circumstances apply, we will not accept, as evidence, recordings of conversations that were obtained covertly and without informed consent of all parties being recorded.

## **Anonymous complaints**

We will not normally investigate anonymous complaints. However, the headteacher or chair of the local school committee, if appropriate, will determine whether the complaint warrants an investigation.

## **Time scales**

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

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

We will consider complaints made outside of term time to have been received on the first school day after the holiday period. This includes complaints that are submitted after the end of the school day on the last day of half-term/term. Formal complaints from families who have left the school community will no longer be eligible for consideration after twelve months have lapsed following the end of the summer term in the year of their departure, unless these concerns relate to potential criminal behaviour.

## **Scope of this complaints procedure**

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

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>Admissions to schools</li> </ul>	<p>Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority.</p>
<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) or the Multi-Agency Safeguarding Team (MAST)</p> <p>Lancashire: LADO: 01772 536 694 or MASH: 0300 123 6720</p> <p>North Yorkshire: LADO: 01609 533080 or MAST:01609 780780</p>
<ul style="list-style-type: none"> <li>Suspension/Exclusion of children from school*</li> </ul>	<p>Further information about raising concerns about suspension/exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>.</p> <p><i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure. The school's behaviour policy can be found on their website.</i></p>
<ul style="list-style-type: none"> <li>Whistleblowing</li> </ul>	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>Volunteer staff who have concerns about our schools should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p>
<ul style="list-style-type: none"> <li>Staff grievances</li> </ul>	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>
<ul style="list-style-type: none"> <li>Staff conduct</li> </ul>	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint.</p>

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

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

## Resolving complaints

At each stage in the procedure, Apex Collaborative 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.

## Withdrawal of a complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing. Despite the complaint having been withdrawn, the school/trust will take the complainant's voice seriously. The school/trust will not under any circumstances ask, or pressure an individual, to withdraw a complaint.

## Section 2: Stage 1 – Informal complaints

It is to be hoped that most concerns can be expressed and resolved on an informal basis. We seek to resolve all concerns informally within **15 school days**. An informal resolution should not infer that the school will not take significant subsequent action, where it is appropriate.

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

The Trust expects that before seeking to use formal procedures, the complainant:

- will have raised the issue with the relevant staff member within the school; and
- will have made reasonable attempts to seek an informal resolution.

At the conclusion of their investigation, the appropriate person investigating the complaint will provide an informal written response within **10 school days** of the date of receipt of the complaint.

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

## Stage 2 – Formal complaints

If the complainant feels that their concern has not been resolved during the informal discussions within Stage One, they may raise a formal complaint under Stage Two of the policy.

Formal complaints must be made to the headteacher (unless they are about the headteacher), via [complaints@apex-trust.org](mailto:complaints@apex-trust.org) or by post to the trust office: Bridgewater House, Suite 5, Surrey Road, Nelson, BB9 7TZ. Please mark them as Private and Confidential. This must be done by using the Trust's Complaint Reporting Form, which can be found on the School's website (copy at Appendix 1), unless the complainant has a disability, learning difficulty or difficulties with the English language which prevents this, in which case the complainant may contact the school for assistance. The complaint should be addressed to the headteacher.

When the complainant is completing the Complaint Reporting Form, the complainant should provide as much detail as possible about the matter, including dates and times of events, potential witnesses, copies of any relevant documents, and a clear indication of the action(s) they are seeking to resolve their complaint.

The Head of Governance will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within **5 school days**. Within this response, we will seek to clarify the nature of the complaint and ask what remains unresolved. The headteacher can consider whether a face-to-face meeting is the most appropriate way of doing this.

*NOTE: The headteacher may delegate the investigation to another member of the school's senior leadership team, however they do not have the authority to take a decision on the outcome of the investigation.*

If the complaint is about the headteacher, or a member of the local school committee (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 2.

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

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the headteacher will provide a formal written response within **20 school days** of the date of receipt of the complaint.

If the headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

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

The headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

Complaints about the headteacher or member of the local school committee must be made to Helen Whitaker, Head of Governance, via [complaints@apex-trust.org](mailto:complaints@apex-trust.org).



If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire local school committee or
- the majority of the local school committee

Stage 2 will be escalated to the CEO of the Trust.

## Stage 3 – Panel Hearing

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

A request to escalate to Stage 3 must be made to the Head of Governance, via [complaints@apex-trust.org](mailto:complaints@apex-trust.org), within **10 school days** of receipt of the Stage 2 response.

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

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

The Head of Governance will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within **30 school days** of receipt of the Stage 2 request. If this is not possible, the Head of Governance will provide an anticipated date and keep the complainant informed.

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

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 3 will be heard by the CEO, trustees and an independent panel member.

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

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

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

Representatives from the media are not permitted to attend.

At least **8 school days** before the meeting, the Head of Governance will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the committee at least **5 school days** before the meeting.

Any written material will be circulated to all parties at least **5 school days** before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

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

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

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

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

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

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

The Chair of the Committee will provide the complainant and the school with a full explanation of their decision and the reason(s) for it, in writing, within **10 school days**.

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

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

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

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

## **Complaints escalated to / about the Trust, CEO or Trustee**

If a complaint is escalated to Apex Collaborative Trust “the Trust” or if a complainant wishes to complain directly about the trust, then the complaint should be sent to the CEO to be investigated.

The CEO will not investigate complaints that do not fall into the above categories and complainants should not complain directly to the CEO, just because they consider their complaint to be sufficiently serious.

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 under which Stage of this Complaints Policy their complaint will be dealt with and will confirm the date for providing a response to the complainant.

