



EBOR ACADEMY TRUST

Policy Number

5

Statutory Complaints Policy

Signed:

Peter G. Hunter

Dated:

April 2019

Review Period:

Every 3 years

Review Date:

April 2022

Please note – wherever this policy states Director or Trustee this means Director or Trustee of the Ebor Academy Trust

Introduction

The Ebor Academy Trust recognises that at times things can and do go wrong. The Academies Trustees and staff believe that it is in everyone's best interest to resolve complaints at the earliest possible stage.

For the purposes of this policy a 'complaint' is to be interpreted as the expression of concern over any subject connected with the education and/or welfare of any pupil/student at any of the schools within the Trust. The policy therefore seeks to help parents or other relevant people understand how to resolve concerns about their child's education or other concerns.

Scope

The scope of this policy covers most complaints that the Academies are likely to receive. It is not, however, intended to cover aspects for which there are specific statutory requirements, in particular, complaints about the delivery of the curriculum or the provision of collective worship or religious education.

In addition:

- Concerns about admissions or exclusions have specific appeal rights and are detailed in the relevant policies.
- Allegations of child abuse will be dealt with through the Safeguarding and Child Protection Policies
- Complaints of financial improprieties or other criminal activities will be dealt with through the Whistleblowing Policy.

General Principles

The Ebor Academy Trust's Complaints Procedure will:

- Encourage resolution of problems by informal means wherever possible.
- Be easily accessible and publicised.
- Be simple to understand and use
- Ensure impartiality
- Be non-adversarial.
- Allow swift handling with established time-limits for action and keeping people informed of the progress.
- Ensure a full and fair investigation by an independent person where this is required.
- Respect people's desire for confidentiality.
- Address all the points at issue and provide an effective response and appropriate redress, where necessary.

In addition to the above it is also important that:

- At all stages the nature of the complaint is fully clarified with the complainant, and
- Those dealing with the complaint ensure the complainant is clear about which stage of the complaints procedures the complaint is currently being dealt with, and once completed, what further action can be taken should the complainant still not be satisfied.

Ebor Academy Trust has the right to refuse to investigate any complaints which are made after 6 months since the last event relating to the complaint took place, if it appears reasonable and fair to do so.

All aspects of the complaint will be dealt with in line with Data Protection requirements, and in line with this correspondence, statements and records relating to the complaint will be kept confidential.

STAGE 1: INFORMAL

The First Contact: Guidelines for dealing with concerns and complaints informally

The vast majority of concerns and complaints can be resolved informally. There are many occasions where concerns are resolved straight away through the class teacher or Office Manager or Head of School/Headteacher, depending on whom the parents/carers first approached.

Procedure for Stage 1:

- a. Parents/carers or other representatives (the complainant) are encouraged to discuss their concern with the appropriate member of staff who clarifies with the complainant the nature of the concern. If the member of staff first contacted cannot immediately deal with the matter, s/he makes a clear note of the date, name, contact address or phone number.
- b. The member of staff will refer the concern to the person with responsibility for the particular issue, to a senior member of staff or to the Head of School/Headteacher or in their absence to a Deputy.
- c. The staff member dealing with the concern makes sure that the complainant is clear what action (if any) or monitoring of the situation has been agreed, putting this in writing only if this seems the best way of making things clear. He/she will check that the complainant is satisfied with this action at this stage.
- d. If the concern relates to the Head of School/Headteacher, the complainant is advised to contact the Executive Lead, and provided with relevant contact details.
- e. Where no satisfactory solution has been found within 10 working days, the complainant should be asked if they wish their concern to be considered further. If so they are given clear information, both orally and in writing, about how to proceed and about any independent advice available to them.

STAGE 2: FORMAL

Where the complaint has not been successfully resolved as part of the informal procedures (Stage 1), or the decision is made that the complaint should be dealt with as part of the formal complaints procedures, then the complaint is dealt with in line with Stage 2. At this Stage the complaint should be provided in writing by the complainant and is **Referred to the Head of School/Headteacher for investigation** (if the complaint concerns the Head of School/Headteacher this stage will be undertaken by the Executive Lead (or designated person)), who will follow the procedures identified for Head of School/ Headteacher in line with Stage 2)

Procedure for Stage 2:

