



QEGSMAT
MULTI ACADEMY TRUST

Complaints Procedure

**** This procedure is being reviewed.
This version will remain current until the review is complete ****

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1. Context

This Complaints Procedure has been adopted by the QEGSMAT (the Trust) and the schools that are part of the QEGSMAT. It is based on the Department for Education's model procedure.

2. 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 the school about any facilities or services that are provided. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), this Complaints Procedure will be used.

3. 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 this Complaints Procedure. The school takes concerns seriously and will make every effort to resolve matters as quickly as possible.

If discussing a concern with a particular member of staff is difficult, your views will be respected, and the Headteacher will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with your concern, the Headteacher 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 your concern objectively and impartially is more important.

However, we understand that sometimes, people wish to raise their concerns more formally. In these situations, the school will attempt to resolve the issues internally, through the stages outlined in this Complaints Procedure.

4. 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 the school office. Please mark them as Private and Confidential.

Complaints that involve or are about the Headteacher should be addressed to the Chair of the Local Governing Body via the school office. Please mark them as Private and Confidential.

Complaints about the Chair of the Local Governing Body, any individual Governor or the whole Local Governing Body should be addressed to the Clerk to the Local Governing Body via the school office. Please mark them as Private and Confidential.

Complaints about the Chief Executive Officer (CEO) or a Trustee of the Trust, should be addressed to the Chair of Trustees via the Trust office. Please mark them 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 or Trust office as appropriate. You can also ask a third-party organisation, for example Citizens Advice, to help you.

In accordance with equality law, we will make 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.

5. Anonymous complaints

Anonymous complaints will not normally be investigated. However, the Headteacher or Chair of the school's Local Governing Body, if appropriate, will determine whether the complaint warrants an investigation.

6. Time scales

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

7. 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.

8. Scope of this Complaints Procedure

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

Exceptions	Who to contact
Admissions to schools	Concerns about admissions should be handled through a separate process – either through the appeals process or via the Local Authority (LA).
Matters likely to require a Child Protection Investigation	<p>Complaints about child protection matters are handled under the child protection and safeguarding policies 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). Their contact details are appended on page 17.</p>
Exclusion of children from school*	<p>Further information about raising concerns about an exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.</p> <p><i>*Complaints about the application of the behaviour policy can be made through the school's Complaints Procedure.</i></p>
Whistleblowing	<p>There is an internal whistleblowing procedure for all our employees, including temporary staff and contractors. 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: www.education.gov.uk/contactus.</p> <p>Volunteer staff who have concerns about the school should complain through the school's Complaints Procedure. You may also be able to complain direct to the LA or the Department for Education, depending on the nature of your complaint.</p>
Staff grievances	Complaints from staff will be dealt with under the school's grievance procedure.
Staff conduct	<p>Complaints about staff conduct will be dealt with under the school's staff disciplinary procedure, if appropriate. Complainants will not be informed of any disciplinary action taken against staff because of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
Data Protection	<p>In the event of a complaint regarding data protection our DPO will address these concerns. Details are: GDPR for Schools, Derbyshire County Council Email: dpforschools@derbyshire.gov.uk Phone: 01629 532888 Address: County Hall, Smedley Street, Matlock, Derbyshire, DE4 3AG</p>

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

If a complainant commences legal action against the school in relation to their complaint, we will consider whether to suspend the Complaints Procedure until those legal proceedings have concluded.

9. Resolving complaints

At each stage in the procedure, the school wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- An explanation.
- An admission that the situation could have been handled differently or better.
- An assurance that we will try to ensure the event complained 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.

10. Withdrawal of a complaint

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

11. Stage 1 – Informal complaints

It is to be hoped that most concerns can be expressed and resolved on an informal basis.

Concerns should be raised with either the Class Teacher, Form Tutor, Head of Year, Head of Department 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.

At the conclusion of their investigation, the appropriate person investigating the complaint will provide an informal written response within ten school days of the date of receipt of the complaint. If the issue remains unresolved, the next step is to make a formal complaint.

12. Stage 2 – Formal complaints

Formal complaints must be made to the Headteacher (unless they are about the Headteacher) via the school office. This may be done in person or in writing (preferably on the attached complaint form).

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

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

Note: The Headteacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.

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

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

At the conclusion of their investigation, the Headteacher will provide a formal written response within twenty 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.

If the complaint is about the Headteacher, or a member of the school's Local Governing Body (including the Chair or Vice-Chair), a suitably skilled Governor will be appointed to complete all the actions at Stage 2.

Complaints about the Headteacher or members of the Local Governing Body must be made to the Clerk to the Local Governing Body via the school office.

Stage 2 will be escalated to the CEO of the Trust if the complaint is:

- Jointly about the Chair and Vice Chair or
- The entire Local Governing Body or
- The majority of the Local Governing Body.

13. 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 Clerk to the Local Governing Body via the school office, within five school days of receipt of the Stage 2 response.

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

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

The Clerk will write to the complainant to inform them of the date of the panel hearing. They will aim to convene the hearing within ten school days of receipt of the Stage 3 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

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

Stage 3 will be heard by the Trustees and an independent panel member if the complaint is:

- Jointly about the Chair and Vice Chair or
- The entire Local Governing Body or
- The majority of the Local Governing Body.

A complainant may bring someone along to the panel hearing to support them. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the panel hearing. However, there may be occasions when legal representation is appropriate. For instance, if a school employee is called as a witness in a panel hearing, 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 the school's staff disciplinary procedure, if appropriate, but outcomes will not be shared with them.

Representatives from the media are not permitted to attend panel hearings.

At least five school days before the meeting, the Clerk 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 panel at least three school days before the meeting.

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

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

- Uphold the complaint in whole or in part.

- Dismiss the complaint in whole or in part.

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

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

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

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

14. Complaints escalated to / about the Trust, CEO or Trustee

If a complaint is escalated to 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 write to the complainant acknowledging the complaint within three school days of the date that the written request was received. The acknowledgement will confirm that the complaint will now be investigated under this Complaints Procedure and will confirm the date for providing a response to the complainant.

Following the investigation, the CEO will write to the complainant confirming the outcome within twenty school days of the date the letter was received. If this time limit cannot be met, the CEO will write to the complainant within ten school days of the date 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 is received about the Chair, the complaint will be referred to the Vice Chair for investigation.

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

If the complainant is not satisfied with the outcome of the previous stage, the complainant should write to the Clerk to the Trust Board asking for the complaint to be heard at a panel hearing within ten school days.

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

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

The Clerk will write to the complainant to inform them of the date of the panel hearing. They will aim to convene the hearing within twenty school days of receipt of the request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

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

The complaint will be heard by a completely independent panel if it is:

- Jointly about the Chair and Vice Chair or
- The entire Trust Board or
- The majority of the Trust Board.

The Hearing Panel will consist of three members. None of Hearing Panel will have been involved in the incident(s) or event(s) which led to the complaint or have been involved in dealing with the complaint in the previous stages or have any detailed prior knowledge of the complaint.

One of the Hearing Panel will be independent of the management and running of the Trust. This means they will not be a Trustee or an employee of the Trust.

A complainant may bring someone along to the meeting to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the meeting. However, there may be occasions when legal representation is appropriate. For instance, if a Trust employee is called as a witness in a panel hearing, 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 staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

Representatives from the media are not permitted to attend.

At least five school days before the meeting, the Clerk will:

- Confirm and notify the complainant of the date, time and venue of the panel hearing, 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 panel at least three

school days before the hearing.

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

The panel will also 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.

The hearing will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs requires 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 panel will consider the complaint and all the evidence presented. The panel can:

- Uphold the complaint in whole or in part.
- Dismiss the complaint in whole or in part.

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

- Decide on the appropriate action to be taken to resolve the complaint.
- Where appropriate, recommend changes to systems or procedures to prevent similar issues in the future.

The Chair of the Hearing Panel will provide the complainant and the Trust with a full explanation of their decision and the reason(s) for it, in writing, within five 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 the Trust.

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

The Hearing Panel will ensure 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 CEO.

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.

15. Next Steps

If the complainant believes the school and/or the 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 the school and/or the Trust. They will consider whether the school and/or the Trust has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed [Part 7 of the Education \(Independent School Standards\) Regulations 2014](#).

The complainant can refer their complaint to the ESFA online at: www.education.gov.uk/contactus, 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

Under Review

16. Complaint Form

Please complete and return to the Headteacher, via the school office, or the CEO, via the Trust office, as appropriate, who will acknowledge receipt and explain what action will be taken.

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address: Postcode: Day time telephone number: Evening telephone number: Email address:
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:

17. Roles and Responsibilities

17.1 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.

17.2 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 Hearing Panel that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The Headteacher or Hearing Panel will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

17.3 Complaints Co-ordinator

The complaints co-ordinator should:

- Ensure the complainant is fully updated at each stage of the procedure.
- Ensure the smooth running of the Complaints Procedure.
- be aware of issues regarding:
 - sharing third party information.
 - any additional support the complainant may require such as interpretation, or where the complainant is a child or young person.
- Keep records.

17.4 Clerk to the Local Governing Body/Trust Board

The Clerk is the contact point for the complainant and the panel and should:

- Ensure that all people involved in the Complaints Procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR).
- Set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible.
- Collate any written material relevant to the complaint and send it to the parties in advance of the meeting within an agreed timescale.
- Record the proceedings.
- Circulate the minutes of the meeting.
- Notify all parties of the panel's decision.

17.5 Hearing Panel Chair

The Hearing Panel Chair, who is nominated in advance of the complaint meeting, should ensure that:

- Both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting.
- The meeting is 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 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 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 Clerk (and Complaints Co-ordinator, if there is one).

17.6 Hearing Panel Member

Hearing panel members should be aware that:

- The meeting must be independent and impartial, and should be seen to be so.
- No Local Governor or Trustee may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant.

- Recognise 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(ren).

Where the complainant is a child/young person, the panel should also:

- Take extra care if the child/young person will be present for all or part of the meeting.
- Carefully consider the atmosphere and proceedings to ensure the child/young person does not feel intimidated.
- Respect the views of the child/young person and given them equal consideration to those of adults.
- Ask in advance if any support is needed to help them present their complaint.
- Ask their parents/carers which parts of the meeting they feel their child(ren) need to attend.
- Advise their parents/carers that, if the panel considers it is not in the child/young person's best interests, it may not always be possible for them to attend part of the meeting.
- The welfare of the child or young person is paramount.

Under Review

Appendix 1

Contact Details

Derby

Local Authority Designated Officer (LADO)

c/o Children's Quality Assurance, People Services
The Council House
Corporation Street
Derby
DE1 2FS

E-mail: CPMduty@derby.gov.uk

Telephone: 01332 641 172

Report a concern on line [Referral form](#)

Derbyshire

Local Authority Designated Officer (LADO)

Godkin House
Park Road
Ripley
Derbyshire
DE5 3EF

E-mail to: Professional.Allegations@derbyshire.gov.uk

Telephone: 01629 533190

Report a concern on line [Referral form](#)

Staffordshire

Telephone: 0800 1313 126

Emergency out of hours: 0845 604 2886

Report a concern on line [Referral form](#)