Following the investigation, the CEO will write to the complainant confirming the outcome within **10 school days** of the date that the letter was received. If this time limit cannot be met, the CEO will write to the Complainant within **15 school days** of the date that the letter was received, explaining the reason for the delay and providing a revised date.

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

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

If the complainant is not satisfied with the outcome of the previous stage, the complainant should write to the Head of Governance by e-mail ([complaints@apex-trust.org](mailto:complaints@apex-trust.org)) asking for the complaint to be heard before a Complaint Panel, within **10 school days**.

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

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

The Head of Governance will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within **30 school days** of receipt of the Stage 2 request. If this is not possible, the Head of Governance will provide an anticipated date and keep the complainant informed.

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

If the complaint is:

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

Stage 3 will be heard by a completely independent committee panel. These arrangements are in line with those stated in section 2 earlier in the policy.

*NOTE: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.*

Representatives from the media are not permitted to attend.

At least **8 school days** before the meeting, the Head of Governance will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the committee at least **5 school days** before the meeting.

Any written material will be circulated to all parties at least **5 school days** before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

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

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

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

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

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

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

The Chair of the Committee will provide the complainant and the school with a full explanation of their decision and the reason(s) for it, in writing, within **10 school days**.

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

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

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

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

All complaints will be handled in the strictest confidence by the Trust and its schools and Data Protection principles will be applied in line with the Trust's GDPR Policy. 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 162A of the Education Act 2002 requests access to them or where the Trust is otherwise required by law to disclose them.

It is expected that complainants will also keep their complaint private and confidential.

Complainants are not expected to discuss complaints publicly via any form of social media or with third parties. The posting of defamatory, offensive or derogatory comments by the complainant on social media will not be accepted.

Electronic recordings of meetings must not be made by either the Trust or the complainant. A meeting to discuss a complaint may not go ahead if the complainant is insistent on recording the meeting. The Trust will take notes of any meetings to discuss a complaint, which may be shared afterwards, and complainants may do likewise.

Due to private rights under data protection legislation, information disclosed relating to an outcome if it relates to a third-party individual i.e. disciplinary action of a member of staff or another pupil, may sometimes be limited.

## **Section 4: Dealing with unreasonably persistent or vexatious complaints and behaviour**

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

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

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

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

Whenever possible, the headteacher or Chair of the Local School Committee will discuss any concerns with the complainant informally before applying an '*unreasonable*' marking.

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

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from the school.

## Section 5: Barring from the premises

School premises are private property and, therefore, any individual may be barred from entering the premises.

If an individual's behaviour is cause for concern, the headteacher will ask the individual to leave the premises.

The headteacher will notify the parties involved in writing, explaining that their implied licence for access to the premises has been temporarily revoked and why, subject to any representations that the individual may wish to make. The individual involved will be given the opportunity to formally express their views regarding the decision to bar them.

This decision to bar will be reviewed by the chair of trustees where escalated, considering any discussions following the incident.

If the decision is made to continue the bar, the individual will be contacted in writing, informing them of how long the bar will be in place, and when the decision will be reviewed.

The duration of the ban will be for a period of time determined by the headteacher or CEO and until the trust is confident that lifting a ban does not pose a risk to the wellbeing of members of the school community and safe running of the school.

Anyone wishing to make a complaint regarding a barring order can do so in writing, including via email, to the headteacher or chair of trustees.

## Section 6: Complaints campaigns

Where the school/trust becomes the subject of a complaints campaign from complainants who are not connected with the school/trust, a standard, single response will be published on the school/trust's website.

If complainants remain dissatisfied with the school/trust's response, they will be directed to the ESFA.

## Section 7: Next Steps

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

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by Apex Collaborative Trust. They will consider whether Apex Collaborative 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

## **Section 8: Monitoring and review**

The complaints procedures policy will be reviewed annually, considering any legislative changes and the latest guidance issued by the DfE or ESFA. The next scheduled review date for this policy is identified in the document control at the start of the policy. Responsibility for reviewing the procedure belongs to the Board.



## Appendix 1: Complaint Form

Please complete and return to Helen Whitaker, Head of Governance who will acknowledge receipt and explain what action will be taken.

<b>Your name:</b>
<b>Pupil's name (if relevant):</b>
<b>School pupil attends:</b>
<b>Your relationship to the pupil (if relevant):</b>
<b>Address:</b>          <b>Postcode:</b> <b>Day time telephone number:</b> <b>Evening telephone number:</b> <b>Email address:</b>

**Please give details of your complaint, including whether you have spoken to anybody at the school about it.**

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

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

**Signature:**

**Date:**

**Official use**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Action taken:**

**Date:**

## **Section 6: Roles and Responsibilities**

### **Complainant**

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

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

### **Investigator**

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

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

The investigator should:

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

## **Complaints Co-ordinator**

**(this could be the headteacher or CEO / designated complaints governor or trustee or other staff member providing administrative support)**

### **The complaints co-ordinator should:**

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, headteacher, CEO, Chair of Local School Committee, Chair of Trust or the Head of Governance and to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
  - sharing third party information
  - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.

## **Head of Governance**

The Head of Governance is the contact point for the complainant and the committee and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the UK General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example: stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

## **Committee Chair**

The committee's chair, who is nominated in advance of the complaint meeting, should ensure that: both parties are asked (via the Head of Governance) to provide any additional information relating to the complaint by a specified date in advance of the meeting

- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person

- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or UK GDPR.

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

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

## **Committee Member**

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so

No governor / trustee may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.

- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant

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

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

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

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

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

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

If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.

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

- the welfare of the child/young person is paramount.