



The Robert Carre Trust

Complaints Policy

1. Policy Statement

This Policy applies to any complaints made to the Trust or its Academies, including parental complaints, but excluding those listed at para 8.

All Academies within the Trust will have interactions with members of the public who do not have a direct connection with any of the Academies. It is hoped that any individuals who have concerns or have any issue with any of the Academies will be able to reach a satisfactory outcome, through this process.

2. Scope, definitions and legal framework

2.1. This policy is written in line with Education Skills and Funding Agency (ESFA) guidance and The Education (Independent School Standards) Regulations 2014 Schedule 1, Part 7.

2.2. For the purposes of this policy the following definitions apply:

- **Concern** means ‘an expression of worry or doubt over an issue considered to be important for which reassurances are sought.’ It is hoped that most concerns will be resolved by direct communication with the school or the member of staff concerned.
- **Complaint** means ‘an expression of dissatisfaction however made, about actions taken or a lack of action.’
- **Parent** means a current parent or carer or legal guardian.
- **The Complainant** means the individual making a complaint whether that be a parent or member of the public.
- **Academy concern/complaint** means a concern raised or complaint made about one or more of our academies.
- **Trust concern/complaint** means a concern raised or complaint made about the Robert Carre Trust.
- **Working days** mean school days, when the academies’ registers are open, i.e., during term time, excluding bank holidays and training days.

3. Safeguarding

3.1. We are committed to safeguarding and promoting the welfare of all our students. If concerns raised by parents/carers relate to a possible safeguarding issue, the matter will be referred to the designated safeguarding lead on the senior leadership team and will be handled in line with our organisational Safeguarding Policy.

4. Confidentiality

- 4.1. A written record will be kept of all complaints, and of whether they were resolved at Stage 1, Stage 2, or proceeded to a panel hearing.
- 4.2. Correspondence, statements and records relating to individual complaints will be kept confidential except where access is requested by the Secretary of State or where disclosure is required in the course of a school's inspection or under other legal authority.
- 4.3. In accordance with data protection principles, details of individual complaints will be kept only for as long as is considered to be reasonably necessary in the circumstances.

5. Anonymous Complaints

- 5.1. We will not normally investigate anonymous complaints. However, the Headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

6. Roles, Responsibilities and Implementation

- 6.1. The Board of the Trust has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. Day-to-day responsibility for operating the policy and ensuring its maintenance and review is delegated to the Executive Headteacher
- 6.2. Leaders and managers have a specific responsibility to ensure the fair application of this policy and all employees are responsible for supporting colleagues and ensuring its success.

7. Aims

- 7.1 This policy aims to provide a process to resolve individual complaints in a manner which is as fair and expeditious as possible. It is the Trust's objective to find a solution to individual complaints as early in the procedure as possible.

8. Use of this Policy

- 8.1 This policy is intended to be used by any individual or organisation which wishes to make a complaint about the Trust or one of the individual Academies within the Trust. This policy is not intended to be used in complaints relating to:

Exceptions	Who to contact
<ul style="list-style-type: none">• Admissions to schools	Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority.

<ul style="list-style-type: none"> • Matters likely to require a Child Protection Investigation 	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Lincolnshire Safeguarding Children Partnership</p>
<ul style="list-style-type: none"> • Exclusion of children from school* 	<p>Further information about raising concerns about 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. See www.robertcarretrust.uk</i></p>
<ul style="list-style-type: none"> • Whistleblowing 	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. A copy of the Policy is available on our website www.robertcarretrust.uk</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus.</p> <p>Volunteer staff who have concerns about our 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 (see link above), depending on the substance of your complaint.</p>
<ul style="list-style-type: none"> • Staff grievances 	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>
<ul style="list-style-type: none"> • Staff conduct 	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
<ul style="list-style-type: none"> • Complaints about service from service providers who may use our premises and facilities 	<p>Please contact the service provider directly</p>
<ul style="list-style-type: none"> • Statutory assessments of SEND needs 	<p>If you have not been able to resolve the matter with the school, please contact the local authority (Lincolnshire County Council)</p>

