



South East Cornwall Multi Academy Regional Trust

Complaints Policy

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Introduction

In all SMART schools/nurseries we undertake to provide a positive and safe environment in which children will be helped to achieve their potential, both academically and socially. Each school/nursery in SMART welcomes feedback, both positive and negative about how it is doing. Where someone has a concern or complaint, each school will always endeavour to deal with the issues responsively and reasonably and if necessary put things right as quickly as possible.

This policy explains what should be done if a concern or complaint is raised with one of our schools. As with all our policies and procedures this is reviewed regularly to ensure that no groups or individuals with protected characteristics are unintentionally disadvantaged by the policy or practice.

Who can make a complaint

In line with Part 7 of the Education (Independent School Standards) Regulations 2014 and the Department for Education's best-practice guidance, this complaints policy applies only to complaints made by parents or carers of pupils currently attending the school, and only where the concern relates specifically to their own child.

As a public body, we aim to respond to concerns raised by individuals who are not parents or carers of pupils at the school in a respectful and timely manner. While the Secretary of State for Education expects academies to deal with such complaints professionally and with due consideration, these matters do not fall within the scope of the school's formal complaints policy and the school is not required to follow this procedure when addressing them. Additionally, some types of concerns are handled under separate, specialised processes—such as exclusions, staff grievances, and disciplinary matters. For further details, please refer to the section Complaints Not in Scope, which outlines issues that are not covered by this procedure.

Malicious complaints may incur appropriate action by the school. Any complaints concerning the conduct of school staff will be handled in accordance with the school's internal disciplinary procedures; such an investigation will remain confidential.

Complaints not in scope

- Admission to schools
- Statutory assessments of special educational needs
- Matters likely to require a child protection investigation
- Exclusion and suspensions of children from school
- Whistleblowing
- Staff grievances
- Disciplinary procedures
- Complaints about services provided by another supplier who may use school premises or facilities
- Withdrawal from the curriculum

Matters likely to require a child protection investigation will be handled under the Trust's safeguarding policy and in accordance with relevant statutory guidance. We will refer to

the Local Authority Designated Officer (LADO) or Multi Agency Referral Unit (MARU) for further information.

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

The difference between a concern and a complaint

A complaint may be defined as '*an expression of dissatisfaction however made, about actions taken or a lack of action*'. A complaint only becomes **Formal** when a complaint form has been completed correctly as this process ensures that it is clear exactly what actions were or were not taken that caused the dissatisfaction and exactly what achievable and reasonable actions would be required to resolve it.

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 complaints procedure. We take concerns seriously and will make every effort to resolve the matter as quickly as possible. Formal complaints will be dealt with in a sensitive, impartial and confidential manner.

Anonymous complaints

We will not normally investigate anonymous complaints. However, the Headteacher/Head of School/Nursery Lead (Manager) or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