- a. The Head of School/Headteacher acknowledges the complaint orally or in writing **within three working days of receiving the written complaint**. The acknowledgement gives a brief explanation of the Trust's complaint procedure and an expected date for providing a response to the complaint. This should normally be within 10 working days of responding in writing to the complainant; if this proves impossible, a letter is sent explaining the reason for the delay and giving a revised target date. (Refer to Annexe 1)
- b. The Head of School/Headteacher offers the complainant the opportunity for a meeting to discuss the complaint. In the meeting the Head of School/ Headteacher should provide the complainant with the opportunity to confirm or clarify the specific areas of the complaint and to enable the Head of School/Headteacher to gather supplementary information to inform the investigation into the complaint. The complainant should also be provided with the opportunity to provide any additional information they also feel is relevant. The complainant should be offered the opportunity to be accompanied at this meeting by a friend, relative, representative or advocate who can speak on his or her behalf, should this be required, and informed that interpreting facilities are available if needed.
- c. If necessary, the Head of School/Headteacher should interview witnesses and take statements from those involved. If the complaint centres around a pupil, the pupil should also be interviewed. The pupil would normally be interviewed with parents/carers present. In some situations, circumstances may prevent this e.g. where this would seriously delay the investigation of a serious/urgent complaint or where particular circumstances mean that a pupil has specifically said s/he would prefer that

parents/carers were not involved. In such circumstances another member of staff with whom the parent feels comfortable should be asked to attend.

- d The Head of School/ Headteacher should also consider relevant policies and documentation relating to the area(s) of the complaint.
- e The Head of School/Headteacher keeps written records of meetings, telephone conversations and relevant information from the documentation considered.
- f Should the Head of School/ Headteacher feel it necessary to check any information gathered with the complainant, then they may request another meeting or make another appropriate arrangement. In the case of a meeting then this should be in line with the arrangements identified in b. above. In such a case if the complainant wishes to resolve the matter directly, then this can be agreed but this decision, including the agreed resolution, should be put in writing to the complainant, clearly identifying that a formal report will not now be produced.
- g Unless the complainant has agreed to resolve the matter directly and a resolution agreed, once all the relevant facts have been established, the Head of School/Headteacher should then produce a written response to the complaint, clearly identifying the findings in relation to each of the areas of the complaint (refer to Annexe 2)
- h A written response includes a full explanation of the decision and the reasons for it. Where appropriate, this should include any recommended actions to be taken by the school or in the case of Stage 2 being carried out by the Executive Lead (designated person) any action Ebor Academy Trust will take to resolve the complaint. The complainant is advised that should s/he wish to take the complaint further s/he should notify the Chair of the Local Governing Body of the School (LGB) in writing within 10 working days of receiving the outcome letter, giving clear reasons why. Such reasons may include:
 - o The decision or outcome was not appropriate (and the reasons why) in relation to all areas of the complaint or specific areas of the complaint
 - o There was a defect in procedure
 - o New evidence which is relevant has come to light

In this case the complaint progresses to Stage 3.

In all cases a copy of the Complaints Report should be provided by the Head of School/ Head Teacher, for the Clerk to the Trustees, who is responsible for monitoring Formal Complaints made across the Trust and for ensuring all procedures of the policy are followed correctly.

STAGE 3: APPEAL: FORMAL REVIEW BY THE LOCAL GOVERNING BODY (LGB)

- a. Complaints only rarely reach this formal level, but it is important that the Local Governing Body (LGB) led by the Chair (or Deputy in their absence) is prepared to deal with them when necessary.
- b. It is important that this review is carried out in an independent and impartial way. It is also important that the LGB panel is chosen carefully (a panel of at least 3 governors) as in exceptional circumstances a complaint may result in disciplinary action against a member of staff, and the LGB might be required to give an unprejudiced hearing to an appeal by the member of staff concerned.

Procedures for Stage 3

This Stage will take place if the complainant's concerns have not been resolved at Stage 2. The Complainant will be required to identify their reason(s) for moving the complaint to Stage 3, as identified in Stage 2 above.

The Clerk to the Governors should arrange for a letter to be sent to the complainant informing him/her that the complaint will be heard in line with Stage 3 of the Complaints Policy. It should identify that further evidence may be gathered, if felt necessary in line with the reasons given by the complainant for the

appeal, that it will be considered by a panel of governors and the expected timeline for the outcome, which is normally within 20 working days from receiving the information from the complainant, identifying that they wish to move the complaint to Stage 3.

The LGB will elect a member of the committee (usually the Chair of the LGB) to consider the reason(s) identified by the complainant for moving the complaint to Stage 3 and in response to this for considering the relevant evidence and decision(s) made at Stage 2, including the reasons for the decision. Where the feel necessary this may include further interviews with the complainant and other relevant people who formed part of the initial investigation. Where this is necessary, meetings/ interviews should be carried out in line with the procedures identified as part of Stage 2.