9. Stage One (Informal Process)

- 9.1. Individuals or organisations should feel free to raise their concerns regarding the Academies or the Trust with an appropriate member of staff at the Trust. This can be done in person, by telephone or in writing, including email. If the complainant is unsure of who to contact, they should contact the general telephone number or email address of that Academy. If a complaint is raised directly with the Head of an Academy or the Executive Headteacher, it is likely that this will be forwarded on to an appropriate member of staff to address the complaint.
- 9.2. 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.
- 9.3. If the complaint relates to the Executive Headteacher, then this complaint should be directed to the Trust via the Clerk to the Trust Board.
- 9.4. **Timescales**
You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.
- 9.5. **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.
- 9.6. The Academy or Trust will attempt to deal with any complaint as quickly as possible. The Trust will acknowledge a complaint, in writing, within 2 working days and will respond to the complainant within five working days. If it is not possible to meet these deadlines, the complainant will be informed when they will receive a response.
- 9.7. Depending on the nature of the complaint, the Academy or the Trust may arrange a meeting between a representative of the Academy or the Trust and the complainant.
- 9.8. It is hoped that the vast majority of issues will be resolved to mutual satisfaction at this stage but if a complainant remains unsatisfied with the resolution offered, or the Trust considers that a more in-depth investigation is required, the Trust will move on to stage two of this procedure.
- 9.9. If a complainant commences legal action against the Robert Carre Trust, or its schools, in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.
- 9.10. If at any time the complainant wants to withdraw their complaint, we will ask them to confirm this in writing (see also para 14 failure to respond)

10. Stage Two (Formal Process)

- 10.1. If a complainant is dissatisfied with the resolution offered at stage one of this process or the Trust believes a more in-depth investigation of the issues is required, the complainant will be asked to set out in writing, using the RCT Complaints Form (see Appendix 2):
 - The nature of their complaint and any issues which remain unresolved following the stage one process;
 - What actions they would require to resolve their complaint.
- 10.2. The complaint will be acknowledged within five working days of its receipt and the response will identify an investigating officer appointed by the Executive Headteacher or the Trust to deal with the complaint. The investigating officer will be a member of staff or a Trustee/Governor who has had no prior involvement with the complaint. Within the response, the Headteacher will, if necessary, 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.
- 10.3. The investigating officer will investigate the complaint and will, if appropriate, interview and take statements from any relevant witnesses. The complainant will be given the opportunity to meet with the investigating officer to put forward their case. At this meeting the complainant may be accompanied by a family member or a friend.
- 10.4. The investigating officer will provide a written response to the complainant, setting out an outcome to the complaint. The response will be made within 20 working days of the complaint being received. If the investigating officer is unable to provide a response within this time, they will inform the complainant when they will receive a response.
- 10.5. If the complainant is dissatisfied with the response and outcome, they should write to the investigating officer or the Executive Headteacher within 10 working days of receiving the outcome of their complaint and ask to move to stage three of this Complaints Process.
- 10.6. If no reply is received from the complainant within the 10 working days, it will be assumed that the complainant is satisfied and the Trust will write to the complainant confirming that the complaint has been closed with immediate effect.
- 10.7. The Headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.
- 10.8. If the complaint is about the Headteacher, or a member of the Trust or 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 member of the Trust or Governing Body must be made to the Clerk, via the school office.

10.9. If the complaint is jointly about the Chair and Vice Chair or the entire Trust or Governing Body or the majority of the Governing Body, Stage 2 will be escalated to the Executive Headteacher of the Trust.

11. Stage Three (Panel Hearing)

11.1. If the complainant has requested that the complaint be moved on to stage three, the Clerk will write to the complainant to provide a date on which a panel will meet to assess the complainant's complaint. This date will be within 20 working days of receipt of the complainant's request to move on to stage three.

11.2. 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.

11.3. The panel will comprise three individuals. Two of the panel members will be Trustees /Governors who have had no previous knowledge or involvement in the case. A further individual, who is independent from the running and the management of the Trust or any of the Academies, will also be appointed.

11.4. If the complaint is jointly about the Chair and Vice Chair or the entire Trust or Governing Body or the majority of the Governing Body, Stage 3 will be heard by Trustees and an independent panel member

11.5. The complainant will be invited to attend the panel hearing and may be accompanied by a family member or a friend. Generally, we do not encourage either party to bring legal representatives to the panel meeting. However, there may be occasions when legal representation is appropriate, for instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation. Representatives from the media are not permitted to attend.