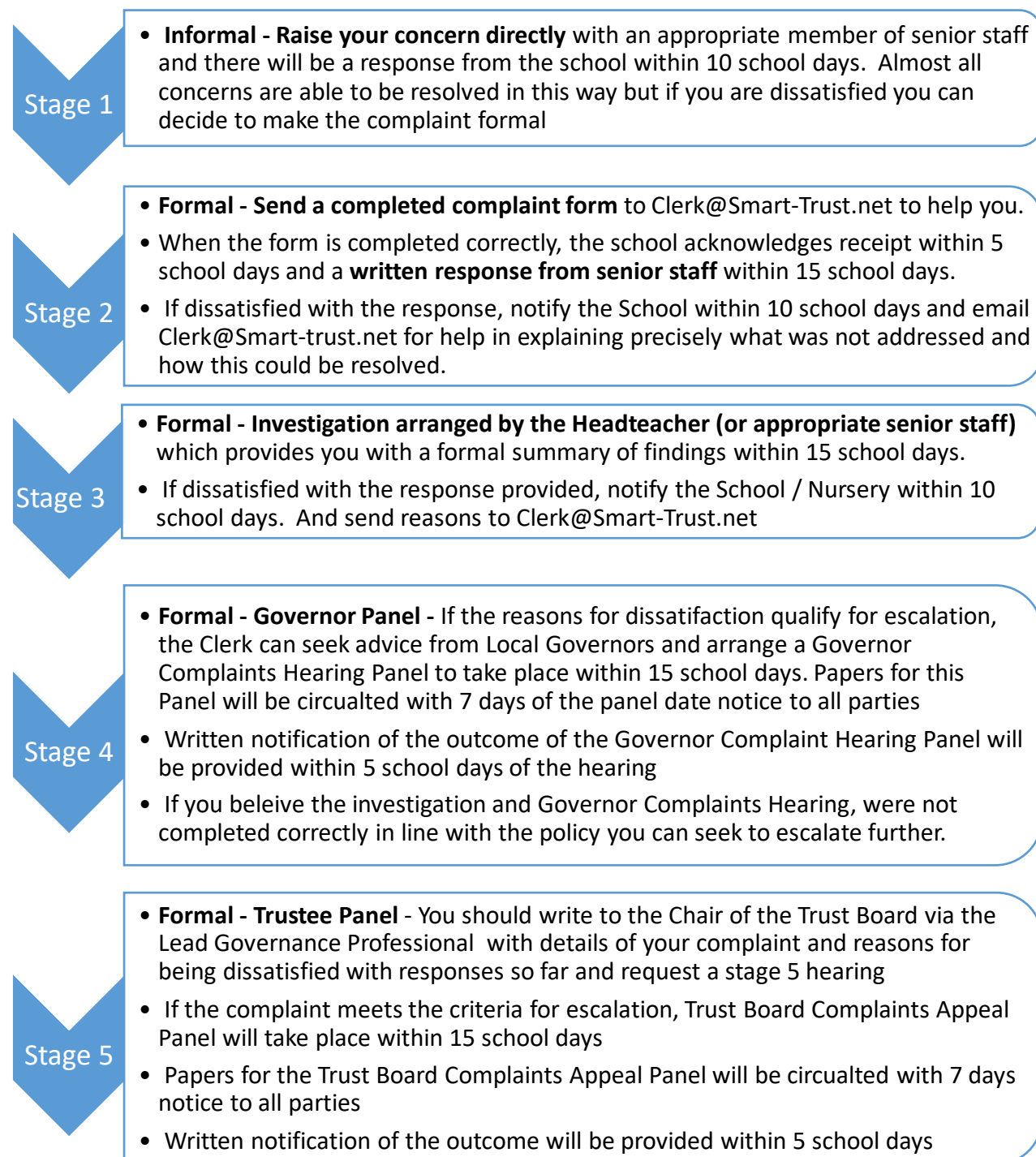
Timescales

For the school to be able to investigate a complaint, it needs to be made as soon as possible after the event. If a complaint is older than 6 months, the Trust Board may decide that it is not possible or practical for it to be investigated but the Trust Board will take exceptional circumstances into account when deciding whether to accept or progress a complaint.

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

How to raise a concern or complaint - The complaint stages

The following details outline the stages that are used to resolve complaints. For allegations of abuse please report directly to the most senior member of staff with no involvement.



Further stages and exceptions

Please note that all external agencies such as OFSTED and the Local Authority will seek to confirm that the complaint has gone through all these stages first before they conduct any work of their own so will usually refer complainants back to this process.

Safeguarding concerns however including any allegations of abuse against a member of the school staff must be reported to the Headteacher/Head of School/Nursery Lead (Manager) immediately. Allegations of abuse against the Headteacher/Head of School/Nursery Lead (Manager) or CEO must be reported to the Chair of the Trust Board immediately. The procedure detailed in the Safeguarding Policy will be used for these cases. Details of who else you are able to contact in such cases can be found in the Safeguarding policy.

In small primary schools it is common for stages 1,2 and 3 to be completed by the Headteacher even where the complainant may have included concerns about the school leadership. If such cases proceed as far as stage 4 then a new independent investigation is conducted and the complaint will be directed to the Chief Executive Officer (CEO) to decide who commissions and who investigates the complaint. If the complaint relates to the CEO, a Trustee or a governor, then the Chair or Vice Chair of the Trust Board will investigate. When a complaint has been made about the Chair of the Trust Board, the Vice Chair of the Trust Board will investigate.

Resolving complaints

At each stage in the procedure, schools want 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.