The LGB panel should meet to consider the complaint and to identify whether they agree with the outcomes identified at Stage 2 or whether any changes in decisions are made, if so providing the reasons for these changes.

In response to the LGB panel findings a letter should be sent to the complainant within 10 days of the LGB panel hearing identifying the outcomes of the LGB panel meeting, in line with Stage 3 of the Complaints Procedure. It is not expected that this is a full report but a letter which confirms agreement with the initial report and any differences, including any changes in overall judgements. Where the appeal is in relation to specific areas of the complaint and not the whole complaint then this should be made clear in the outcome letter.

As with Stage 2 the complainant should be advised that should s/he wish to take the complaint further then it would move to Stage 4 of the procedures and s/he should notify the Chair of the Board of Trustees in writing within 10 working days of receiving the outcome letter, giving clear reasons why. Such reasons may include:

- The decision or outcome was not appropriate (and the reasons why) in relation to all areas of the complaint or specific areas of the complaint
- There was a defect in procedure
- New evidence has come to light.

If the Chair of the Board of Trustees receives a letter of complaint then prior to initiating Stage 4 they will check with the Clerk to the Trustees that all of the previous stages have been followed. Once this has been confirmed then they will arrange for a letter to be sent to the complainant confirming that their complaint will now be considered in line with Stage 4 of the Complaints Policy.

A copy of the outcomes of the LGB panel should be provided for the Clerk to the Trustees, who is responsible for monitoring Formal Complaints made across the Trust and for ensuring correct procedures are followed, in line with the Policy.

STAGE 4:

- a. On very rare occasions complaints may reach this final formal level, but it is important that the Board of Trustees is prepared to deal with them when necessary.
- b. It is important that this review is carried out in an independent and impartial manner. Individual complaints should not be considered by the full Board of Trustees as there may be the potential for serious conflicts of interest to arise, for example, in exceptional circumstances a complaint may result in disciplinary action against a member of staff, and Trustees might be required to give an unprejudiced hearing to an appeal by the member of staff concerned. Similarly, some Trustees might have previous knowledge of the problem which led to the complaint and would be unable to give fair unbiased consideration to the issue. It is expected that a panel of Trustees will be identified (at least 3 Trustees).

Procedures for Review by Board of Trustees

Upon receipt of a written request by the complainant for the complaint to proceed to Stage 4, and after having checked that all previous Stages have been carried out, the procedures outlined below should be followed:

- a. The Clerk to the Board of Trustees should arrange for a letter to be sent to the complainant to acknowledge receipt of the written request to move to Stage 4 of the procedures, and the reasons for this. The acknowledgement should inform the complainant that the complaint is to be heard by a panel of Trustees within 20 working days of receiving the complaint. The letter should also explain that the complainant has the right to attend the panel meeting and that s/he has the right to be accompanied by a friend/ advocate/ interpreter, and that s/he has the right to submit any further documents relevant to the complaint, which must be provided at least 5 working days prior to the confirmed Panel meeting date.
- b. An identified member of the panel (or designated person) should be identified to consider the previous evidence gathered and identify any further evidence which is required, and in such cases make arrangements for this to be gathered at least 5 working days prior to the confirmed Panel meeting date. Where it is felt appropriate, this may include the decision to call witnesses to attend the Panel Hearing, or to invite the Head of School/ Head teacher/ Executive Lead (or designated person) to discuss the initial report produced at Stage 2 of the complaints procedure. The identified member of the panel (or designated person) needs to ensure that the panel of Trustees have all the relevant information and evidence available to enable the panel to fully consider the complaint. This will include any additional documents provided by the complainant.
- c. The Clerk to the Trustees should make the necessary arrangements for the Trustees Complaints Panel, and for distribution of relevant documentation as soon as practicable after the 5 working days.
- d. The Panel members should be Trustees who have had no prior involvement with the complaint. If s/he has not previously been involved, the Chair of the Board of Trustees should chair the Panel; otherwise the Vice-Chair should do it. Trustees need to be sensitive to issues of race, gender and religious affiliation.
- e. The Chair/Vice-Chair will ensure that the complaint is heard by the Panel within 20 working days of receiving the letter from the Clerk to the Board of Trustees, or where this is not possible to provide reasons for this, and for one member of the panel to ensure that all relevant information and evidence is available to be considered at the Complaints Panel Hearing. If the correspondence is extensive, the Chair of the Panel may make arrangements with the panel member responsible for ensuring all evidence is available, for a thorough summary of the papers to be provided for Panel members, instead of the full documentation.
- f. The Clerk to the Trustees will arrange for letters to be sent informing the complainant and Executive Hub Lead/ Head of School/Headteacher, any relevant witnesses, and members of the Panel at least 5 working days in advance, of the date, time and place of the meeting. The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend/advocate/interpreter. The letter will also explain how the meeting will be conducted.
- g. It is the responsibility of the Chair of the Panel to ensure that the meeting is properly minuted. A copy of the minutes may be provided to either party if requested.
- h. The aim of the meeting should be to resolve the complaint and achieve reconciliation between the Trust and complainant. However, it has to be recognised that sometimes it may only be possible to establish facts and make recommendations, the intention of which may be to seek to provide assurances to the complainant that his or her complaint has at least been taken seriously.