11.6. The complainant will be required to respond within 5 working days, confirming their attendance. Failure to respond will be taken as an indication that the complainant no longer wishes to proceed with Stage 3. In this event the matter will be formally closed and the complainant will be notified in writing of this fact.

11.7. At least 5 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 3 school days before the meeting.

11.8. Any written material will be circulated to all parties at least 2 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.

- 11.9. 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.
- 11.10. 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.
- 11.11. The complainant will be given the opportunity to put forward their case regarding their complaint at this panel hearing. The hearing will be minuted and minutes will be provided to the complainant following the conclusion of the meeting.
- 11.12. The panel will consider the complaint and all the evidence presented. The panel can either uphold the complaint in whole or in part, or dismiss the complaint in whole or in part
- 11.13. Within five working days of the date of the panel hearing, the Chair of the panel will write to the complainant and inform them of the outcome of their complaint. The letter will explain that the decision of the panel is final and there is no further right of appeal within the Trust's procedures, however complainants may raise the matter with the [Education and Skills Funding Agency](#), and give contact details.

12. Outcomes

- 12.1. At any of the three stages, any of the below outcomes or findings may be reached as a result of the complaint:
 - The complaint requires no further action;
 - There is insufficient evidence to either uphold or dismiss the complainant's complaint;
 - An acknowledgement that the Academy or Trust could have handled the situation differently or better;
 - An apology;
 - An explanation of steps which have been taken to ensure the circumstances which led to the complaint will not happen again;
 - An agreement to review the Trust's policies in light of the complaint.

13. Complaints escalated to / about the Trust, Executive Headteacher or Trustee

- 13.1. If a complaint is escalated to the Robert Carré Trust "the trust" or if a complainant wishes to complain directly about the trust, then the complaint should be sent to the Executive Headteacher to be investigated.

- 13.2. The Executive Headteacher will write to the complainant acknowledging the complaint within 2 school days of the date that the written request was received. The acknowledgement will confirm that the complaint will now be investigated under Stage 2 of this Complaints Policy and will confirm the date for providing a response to the complainant.
- 13.3. Following the investigation, the Executive Headteacher will write to the complainant confirming the outcome within 20 school days of the date that the letter was received. If this time limit cannot be met, the Executive Headteacher will write to the Complainant within 20 school days of the date that the letter was received, explaining the reason for the delay and providing a revised date.
- 13.4. If the complaint concerns the Executive Headteacher or a Trustee, the complaint should be investigated by the Chair of the Trust Board. If a formal complaint form is received about the Chair, the complaint will be referred to the Vice Chair for investigation

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 Executive Headteacher.
- 13.5. 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 before a Complaint Panel, within 10 school days.
- 13.6. The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 2 school days.
- 13.7. Requests received outside of this time frame will only be considered if exceptional circumstances apply.
- 13.8. The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 20 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.
- 13.9. 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.
- 13.10. If the complaint is jointly about the Chair and Vice Chair or the entire trust board or the majority of the trust board, Stage 3 will be heard by a completely independent panel.
- 13.11. The Complaint Panel will consist of three members. None of the three members of the Complaint Panel will have been involved in the incidents or events 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.
- 13.12. One of the Complaint Panel members will be independent of the management and running of the Academy Trust. This means that the independent Complaint Panel member will not be a Trustee or an employee of the Trust.

- 13.13. A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the panel meeting. However, there may be occasions when legal representation is appropriate.
- 13.14. For instance, if a trust employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.
- 13.15. Representatives from the media are not permitted to attend.
- 13.16. At least 5 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 3 school days before the meeting.
- 13.17. Any written material will be circulated to all parties at least 2 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.
- 13.18. 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.
- 13.19. 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.
- 13.20. 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.
- 13.21. 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.
- 13.22. The Chair of the Panel will provide the complainant and the Robert Carre Trust with a full explanation of their decision and the reason(s) for it, in writing, within 5 school days.
- 13.23. 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 Robert Carre Trust

- 13.24. 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 Robert Carre Trust will take to resolve the complaint.
- 13.25. The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the school premises by the proprietor and the Headteacher.
- 13.26. 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.
- 13.27. 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. Next Steps

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

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by the Robert Carre Trust, or its schools. They will consider whether the Robert Carre 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

15. Unreasonable Complaints

- 15.1. The Trust and all Academies within the Trust are committed to dealing with all complaints fairly and impartially and providing a high quality of service to those who complain. However, the Trust will not tolerate unacceptable behaviour towards its staff and will take action to prevent behaviour which is abusive, offensive or threatening.
- 15.2. The Trust defines unreasonable complaints as those which, because of the frequency or nature of the complainant's contacts with the Academy, or Trust, hinder the Academy's or Trust's consideration of their or other people's complaints. Such complainants will be referred to the Trust's Vexatious Communications Policy

- 15.3. Complainants should try to limit their communication with the Academy and the Trust whilst their complaint is ongoing. Excessive communications from the complainant may result in a delay regarding any decision being reached. Any complainant who communicates with an Academy, or the Trust, excessively may be subject to a communication plan limiting their contacts within individual Academies and the Trust.
- 15.4. The following behaviours exhibited by a complainant may be considered unreasonable by the Trust:
- Refusing to articulate their complaint or specify its grounds or outcomes sought despite the offer of assistance;
 - Refusing to co-operate with this complaints procedure whilst still wishing the complaint to be resolved;
 - Refusing to accept that certain issues are not within the scope of this complaints procedure;
 - Insisting that the complaint be dealt with in ways which are incompatible with the complaints procedure or good practice;
 - Introducing trivial or irrelevant, or raising large numbers of detailed or unimportant questions;
 - Insisting on answers to issues raised immediately or within timeframes incompatible with this procedure;
 - Making unjustified complaints about staff members who are trying to deal with their complaint;
 - Changing the basis of the complaint as the investigation proceeds;
 - Repeatedly making the same complaint, despite previous investigations or responses making clear that the complaint is groundless or has been addressed;
 - Refusing to accept the findings of an investigation into that complaint when this complaints procedure has been followed and completed, notwithstanding any referral to the Secretary of State for Education;
 - Seeking an unrealistic outcome;
 - Making excessive demands on the Academy's or Trust's time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint whilst it is being dealt with.
- 15.5. A complaint may also be considered to be unreasonable if the complainant:
- communicates maliciously;
 - communicates aggressively;
 - uses threats, intimidation or violence towards any member of staff within the Trust;
 - uses abusive, offensive or discriminatory language in their communication with the Academy, or the Trust;
 - raises a complaint which they know to be false;
 - uses or produces falsified information to support their complaint; and
 - publishes information regarding their complaint in any form of media such as social media, website comments sections or by approaching newspapers.

- 15.6. Wherever possible, the Trust will discuss any concerns it has with the complainant before applying an unreasonable classification to their complaint.
- 15.7. In response to any serious incidents of aggression or violence, the Trust may inform the police of the complainant's actions and the complainant may be barred from the Trust's premises.

16. Parallel Investigations

Intervention of parallel investigations relevant to the complaint by the Police or social services may cause variation to these time scales. Any such variation will be notified to the complainant.

Related Policies:

Vexatious Communications Policy
GDPR Policies

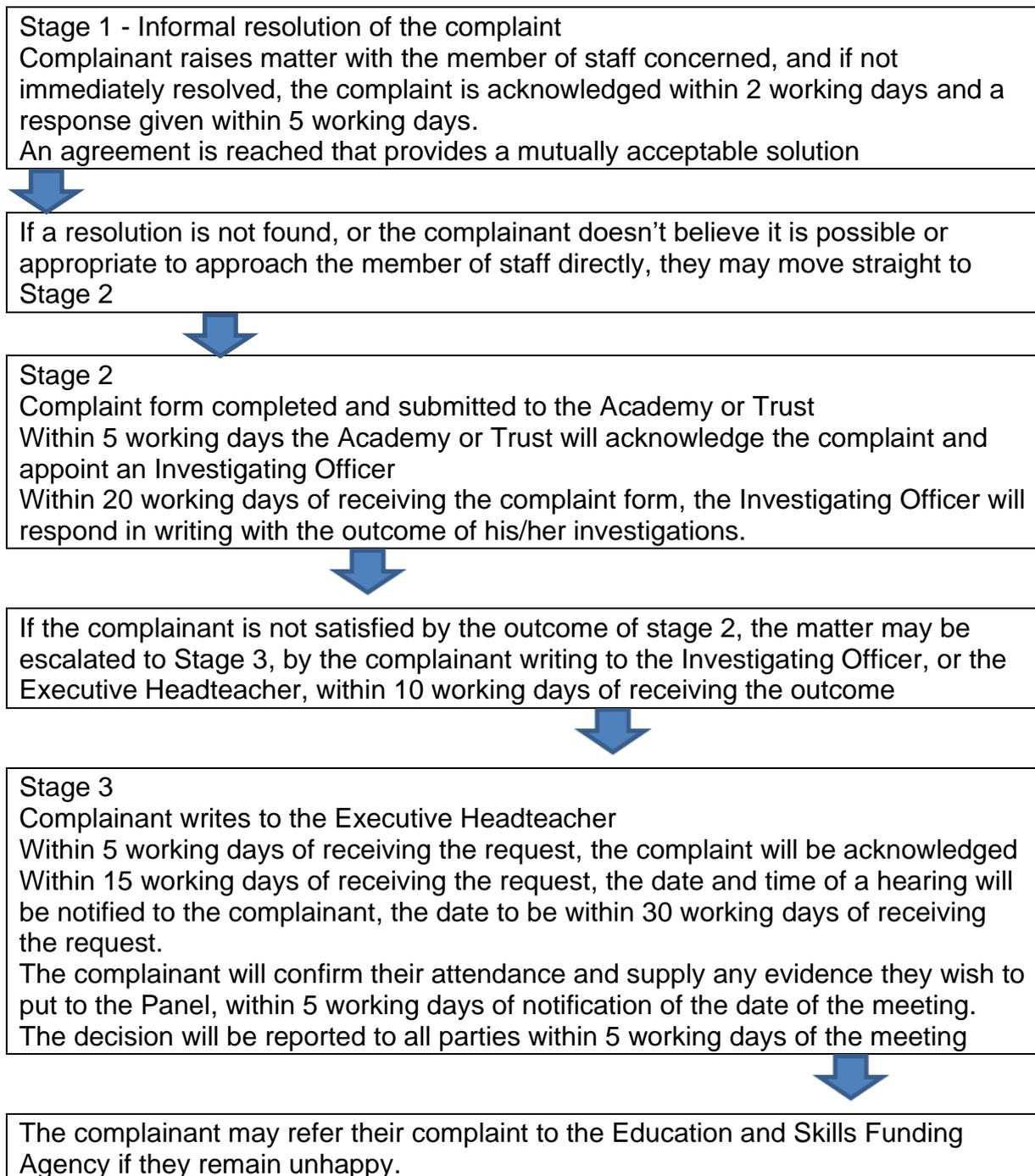
Appendices:

- 1 Complaints Flow Chart
- 2 Complaints Form – used to instigate a Stage 2 complaint
- 3 Investigation Report Template – at Stage 2
- 4 Stage 3 Roles and Responsibilities
- 5 The Stage 3 Hearing Process - the Complaints Panel

Adopted by the Board on 30 June 2021

Next Review: June 2022 (annual)

Appendix 1 – Complaints Flow Chart



Note: If, at any stage, communication from the complainant is not forthcoming within the timescales listed, the complaint will be treated as closed.

Appendix 2 RCT Complaints Form – used to instigate a Stage 2 Complaint



Robert Carre Trust

Complaint Form

Please complete and return to the Executive Headteacher, The Robert Carre Trust, c/o Carre's Grammar School, Northgate, Sleaford NG34 7DD, who will acknowledge receipt and explain what action will be taken.

Your name:
Student's name (if relevant):
Your relationship to the Student (if relevant):
Address:
Postcode:
Email address:
Daytime telephone number:
Evening telephone number:

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

What action, if any, have you already taken to 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?

Are you attaching any paperwork? (If so please give details)

Signature:

Date:

OFFICIAL USE

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

Appendix 3 Investigations Report Template – to be used by the Investigating Officer at Stage 2



Date of Interview:
Present (<i>give name and job title</i>):
<i>Insert content of interview, ensuring to record both the question asked and the answer provided.</i>
I, <i>insert name</i> , confirm that these notes are an accurate record of the interview held on <i>insert date</i> .
Signed:
Dated

Appendix 4 Stage 3 Roles and Responsibilities

The Complainant

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

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

Investigator

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

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

The investigator should:

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

The Role of the Head of School, or the Executive Headteacher:

- to notify the Chair of Governors, or the Chair of the Trust, that a Complaints Panel is to be convened.

The Role of the Chair of the Governing Body or the Nominated Governor

- to check that the complaints procedure has been correctly followed to this point;
- if a hearing is appropriate, to notify the Clerk to arrange the Panel.

The Role of the Clerk

The Complaints Panel will be clerked. The Clerk will be the contact point for the complainant at the third stage and be required to:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, Headteacher, Executive Headteacher, Chair of Governors and the Chair of Trust and to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
 - sharing third party information
 - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.
- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- take advice from the Chair concerning suitable Governors to invite to join the panel
- ensure that no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- 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;
- collate any written material and send it to all of the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision.

The Role of the Chair of the Panel will be to 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 remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the issues are addressed;
- key findings of fact are made;
- the hearing is conducted in an informal non-adversarial, although structured, manner, with each party treating the other with respect and courtesy;
- each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties, provided it does not breach confidentiality or any individual's right to privacy under Data Protection (GDPR) legislation. If a new issue arises all parties should be given the opportunity to consider and comment on it;
- the Panel is seen to be open minded and acting independently.

The Role of the Panel Members

Panel members should be aware that:

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

- no governor / trustee may sit on the 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
- we recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- many complainants will feel nervous and inhibited in a formal setting
- parents/carers often feel emotional when discussing an issue that affects their child.
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting
- careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.
- the panel should respect the views of the child/young person and give them equal consideration to those of adults.
- if the child/young person is the complainant, the panel should ask in advance if any support is needed to help them present their complaint.
- where the child/young person's parent is the complainant, the panel should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.
- however, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the panel considers is not in the child/young person's best interests.
- the welfare of the child/young person is paramount.

Appendix 5 – The Stage 3 Hearing Process - the Complaints Panel

1 The Panel Hearing

- 1.1 The hearing will be conducted in an informal manner.
- 1.2 All those present at the hearing shall have the opportunity to ask questions and make comments in an appropriate manner. The hearing is not a legal proceeding and the panel shall be under no obligation to hear oral evidence from witnesses but may do so and / or may take written statements into account.
- 1.3 At the hearing, the panel will, in general:
 - Explain the purpose of the hearing and the procedure;
 - Invite the complainant to explain the complaint and ask further questions;
 - Invite the investigator and Stage 2 lead to explain how they handled the complaint;
 - Question any witnesses.
- 1.4 All statements made at the hearing will be unsworn. All present will be entitled, should they wish, to write their own notes for reference purposes.
- 1.5 All those attending the hearing are expected to show courtesy, restraint and good manners or, after due warning, the hearing may be adjourned or terminated at the discretion of the Chair. If terminated, the original decision will stand. Any person who is dissatisfied with any aspect of the way the hearing is conducted must say so before the proceedings go any further and their comment will be minuted.
- 1.6 The Chair may, at their discretion, adjourn the hearing for further investigation of any relevant issue. This may include an adjournment to take legal advice.
- 1.7 A hearing before the complaints panel is a private proceeding. No notes or other records or oral statements about any matter discussed in or arising from the proceeding shall be made available directly or indirectly to the press or other media.

2 The Decision

- 2.1 The panel will reach a decision on a balance of probabilities unless there is an agreed position.
- 2.2 The decision, findings and any recommendations will be confirmed in writing to the complainant by electronic mail, normally within five working days of the hearing. If the complainant does not wish to receive the decision by electronic mail, they should inform the panel clerk of this and a printed copy will be given or posted.
- 2.3 The decisions, findings and any recommendations will also be available for inspection by the Board of Trustees, the Executive Leadership Team and the Headteacher.
- 2.4 This represents the conclusion of the Robert Carre Trust complaints procedure.
- 2.5 If the Complainant is still dissatisfied with the outcome of the complaint, they may be entitled to complain to the Education and Skills Funding Agency, as set out in section 14 of the Complaints Policy.