Informal Stage 1 - Raising a concern relating to a particular school

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, Head of Year, Head of Department, Head of School, Nursery Lead (Manager) 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 4 of the procedure.

Where possible, the school seeks to resolve concerns at the earliest stage through informal discussion. In most cases, this will involve arranging a meeting with the complainant to clarify the nature of the concern, explore possible solutions, and agree the next steps. The aim of the informal stage is to address the issue promptly and constructively, preventing the need for escalation wherever appropriate. If the matter cannot be resolved informally, or if the complainant remains dissatisfied, they may proceed to the formal stage of the complaints procedure.

An informal written response will be provided within 10 school days of the date of receipt of the complaint. This response will include details of how to raise a formal complaint should the complainant remain dissatisfied by notifying the school within 10 school day.

Formal Stage 2 – Complaint heard by an appropriate staff member

Formal complaints should be put in writing using the complaints form included at the end of this document and sent and addressed to the Headteacher/Head of School/Nursery Lead (Manager) via the Lead Governance Professional (Clerk@smart-trust.net). *If you require help in completing this form, please contact the school or the Lead Governance Professional.*

To ensure that our schools deal with complaints effectively, we ask complainants to think about what might resolve the issue and include this on the complaint form. The Clerk may return a form to you to clarify your concerns so that it is really clear exactly what happened and exactly how you feel it could be resolved.

The complaint will be logged, including the date it was received. The school will acknowledge receipt of the complaint within five school days of receiving it.

In many cases this response will also report on the action the school has taken to resolve the issue. However, if the issue requires complex investigation (e.g. interviewing a number of people) it may take up to ten school days. Alternatively, a meeting may be convened to discuss the matter further. This meeting will normally take place within ten school days with a response provided within five days of the meeting being held. The aim will be to resolve the matter as quickly as possible. The school will advise the complainant of any escalation options in the event that they should be dissatisfied with the response given.

If the complainant is not satisfied with the result at Stage 2, please write to or call the school within ten school days of receiving the response. The complainant will need to tell the school why they are still not satisfied and what they would like the school to do.

Formal Stage 3 – Complaint heard by Headteacher

If the matter has not been resolved at Stage 2, the Headteacher/Head of School/Nursery Lead (Manager) will arrange for an investigation to be carried out. This investigation may include evidence from witnesses. A note taker should be present when this is provided and a written record kept of the interview. Following the investigation, the Headteacher/Head of School/Nursery Lead (Manager) will give a written response within fifteen school days. The Headteacher/Head of School/Nursery Lead (Manager) will advise the complainant of any escalation options in the event that they should be dissatisfied with the response given.

If the complainant is dissatisfied with the result at Stage 3, they will need to let the school know within ten school days of receiving the response.

Formal Stage 4 – Complaint heard by the Local Governing Committee's Complaints Panel

If the matter has still not been resolved at Stage 3, then the complainant can write to the Chair of the Local Governing Committee via the Lead Governance Professional (Clerk@smart-trust.net) giving details of the complaint and the reasons why they are not satisfied with the responses they have received to date. The Lead Governance Professional will confirm receipt of the complaint in writing and will convene a Governor Complaints Hearing Panel which will include at least one member who is independent of the management and running of the school.

The Hearing will normally take place within fifteen school days of the receipt of the written request for Stage 4 investigation. The Lead Governance Professional will write to the complainant to inform them of the date of the meeting.

The complainant and any witnesses requested by either party will be invited to attend, having been given seven days' notice if possible. The complainant may be accompanied by one other person if they wish. Their identity and their written statement should be given to the Lead Governance Professional in advance of the Hearing. The aim of the Governors Complaints Panel Hearing is to impartially resolve the complaint and to achieve reconciliation between the school and the complainant.

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.

All parties will be notified of the Panel's decision in writing within five school days after the date of the Hearing. The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the school will take to resolve the complaint. The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied at Stage 4, as the complainant will need to let the Lead Governance Professional know within ten school days of receiving the response.

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 head teacher.

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.

Formal Stage 5 – Complaint heard by the Trust Board's Complaints Panel

If the matter has still not been resolved at Stage 4, then the complainant can write to the Chair of the Trust Board, via the Lead Governance Professional (Clerk@smart-trust.net) giving details of the complaint and why they are not satisfied with the responses they have received.