- i. The Panel should remember that many complainants are unused to dealing with groups of people in formal situations and may feel inhibited when speaking to the Panel. It is therefore recommended that the Chair of the Panel ensures that the proceedings are as informal as possible and that the use of adjournment is considered where appropriate.
- j. If either party wishes to introduce previously undisclosed evidence that was not available at the time the complaint in accordance with (b) above, or witnesses, the Chair of the Panel may accept such new evidence if s/he considers that it may assist the Panel in its deliberations. Should such new evidence be accepted, it is in the interest of natural justice to adjourn the meeting so that the other side has time to consider and respond to the new evidence.
- k. The meeting should allow the complainant to explain their complaint and the Head of School/Headteacher/ Executive Lead (or designated person) to explain the findings of the investigation carried out at Stage 2 of the procedures. Both the complainant and the Head of School/ Headteacher Executive Lead (or designated person) should be given the opportunity to ask questions about the investigation findings, as well as the panel members, in line with the guidance identified below:
 - i. *Panel members have an opportunity to question both the complainant and the Executive Hub Leader (or designated person)/Head of School/Headteacher*
 - ii. *Any party has the right to call witnesses (subject to the approval of the Chair) and all parties have the right to question all the witnesses – final statements by both the complainant and the Executive Headteacher/Head of School/Headteacher will be invited, with the complainant having the ability to make their statement last of all.*
- l. The Chair of the Panel will explain to the complainant and the Head of School/Headteacher / Executive Lead (or designated person) that the Panel will now consider its decision, and a written decision will be sent to both parties within 10 working days. The complainant, and other attendees in the meeting will then leave.
- m. The Panel will then consider the complaint and all the evidence presented and
 - i. reach a unanimous, or at least a majority, decision on the complaint and
 - ii. decide upon the appropriate action to be taken to resolve the complaint and
 - iii. where appropriate, suggest recommended changes to the Trust's systems or procedures to ensure that problems of a similar nature do not happen again.
- n. A written statement outlining the decision of the Panel including the rationale applied in support of the decision must be sent to the complainant and the Head of School/ Headteacher/ Executive Lead and the Chair of the school's Local Governing Body. *The Chair of the Panel should also inform any members of Staff directly involved of the result of the Panel's deliberations, while ensuring data protection requirements are maintained.* The letter to the complainant should identify that if they feel the complaint has not been satisfactorily resolved by Ebor Academy Trust, then they can contact the Secretary of State at the Department for Education and request that the complaint be passed to the Education Funding Agency (EFA)

The contact details are:

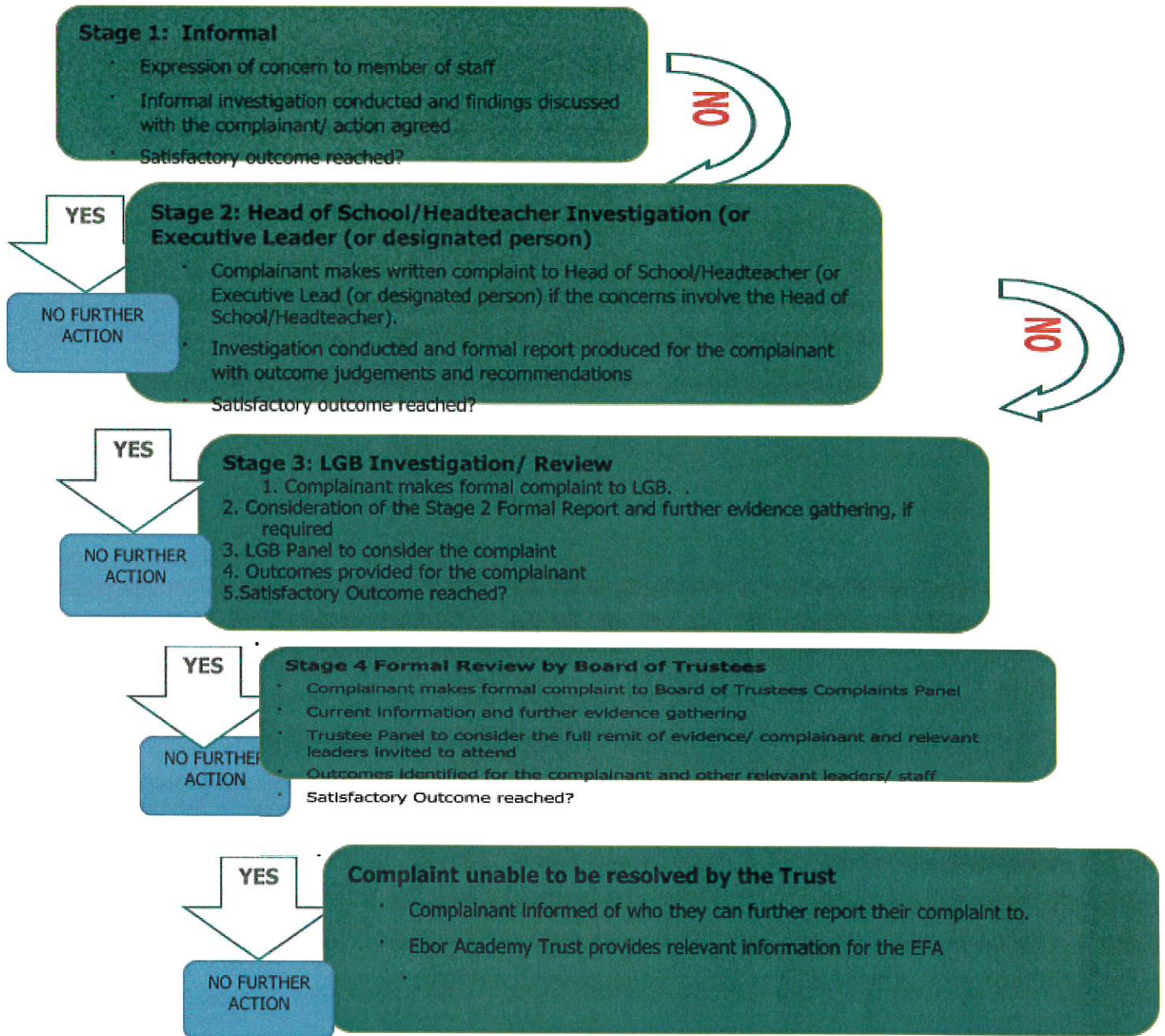
The Secretary of State, Department for Education Sanctuary Buildings, Great Smith Street London, SW1P 3BT Telephone: 0870 000 2288 Website: www.education.gov.uk

Academies Central Unit (Academy Complaints) Education and Skills Funding Agency Earlsdon Park 53-55 Butts Road Coventry, CV1 3BH Email: academyquestions@efa.education.gov.uk

The Complainant should be made aware that the Education and Skills Funding Agency will not usually investigate the complaint itself, or interfere with the findings of the Complaint Panel, unless the decision made was manifestly unreasonable or not carried out in line with expected complaints procedures and reasonable timelines.

- o. A copy of the outcomes of the Trustees' panel should be provided for the Clerk to the Trustees who is responsible for monitoring Formal Complaints made across the Trust. The Trust should ensure that a copy of all correspondence and notes are kept on file in the Trust's records. These records should be kept separately from the pupil's personal records.

Flow Diagram



Stage Two – Headteacher to investigate/ Areas of Complaint Clear

Dear

Formal Complaint – X School

I am writing to inform you that I received the letter that you sent to X on the [date], identifying that you wish to make a formal complaint. I am writing to inform you that in line with the Complaints Policy I will be investigating the complaint in my role as Headteacher, in line with Stage 2 of the Complaints Policy.

As part of the investigation process I would like to meet with you to discuss your concerns and gather additional information from you. Could you please let me know if you are available to meet with me on X or Y? If you would prefer to meet with me at an alternative venue or would prefer to have this discussion over the telephone then please let me know, and also if you have any additional support needs I will be happy to make arrangements for this.