The Lead Governance Professional will convene a Trust Board Complaints Panel. This Panel will include at least one member of the panel who is independent of the management and running of the school.

The Trust Board Complaints Panel will normally take place within fifteen school days of the receipt of the written request for Stage 5 investigation. The complainant will be invited to attend, having been given seven days' notice if possible, and may be accompanied if they wish. Their identity should be advised to the Lead Governance Professional in advance of the Hearing. The aim of the Trust Board's Complaints Panel Hearing is to impartially resolve the complaint and to achieve reconciliation between the school and the complainant.

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.

All parties will be notified of the Panel's decision in writing within five school days after the date of the Hearing. The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the school will take to resolve the

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

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 head teacher.

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 about the Headteacher/Head of School/Nursery Lead (Manager) and the Trust

If a complaint is about South East Cornwall Multi Academy Regional Trust "the trust", including the Trust Board or if a complainant wishes to complain about a Headteacher/Head of School/Nursery Lead (Manager), then the complaint should be sent to the CEO to be investigated.

The Lead Governance Professional will write to the complainant acknowledging the complaint within five school days of the date that the written request was received. The acknowledgement will confirm that the complaint will now be investigated by the CEO 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 Lead Governance Professional will write to the Complainant within 5 school days of the date that the letter was received, explaining the reason for the delay and providing a revised date.

If the complainant is not satisfied with the outcome, the complainant should write to the Lead Governance Professional asking for the complaint to be heard before a Stage 5 Complaint Panel, within 10 school days. Please see Stage 5 Trust Board Panel for further details.

The Lead Governance Professional 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.

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 about a governor, a Local Governing Committee, a Trustee, or CEO

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

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, the complainant should write to the Lead Governance Professional asking for the complaint to be heard before a Stage 5 Complaint Panel, within 10 school days. Please see Stage 5 Trust Board Panel for further details.

The Lead Governance Professional 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.

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

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

Next steps

If the complainant believes their complaint has not been handled in accordance with the published complaints policy or the School or Trust has acted unlawfully or unreasonably in the exercise of their duties, they can contact the Department of Education (DfE) after they have completed Stage 5.

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

The complainant can refer their complaint to the DfE. The DfE's remit in relation to academy complaints and how to contact them using their online enquiry form can be found here [How DfE handles complaints about academies - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/how-dfe-handles-complaints-about-academies) or [Complain about a school: Types of complaints - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/complain-about-a-school-types-of-complaints).

Using the online form is the quickest way to contact the DfE but they can also accept hard-copy documents sent to:

Department for Education
School complaints compliance unit
Piccadilly Gate
Store Street
Manchester
M1 2WD

DfE helpline
Telephone: 0370 000 2288
Monday to Friday, 9:30am to 5pm

SEND (Special Educational Needs and Disability) Complaints

If you want to complain about a school's SEN support, you should do it while your child is still registered at the school.

This includes complaints that the school has not provided the support required by your child's education, health and care (EHC) plan.

There is a different process if you disagree with a decision the Local Authority has made about an EHC Plan. See <https://www.gov.uk/appeal-ehc-plan-decision> for more information.

Follow these steps in order. Move on to the next step if your complaint is not resolved.

1. Before making a complaint, talk to the school's special educational needs and disability co-ordinator (SENDCO) to try and find a solution
2. Follow the SMART Complaints Policy if you would like to make a formal complaint
3. If your complaint is still not resolved, you may complain to the DfE if your complaint is not about an EHC plan. They can ask the school to take action if they find your complaint was not handled correctly.

Overlapping complaints

The stages described in this policy allow a particular complaint to be considered, investigated and then this investigation scrutinised.

If a new complaint, or further complaints emerge during the process they should not be added to the original complaint. The process of resolving the original complaint should be focussed and brought to a close first. Hence the Trust will usually not accept a further complaint to overlap the original. Further complaints then can be raised as a new complaint.

Investigations into complaints will seek to consider all relevant material and so it is important to include any documents or information at the start of the process. If the investigation itself uncovers further examples or leads these will be included.