As stated in our policy I will aim to have the investigation in relation to your Formal Complaint completed within 10 full working days from today, this means that I will aim to have the investigation completed and a written outcome of the investigation findings provided for you by [10 working days later]. If, however, I am not able to complete the investigation by this date, I will write to you again to inform you of this and provide you the reason(s) why this has not been possible.

I hope this clarifies what will happen in relation to your formal complaint and the expected timeline. If you have any further questions please do not hesitate to contact me

Yours sincerely

Head teacher X school

Stage Two – Headteacher to investigate/ Areas of the Complaint to be clarified

Dear

Formal Complaint – X School

I am writing to inform you that I received the letter that you sent to X on the [date], identifying that you wish to make a formal complaint. I am writing to inform you that in line with the Complaints Policy I will be investigating the complaint in my role as Headteacher, in line with Stage 2 of the Complaints Policy.

As part of the investigation process I would like to meet with you to discuss your concerns, in particular to clarify your areas of complaint, and also to gather additional information from you. Could you please let me know if you are available to meet with me on X or Y. If you would prefer to meet with me at an alternative venue or would prefer to have this discussion over the telephone then please let me know, and also if you have any additional support needs I will be happy to make arrangements for this.

As stated in our policy I will aim to have the investigation in relation to your Formal Complaint completed within 10 full working days from today, this means that I will aim to have the investigation completed and a written outcome of the investigation findings provided for you by [10 working days later]. If, however, I am not able to

complete the investigation by this date, I will write to you again to inform you of this and provide you the reason(s) why this has not been possible.

I hope this clarifies what will happen in relation to your formal complaint and the expected timeline. If you have any further questions please do not hesitate to contact me

Yours sincerely

Head teacher X school

Stage Two – Executive Headteacher (or designated representative) to Investigate/ Areas of Complaint Clear

Dear X

Formal Complaint – X School

I am writing to inform you that I received the letter that you sent to X on the [date], identifying that you wish to make a formal complaint and identifying the reasons for your complaint. I am writing to inform you that as the Complaint is in relation to the Head teacher, I will be carrying out the investigation in my role as Executive Lead OR I have arranged for X to carry out the investigation on behalf of myself, X will be investigating your complaint in line with Stage 2 of the Complaints Policy.

As part of the investigation process you will be contacted and offered a meeting, at an appropriate venue, to enable you to provide additional information. If you would prefer this can also be carried out by telephone. Should you have requirements to support you with this then this can be discussed with you.

As stated in our policy I will aim to have the investigation in relation to your Formal Complaint completed within 10 full working days from today, this means that I will aim to have the investigation completed and a written outcome of the investigation findings provided for you by [10 working days later]. If, however, I am not able to complete the investigation by this date, I will write to you again to inform you of this and provide you the reason(s) why this has not been possible.

I hope this clarifies what will happen in relation to your formal complaint and the expected timeline. If you have any further questions please do not hesitate to contact me

Yours sincerely

Executive Lead Ebor Academy Trust

Stage Two – Executive Headteacher (or designated representative) to Investigate/ Areas of Complaint to be clarified

Dear X

Formal Complaint – X School

I am writing to inform you that I received the letter that you sent to X on the [date], identifying that you wish to make a formal complaint. I am writing to inform you that as the Complaint is in relation to the Head teacher, I will be carrying out the investigation in my role as Executive Lead OR I have arranged for X to carry out the

investigation on behalf of myself, X will be investigating your complaint in line with Stage 2 of the Complaints Policy.

As part of the investigation process you will be contacted and offered a meeting, at an appropriate venue, to enable you to clarify the areas of your complaint and provide additional information. If you would prefer this can also be carried out by telephone. Should you have requirements to support you with this then this can be discussed with you. At this meeting, as the areas of complaint which you have identified are not fully clear, these will be clarified in this meeting with you.

As stated in our policy I will aim to have the investigation in relation to your Formal Complaint completed within 10 full working days from today, this means that I will aim to have the investigation completed and a written outcome of the investigation findings provided for you by [10 working days later]. If, however, I am not able to complete the investigation by this date, I will write to you again to inform you of this and provide you the reason(s) why this has not been possible.

I hope this clarifies what will happen in relation to your formal complaint and the expected timeline. If you have any further questions please do not hesitate to contact me

Yours sincerely

Executive Lead Ebor Academy Trust

Stage Three – Appeal Formal Review by the Local Governing Body (letter sent by the Clerk to Governors)

Dear X

Appeal of the outcome of your Formal Complaint – X School

I am writing to inform you that I received the letter that you sent to X on the [date], identifying that you wish to appeal the outcome of the formal complaint you made for which an investigation report/ response was provided for you on X, and the reasons for your appeal. In response to this I will be arranging for your appeal to be considered and where necessary this may include carrying out further interviews. Should you be required for a further interview/ meeting then I will write to you again and an appropriate venue and time will be agreed with you. Should you have any additional support needs then arrangements for this can be made at this time. As this is an Appeal of the initial complaint then this is being carried out in line with Stage 3 of the Complaints Policy.

In line with our procedures, once the Local Governing Body (LGB) feel they have enough information to consider your appeal then a LGB panel will meet and re-consider your complaint and confirm their outcomes in relation to each area of complaint. You will be informed of the outcome of your appeal and the re-consideration of your complaint, once this has been concluded.

I hope this clarifies what will happen in relation to your formal complaint and the expected timeline. If you have any further questions please do not hesitate to contact me

Yours sincerely

Clerk to the Governors – X School

Stage Four – Appeal Formal Review by the Trustees (letter sent by the Clerk to Governors)

Dear X

Appeal of the outcome of your Formal Complaint – X School

I am writing to inform you that I received the letter that you sent to X on the [date], identifying that you wish to appeal the outcome of the formal complaint you made for which an investigation report/ response was provided for you on X, and the appeal carried out by the LGB of the school, for which a letter was sent to you on X. In response to this I will be arranging for your complaint to be considered and where necessary this may include carrying out further interviews. Should you be required for a further interview/ meeting then I will write to you again and an appropriate venue and time will be agreed with you. Should you have any additional support needs then arrangements for this can be made at this time. As this is an Appeal of the initial complaint then this is being carried out in line with Stage 4 of the Complaints Policy.

In line with our procedures, once the Trustees feel they have enough information to consider your appeal the a panel of 3 Trustees will meet and re-consider your complaint. You will have the opportunity to provide any additional information you wish to be considered at this panel meeting, which should be provided at least 5 days prior to the panel meeting, and you will also be given the opportunity to attend the panel meeting.

I will write to you with information about the date of the panel meeting once this has been confirmed, and you will also be provided with information about how the agenda for the panel meeting. In response to the panel meeting the Panel of Trustees will be responsible for considering your complaint and you will be informed in writing of the outcome within 10 days of the panel meeting.

I hope this clarifies what will happen in relation to your formal complaint and the expected timeline. If you have any further questions please do not hesitate to contact me

Yours sincerely

Clerk to the Trustees – Ebor Academy Trust

Formal Investigation Report

Section One

Identify:

- Who is carrying out the formal investigation (and why in the case where the investigation is being carried out by the Executive Headteacher or on their behalf)
- The Stage of the Investigation Process
- What the specific areas of the complaint are including any action taken to agree / confirm the areas of the complaint

Section Two

Summary of the Areas of the complaint – normally 2 or 3 areas (ensure these are identified as areas of complaint which are specific and can be investigated – it should not include information relating to what other information, if any, the complainant may wish to have access to – this should be dealt with later).

Section Three

Evidence gathered – this can be identified in bullet format, if preferred.

Section Four

This should include the following in relation to each of the Areas of complaint identified in Section Two above:

- Evidence gathered - what this identifies. This should be factual and relate to what was gathered – not making any judgement about outcome at this time. The evidence should demonstrate that evidence has been gathered from both the complainant and the relevant staff/ leaders within the school, and where appropriate that documentary evidence has also been considered. Where people/ pupils are referred to these should be identified as Adult A, Pupil A, Pupil B etc unless referring to the complainant. This section will form the main part of the investigation report and should demonstrate impartiality.
- Summary of the key points of the evidence gathered
- Outcome based on the findings – the outcome should identify whether the complaint is upheld, partially upheld or not upheld. Where it is partially upheld it should refer to which part is upheld. In some cases the decision will be made to not uphold it because there is insufficient evidence and in such cases this should be stated.

The above should be repeated for each area of complaint.

Section Five

Summary in a chart form of the areas of the allegation and the findings eg

Area of Allegation	Outcome
Area 1 [identify]	Upheld
Area 2 [identify]	Not Upheld
Area 3 [identify]	Partially Upheld (in relation to school policy not being followed)

Section Six

Any recommendations which come out of the investigation. This may include a planned review meeting after x months between the parents and the school, where the parents were unhappy about an aspect of school practice, or a review of school procedures etc



APPENDIX THREE
Complaints Procedure
Example letters in response to consideration of complaints at stages 2, 3 and 4

Letters in response to the consideration of the areas of complaint at each Stage, including any further action the complainant can take, in line with the Complaints Policy

Stage Two

Dear X

Formal Complaint – Stage Two

In response to the Formal Complaint you made in line with Stage Two of the Complaints Policy, please find attached the Investigation Report findings. Once you have had time to consider the findings of the investigation and the recommendations which have been made, I hope you will be satisfied that your concern have been fully considered.

However, should you still not be satisfied with the outcome then you can appeal the outcome and in line with this your areas of complaint will be reconsidered by the Local Governing Body of the School. Should you wish to make such an appeal then you will need to write to:

Clerk to the Governors
Address
School

Your appeal should be made within 10 working days, and you should identify your reason for appealing the decision and whether you wish to appeal all areas of the complaint or specific areas of the complaint.

If you require any further information in relation to the above then please do not hesitate to contact me.

Yours sincerely

Head of School/ Headteacher or Executive Lead (depending on who was responsible for the Stage 2 investigation)

Stage 3 Example Letter

Dear X

Formal Complaint – Stage Three

In response to your appeal to the Local Governing Body of X School in relation to the Formal Complaint which was previously considered in line with Stage Two of the Complaints Policy, and in particular in relation to the following reasons: [identify the specific reasons identified by the complainant for appealing the Stage 2 outcome], the Local Governing Body have identified the key findings below:

[identify the key findings of the panel]

Once you have had time to consider the findings of the investigation and the recommendations which have been made, I hope you will be satisfied that your concerns have been fully considered.

However, should you still not be satisfied with the outcome then you can appeal the outcome and in line with this your areas of complaint will be reconsidered by the Trustees of Ebor Academy Trust. Should you wish to make such an appeal then you will need to write to:

Clerk to the Trustees
Ebor Academy Trust
Ebor Business and Training Centre
The Leyes
Osballdwick
York
YO10 3PR

Your appeal should be made within 10 working days, and you should identify your reason for appealing the decision and whether you wish to appeal all areas of the complaint or specific areas of the complaint.

If you require any further information in relation to the above then please do not hesitate to contact me.

Yours sincerely

Chair of the LGB X School

Stage 4 Example Letter

Dear X

Formal Complaint – Stage Four

In response to your appeal to the Trustees of Ebor Academy Trust in relation to the Formal Complaint which has been previously considered in line with Stages Two and Three of the Complaints Policy, and in particular in relation to the following reasons: [identify the specific reasons identified by the complainant for appealing the Stage 3 outcome], the Trustees have identified the key findings below:

[identify the key findings of the panel]

Once you have had time to consider the findings of the investigation and the recommendations which have been made, I hope you will be satisfied that your concerns have been fully considered.

However, should you still not be satisfied with the outcome then you can write to the Secretary of State for Education and request that the complaint be passed to the Education Funding Agency (EFA). The contact details are:

The Secretary of State
Department for Education,
Sanctuary Buildings,
Great Smith Street London,
SW1P 3BT
Telephone: 0870 000 2288 Website: www.education.gov.uk

Academies Central Unit (Academy Complaints),
Education and Skills Funding Agency
Earlsdon Park 53-55 Butts Road Coventry,

CV1 3BH

Email: academyquestions@efa.education.gov.uk

You should be made aware that the Education and Skills Funding Agency will not usually investigate the complaint itself, or interfere with the findings of the Complaint Panel, unless the decision made was manifestly unreasonable or not carried out in line with expected complaints procedures and reasonable timelines.

If you require any further information in relation to the above then please do not hesitate to contact me.

Yours sincerely

Chair of the Trustees of Ebor Academy Trust

This form should only be completed by the Clerk to the Trustees, who is responsible for monitoring formal complaints which are considered in line with Stages 2, 3 and 4 of the Trust's Complaints Procedure.

School:

Initial Date of Complaint

Nature of Complaint (please tick):

- Curriculum provision/timetable
- Teaching quality
- Professional conduct
- Trust discipline
- Premises, buildings or facilities
- Health & Safety
- Other (please specify)

Complaint made by (please tick):

- Parent/Carer
- Pupil
- Local resident
- Other (please specify)

Any other information

Outcome

- Stage Two Written Report provided on(date)
- Complaint referred to Stage 3 on..... (date)
- Stage Three LGB Panel held on(date)
- Stage Three outcome letter provided on(date)
- Complaint referred to Stage 4 on(date)
- Stage Four Trustee Panel held on (date)
- Stage Four outcome letter provided on(date)
- Complaint referred to EFA(date)