Complaint campaigns

Occasionally, schools may become the focus of a campaign and receive large volumes of complaints which are all based on the same subject or from complainants unconnected with the school.

In this instance schools or the Trust will send a template response to all complainants and publish a single response on the school/Trust website.

Complainants who are dissatisfied with the response given can refer to the Department of Education.

Complaints that use AI (Artificial Intelligence large language models)

Whilst we seek to embrace any technology that widens accessibility to our community, we are also aware that often, the negative aspects of emerging technology are only recognised later hence we are seeking to adopt a cautious approach to AI. We are increasingly being sent complaints that are many pages long and with references to legal cases and laws that often are referencing US law. We will not use AI to summarise this for us but rather assume that the complainant felt unable to express their complaint in their own words for whatever reason and will enter into a dialogue with the individual to work out precisely what they require.

If a complaint would take longer than 30 minutes to read or if it contains legal references or any threats of escalation to other agencies we advise our Clerk not to accept them in this form but rather to open up a dialogue and to seek to support the complainant in arriving at an actionable summary of their complaint.

Vexatious or unreasonable complaints

We are committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain.

If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied.

We will not normally limit the contact complainants have with our schools and a decision to do so is never taken lightly. 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.

The DfE have identified characteristics of a 'frivolous' or 'vexatious' complaint as:

- complaints which are obsessive, persistent, harassing, prolific, repetitious
- insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason
- insistence upon pursuing meritorious complaints in an unreasonable manner
- complaints which are designed to cause disruption or annoyance
- demands for redress that lack any serious purpose or value

Further to this, SMART 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 co-operate with the complaints investigation process
- refuses to accept that certain issues are not within the scope of the complaints policy
- introduces trivial or irrelevant information which they expect to be taken into account 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 policy has been fully and properly implemented and completed
- seeks an unrealistic outcome
- 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/Head of School/Nursery Lead (Manager), Chair of Governors or Chair of the Trust Board will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the complainant tries to reopen the same issue, schools can inform them that the procedure has been completed and that the matter is now closed.

Review

The SMART Board will review this policy at least every three years to assess its implementation and effectiveness. The policy will be promoted and implemented throughout the Trust.

Appendix 1 – Guidance for 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.

Appendix 2 – Guidance for Staff

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/Head of School/Nursery Lead (Manager) or Governor Complaints Panel that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The Headteacher/Head of School/Nursery Lead (Manager) or Governor Complaints Panel 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/Head of School/Nursery Lead (Manager) 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/Head of School/Nursery Lead (Manager), Chair of Governors, Lead Governance Professional and LAs (if appropriate) 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.

Managing serial or persistent complaints

You should do your best to be helpful to people who contact you with:

- a complaint or concern
- a request for information

However, there will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. If a complainant tries to re-open the same issue, schools can inform them that the procedure has been completed and that the matter is now closed.

If the complainant contacts the school again on the same issue, the correspondence may then be viewed as 'serial' or 'persistent' and schools may choose not to respond. However, schools should not mark a complaint as 'serial' before the complainant has completed the procedure.

Under no circumstances should a complainant be marked as 'serial' for exercising their right to refer their complaint to their MP, regardless of which stage the complaint has reached.

Also see vexatious or unreasonable complaints for further guidance.

The decision to stop responding should never be taken lightly. Schools need to be able to say yes to all of the following:

- we have taken every reasonable step to address the complainant's concerns
- the complainant has been given a clear statement of the position and their options
- the complainant contacts the school repeatedly, making substantially the same points each time

The case to stop responding is stronger if the school agrees with one or more of these statements:

- their letters, emails, or telephone calls are often or always abusive or aggressive
- they make insulting personal comments about or threats towards staff
- the school has reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience

The school should not stop responding just because an individual is difficult to deal with or asks complex questions.

If an individual's behaviour is causing a significant level of disruption, regardless of whether or not they have raised a complaint, schools can implement a tailored communication strategy. For example, schools can:

- restrict the individual to a single point of contact via an email address
- limit the number of times they can make contact, such as a fixed number of contacts per term.

However, regardless of the application of any communication strategy, schools must provide parents and carers with the information they are entitled to under The Education (Pupil Information) (England) Regulations 2005, within the statutory time frame.

Schools need to make sure that they act reasonably and consider any new complaint. Anyone has the right to raise a new complaint at any time and failure to respond could result in the school failing to act reasonably.

Appendix 3 – Guidance for the Governor Complaints Hearing Panel

The aim of the Hearing will always be to resolve the complaint and achieve reconciliation between the School and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the Hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously. The letter should also contain what they need to do if they wish to take the matter further.

In deciding the make-up of the Panel, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.

Lead Governance Professional

The Lead Governance Professional is the contact point for the complainant and the Complaints Hearing Panel and should:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible
- ensure that invite letters indicate date, time and venue of hearing, who will be in attendance and that the proceedings will be entirely confidential
- send written material relevant to all the parties in advance of the hearing within the agreed timescale
- record the proceedings
- circulate the minutes of the hearing
- notify all parties of the Panel's decision.

Governor Complaints Hearing Panel Chair

The Panels Chair, who is nominated in advance of the hearing, should ensure that:

- the hearing 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 hearing are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the Governor Complaints Hearing 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 hearing
- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the hearing or verbally in the hearing itself
- the issues are addressed
- key findings of fact are made
- the Governor Complaints Hearing Panel is open-minded and acts independently
- no member of the Governor Complaints Hearing Panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the hearing is minuted
- they liaise with the Lead Governance Professional (and complaints co-ordinator, if the school has one).

Complaints Hearing Panel Member

Complaints Hearing Panel Members should be aware that:

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

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

- the aim of the hearing 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 hearing 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 hearing

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

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

If the child/young person is the complainant, the Panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the Panel should give the parent the opportunity to say which parts of the hearing 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 hearing that the Panel considers is not in the child/young person's best interests.

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

Procedure for hearing

- The Lead Governance Professional brings the relevant parties to the meeting room (parents/carers and child should enter at the same time as the Headteacher/Head of School/Nursery Lead (Manager) and/or school's representative). An appropriate room should be used and wherever possible a round table is the best layout.
- The Chair welcomes all parties
 - makes introductions
 - explains the reasons for the hearing
 - explains the format of the hearing
 - note the hearing will be minuted
 - note the outcome of the hearing is final
 - note the confidentiality of the hearing
- Complainant invited to explain their complaint and be followed by their witness
- Governor questions to the Complainant
- Headteacher/Head of School/Nursery Lead (Manager) gives their response
- Governor questions to the Headteacher
- Complainant invited to summarise their complaint
- Headteacher/Head of School/Nursery Lead (Manager) invited to summarise the school's actions and response to the complaint
- All parties asked to leave the room except the Lead Governance Professional.
- Governors to discuss the case, make their decision and prepare a written outcome. The Lead Governance Professional is there to advise, minute and help prepare the statement but does not take part in decision making.

The panel can:

- dismiss the complaint in whole or in part;
 - uphold the complaint in whole or in part;
 - decide on the appropriate action to be taken to resolve the complaint;
 - recommend changes to the Academy's School's systems or procedures to ensure that problems of a similar nature do not recur.
- Parents/carers will be notified in writing within 5 school days. The letter will also advise the complainant that if they wish to take the matter further they should inform the Lead Governance Professional within ten school days and the matter will be considered by the Trust Board's Complaints Appeal Panel, following the same procedure as that used by the Governor Complaints Hearing Panel in the previous hearing.

Complaint Form

Please complete and return to the Lead Governance Professional (Clerk@smart-trust.net) who will acknowledge receipt and explain what action will be taken. They will also help you ensure the required actions are able to be acted upon before submission.

If you require a version in Microsoft Word or in any other format please request this.

Your name:	
Student's name:	
Your relationship to the student:	
Address and postcode:	
Email address if you agree to communication by this method:	
Day time telephone number:	
If you are happy to be contacted in the evening please provide your evening telephone number:	
Please give details of your complaint.	

What action, if any, have you already taken to try and resolve your complaint. (Who did you speak to and what was the response)?	
What actions do you feel might resolve the problem at this stage? <i>(The Lead Governance Professional will help you to ensure these are actionable items as the process from here will be focused on these)</i>	
Are you attaching any paperwork? If so, please give details.	
Signature: Date:	

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date: