

The background features several large, dark green, abstract shapes. On the left, a thick, curved line starts from the top and extends downwards. On the right, there are two large, rounded, organic shapes that overlap each other, creating a sense of depth and movement. The overall design is clean and modern.

Complaints Policy & Procedure for Greensand Multi-Academy Trust

Spring 2023

Adapted from the model complaints policy for Surrey maintained schools, academies and free schools

Greensand Multi-Academy Trust Complaints Policy & Procedure

Approved by the Board of Trustees on **Monday 27th March 2023**
Review Date: **March 2025**

Introduction

Greensand Multi-Academy Trust (“the Trust”) endeavours to provide the best education possible for all pupils within its member schools. The Trust recognises that at times things can and do go wrong. The Trustees, Headteachers, staff and members of the School Committees (SCs) at Dovers Green School, Holmesdale Community Infant School, Milton Mount Primary School, Reigate School, St John’s Primary School and Wray Common Primary School, which form the Trust, believe that it is in everyone’s best interest to resolve concerns and complaints at the earliest possible stage.

This Complaints Policy & Procedure therefore seeks to outline how concerns can be resolved.

Application and Availability of the Complaints Policy & Procedure

This Complaints Policy & Procedure applies to and will be used across each school within the Trust for all complaints raised by parents/guardians or other parties.

A copy of the Complaints Policy & Procedure is available from the Trust and on each of the member school websites:

www.dovers-green.surrey.sch.uk

www.holmesdale.surrey.sch.uk

www.reigate-school.surrey.sch.uk

www.stjohns-redhill.surrey.sch.uk

www.wray-common.surrey.sch.uk

www.miltonmount.co.uk

Monitoring

Every school within the Trust is required to report all formal complaints to the Clerk to the Trust who maintains a Register of Formal Complaints on behalf of the Trust. The Board of Trustees will review the Register and monitor the level and nature of formal complaints across the Trust on a termly basis. The Trustees will review the outcomes, and also the recommendations and any actions arising from complaints that are upheld. The reports made to the Board will not name individuals.

Where complaints are upheld, staff and Governors investigating complaints will ensure that any recommendations and all actions are both implemented and actively monitored. They will also share lessons learned with their school, School Committee/the Trust Board, as appropriate.

The Trustees will monitor the effectiveness of this Complaints Policy & Procedure and make changes where necessary.

Review

This Policy will be reviewed every two years.

**Adapted from the model complaints procedure for Surrey
maintained schools, academies and free schools**

Holmesdale Community Infant School Complaints Procedure

Introduction

Holmesdale Community Infant School endeavours to provide the best education possible for all of its pupils in an open and transparent environment. We welcome any feedback that we receive from parents, pupils and third parties, and we accept that not all of this will be positive. Where concerns are raised, the School intends for these to be dealt with:

- Fairly
- Openly
- Promptly
- Without Prejudice

In order to do so, the Greensand Multi-Academy Trust Board of Trustees has approved the following procedure which explains what you should do if you have any concerns about the School. All members of staff will be familiar with the procedure and will be able to assist you.

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 Holmesdale Community Infant School about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this Complaints Procedure.

The difference between a concern and a complaint

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

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

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the Complaints Procedure. Holmesdale Community Infant School takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

How to raise a concern or make a complaint

Raising a concern

It is to be hoped that most concerns can be expressed and resolved on an informal basis within 10 school days.

Where you have a concern about any aspect of the School, or your child's education or wellbeing, raise this with your child's class teacher (via the School Office), by email or in person. He/she may be able to address your concerns straight away, or arrange a meeting with you to discuss the issue. Concerns may also be raised by a third party acting on your behalf, as long as they have appropriate consent to do so.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, you will be referred to an appropriate alternative staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, you will be referred to another staff member. The member of staff may be more senior, but does not have to be. The ability to consider the concern objectively and impartially is more important.

All concerns will be dealt with confidentially, although the staff member may need to take notes if they feel that the matter may need to be taken further or it may arise again in the future. Any such notes will be kept in accordance with the principles of the Data Protection Act 1998. However, such notes would be able to be used to as evidence if further investigation was required, or if the concern became a formal complaint.

If the issue remains unresolved, the next step is to make a formal complaint, using the procedure set out below.

Raising a complaint

We understand that there are occasions when people would like to raise their concerns formally. In this case, Holmesdale Community Infant School will attempt to resolve the issue internally, through the stages outlined within this Complaints Procedure.

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 a later stage of the procedure.

A template complaint form is included at the end of this procedure (at Appendix B), for use at any stage of the procedure as required. If you need help in completing the form, please contact the School Office. You can also ask a third-party organisation such as Citizens Advice to help you.

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

Anonymous complaints

We will not normally investigate anonymous complaints. However, the Headteacher, Chair of Governors, Chief Executive Office of the Trust (CEO) or Chair of Trustees, as appropriate, will determine whether the complaint warrants an investigation.

Timescales for raising a complaint

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.

Holmesdale Community Infant School reserves the right **not** to investigate complaints that have been made **three months** after the subject of the complaint took place, except in exceptional circumstances. What is meant by exceptional circumstances is where new evidence has come to light, where the complaint is of an especially serious nature or where there is reasonable justification for why the Complainant has been unable to raise the complaint before this time. In such circumstances, the Headteacher and/or the Chair of Governors will review the situation and decide whether or not to enact the Complaints Procedure, informing the Chair of Governors of the decision (if not involved in the review).

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.

Audio or video evidence

Complainants should make sure they obtain informed consent from all parties present before recording conversations or meetings. In line with Department for Education (DfE) guidance, we do not normally accept electronic recordings as evidence when we are asked to consider a complaint. Unless exceptional circumstances apply, we will not accept, as evidence, recordings of conversations that were obtained covertly and without informed consent of all parties being recorded.

Deviation from the procedure

There may be occasions when it is necessary or reasonable to deviate from the published Complaints Procedure. In these cases, the complainant will be kept informed and reasons for the deviation given.

Scope of this complaints procedure

This procedure covers all complaints about any provision of community facilities or services by Holmesdale Community Infant School, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
<ul style="list-style-type: none"><li data-bbox="220 1854 592 1888">• Admissions to schools	Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority. Please see the School’s Admissions Policy.

<ul style="list-style-type: none"> • Matters likely to require a Child Protection Investigation 	<p>Complaints about child protection matters are handled under our <u><i>Child Protection and Safeguarding Policy</i></u> 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 Surrey Children’s Single Point of Access (C-SPA) on 0300 470 9100.</p>
<ul style="list-style-type: none"> • Exclusion of children from school* 	<p>Further information on 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 <u>Behaviour Policy</u></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.</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 services provided by other providers who may use school premises or facilities 	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.</p>

Sometimes, when concerns are more specific, there are alternative and more appropriate policies for dealing with them. The following list details specific topics of complaints and the correct policy to refer to. You can access these policies on the School website or ask for a copy from the School Office.

- Statutory assessments of Special Educational Needs and Disability (SEND): refer to the Surrey Local Offer website

(www.surreylocaloffer.org.uk/kb5/surrey/localoffer/home.page) or contact the Local Authority where you live.

- Subject Access Requests and Freedom of Information Requests: please see the School's [Data Protection Policy](#) on our website.
- Complaints regarding discrimination and harassment based on protected characteristics as defined in the Equality Act 2010: the Complaints Policy & Procedure applies, but the Complainant has a further right of appeal to SENDIST (Special Educational Needs and Disability First Tier Tribunal) for complaints about disability discrimination, or to the County Court for all other unresolved disputes regarding protected characteristics.

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 *<insert name of school>* in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

Resolving complaints

At each stage in the procedure, *<insert name of school>* wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. We may also 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 about 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.

In addition, mediation can provide a helpful mechanism for discussion when a complaint is raised, and can help to rebuild the relationship between parties once all of the investigative stages of the Complaints Procedure have been completed.

Withdrawal of a complaint

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

Safeguarding

Wherever a complaint indicates that a child's wellbeing or safety is at risk, the School is under a duty to report this immediately to the Local Authority. Any action taken will

be in accordance with the School's *Child Protection and Safeguarding Policy* which can be found on the School's website.

Social Media

In order for complaints to be resolved as quickly and fairly as possible, Holmesdale Community Infant School requests that Complainants do not discuss complaints publicly via social media such as Facebook and Twitter. Complaints will be dealt with confidentially for those involved, and we expect Complainants to observe confidentiality also.

Complaints that result in staff capability or disciplinary

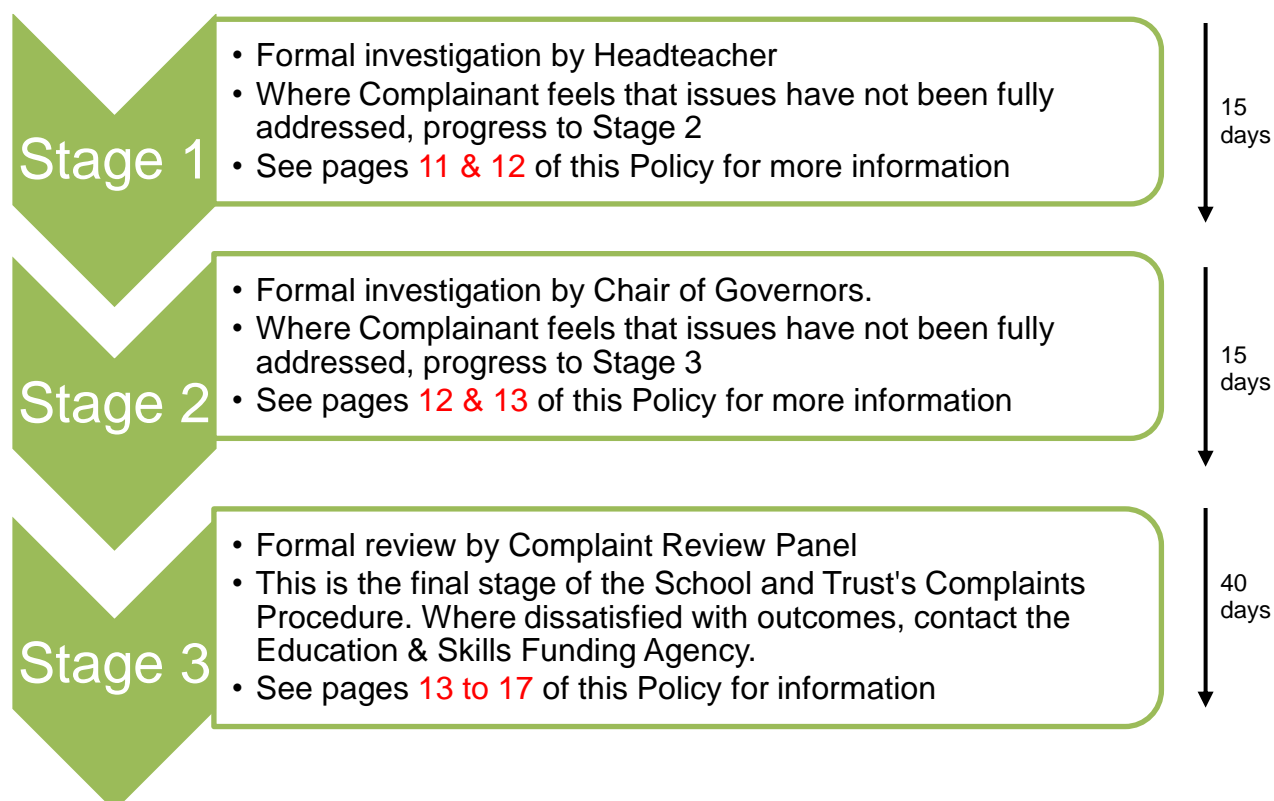
If at any formal stage of the complaint it is determined that staff disciplinary or capability proceedings are necessary in order to resolve the issue, the details of this action will remain confidential to the Headteacher and/or the individual's line manager. The Complainant is entitled to be informed that the matter is being dealt with appropriately, but they are not entitled to participate in the proceedings and will not receive any detail about them or the outcome.

Formal complaints

If it has not been possible to reach a resolution at the informal stage, the Complainant may progress to the formal Complaints Procedure. In doing so, the steps below will be followed.

Summary of timeline for formal complaints

All timescales in this document refer to school working days i.e. excluding weekends, school holidays etc.



Holmesdale Community Infant School will endeavour to abide by the timeframes stated under each stage. However, in some circumstances this is not always possible due to the complexity of information needed to review a complaint, difficulties regarding an individual's availability to deal with the complaint, or because of issues that are outside the School's control. If it becomes apparent that it is not possible to complete any stage of the Complaints Procedure within a given timeframe, the individual responsible for handling the complaint will contact the Complainant as soon as possible and come to an agreed timeframe that works for all parties involved.

Formal Stages of the Complaints Procedure

Stage 1 – Investigation by Headteacher

Formal complaints must be made to the Headteacher (unless they are about the Headteacher), via the School Office. This may be done in person, but preferably in writing using the Complaint Form (see Appendix A for the contact details of the Headteacher, and Appendix B for a copy of the form). The form is useful as it ensures that relevant information is communicated at the outset.

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 **5 school days**.

Within this written 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 **15 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 Holmesdale Community Infant School will take to resolve the complaint.

The Headteacher will advise the Complainant of how to escalate their complaint if they believe it has not been fully addressed at this stage.

Complaints about the Headteacher or a Governor

Where a complaint concerns the Headteacher, or the Chair of Governors, the Complainant should first directly approach the Headteacher in an attempt to resolve the issue informally. If the Complainant is not satisfied with the outcome, or if they have good reason to feel it is inappropriate to approach the Headteacher in the first instance, they should notify the Chief Executive Officer (CEO) of the Trust (see contact details at Appendix A). The procedure and timescales in Stage 2 of this Policy will be followed by the CEO (as if they were the Chair of Governors/Nominated Governor).

Where a complaint concerns a member of the School Committee, including the Vice Chair, the Complainant should first directly approach the Headteacher to seek to resolve the issue informally. If the Complainant is not satisfied with the outcome, or if they have good reason to feel it is inappropriate to approach the Headteacher in the first instance, they should notify the Clerk to the School Committee (see contact details at Appendix A), who will pass the complaint to the Chair of Governors. The procedure and timescales in Stage 2 of this Policy will then be followed.

If the complaint is:

- Jointly about the Chair and Vice Chair of the School Committee; or
- the entire School Committee; or
- the majority of the School Committee

the complaint will move to Stage 2 (please see below) and will be considered by an independent investigator appointed by the Trust Board. At the conclusion of their investigation, the independent investigator will provide a formal written response to the Complainant with a copy to the Headteacher and the Trust Board.

Stage 2 – Governor investigation

If the Complainant believes that their complaint has not been fully addressed at Stage 1, they may request a Governor investigation under Stage 2 of the Complaints Procedure.

Timeline

A request to escalate to Stage 2 must be made to the Chair of Governors within **10 school days** of receipt of the Stage 1 written response. This should be done in writing using the Complaint Form (see Appendix A for the contact details of the Chair of Governors, and Appendix B for a copy of the Complaint Form).

Requests received outside of this time frame will only be considered if exceptional circumstances apply and are explained to the Clerk at the same time that the request for a Stage 2 Governor investigation is made.

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

The Chair of Governors may choose to delegate the investigation of the complaint to a Nominated Governor who may, at the sole discretion of the Chair of Governors, be independent of the school. The investigating governor will have had no prior involvement in the complaint.

In most cases, the Complainant will be invited to meet with the Chair of Governors/ Nominated Governor at the outset of the process. The aim of this meeting is to enable the Chair of Governors/ Nominated Governor to understand the scope of the complaint and desired outcomes prior to commencing their investigation.

The Chair of Governors/Nominated Governor will consider all relevant evidence. This may include, but is not limited to:

- evidence and outcome from Stage 1 investigation if applicable;
- a statement from the Complainant;
- where relevant, a meeting with/statement from an individual who is the subject of the complaint;
- any previous correspondence regarding the complaint;
- any supporting documents from all parties;
- interviews with /statements from anyone related to the complaint;
- relevant policies and whether they were followed.

After considering the available evidence, the Chair of Governors/Nominated Governor may:

- uphold the complaint and direct that certain action be taken to resolve it;
- not uphold the complaint and provide the Complainant with details of the Stage 3 complaint review process;
- uphold the complaint in part: in other words, the Chair of Governors/Nominated Governor may find one aspect of the complaint to be valid, but not another aspect. They may recommend certain action to be taken to resolve any aspect that they find in favour of the Complainant.

The Chair of Governors/Nominated Governor should inform the Complainant of their decision in writing **within 15 school days of receipt of the complaint**. They should explain clearly why they have come to the decision that they made. They should detail any agreed actions as a result of the complaint. Finally, they should provide the Complainant with details of how to progress the complaint to Stage 3 if they believe their complaint has not been fully addressed, providing them with the contact details of the Clerk to the Trust (Appendix A).

Should the complaint not be resolved, mediation should be considered. This can be arranged through the *relevant Area Schools Support Service (please see details at page 26 of this policy)* and will be impartial and objective.

A log of all correspondence in relation to the complaint will be kept in accordance with the Data Protection Act 1998.

For complaints escalated to / about the Trust, CEO or a Trustee, please see page 16 of this Policy.

Stage 3 – Panel Hearing

If the Complainant does not believe that their complaint has been fully addressed at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3. This consists of a Panel hearing with one Governor, one Trustee and an independent member who were not directly involved in the matters detailed in the complaint or in any previous investigation into this complaint.

One of the Complaint Review Panel members will be independent of the management and running of the Trust. This means that the independent Complaint Panel member will not be a Governor, Trustee or an employee of the Trust.

Complainants can request an independent complaints committee if they believe there is likely to be bias in the proceedings. They should provide evidence of bias in support of their request, as it is the Panel's decision whether to agree to it. If the appearance of bias is sufficient to taint the decision reached, then it is recommended that the Panel grants such requests.

Timeline

A request to escalate to Stage 3 must be made to the Clerk to the Trust within **10 school days** of receipt of the Stage 2 written response. This should be done in writing using the Complaint Form (see Appendix A for the contact details of the Clerk to the Trust, and Appendix B for a copy of the Complaint Form).

Requests received outside of this time frame will only be considered if exceptional circumstances apply and are explained to the Clerk at the same time that the request for a Stage 3 hearing is made.

The Clerk 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**.

The Clerk will then convene the Panel of one Governor from the School, one Trustee and one independent person and arrange the date of the hearing.

The Clerk will write to the Complainant to inform them of the date of the hearing. They will aim to convene a hearing within **30 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 hearing. The Panel will then meet with the Clerk and conduct the Complaint Review hearing in private, without either the School or the Complainant being represented. Their considerations will be based on the written submissions and documentary evidence previously provided by both parties. This is to ensure that the matter is resolved as soon as possible in the best interests of all parties.

At least **15 school days** before the meeting, the Clerk will:

- confirm and notify both parties of the date, time and venue of the hearing, ensuring that, if the Complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible; and
- inform both parties that copies of any further written material should be submitted to the Clerk at least **10 school days** before the hearing. Any evidence submitted after this, including on the day of the hearing, will only be considered in exceptional circumstances with the agreement of the Panel, whose decision is final.

Any written material will be collated and circulated by the Clerk to all parties so that it is received at least **5 school days** before the date of the hearing.

Attendees at the hearing

The Clerk will invite the following parties as applicable:

- the Panel, one or more of whom is independent of the Trust
- the Complainant
- the Headteacher
- investigating member of SLT (if appropriate)
- the Chair of Governors/Nominated Governor/CEO who dealt with the complaint at Stage 2
- relevant witnesses
- Area Schools Support Service representative (procedural advice)

The Complainant may ask to be accompanied to the hearing by a supportive companion, interpreter, or advocate. It is not advisable for this person to be a member of the School community, for reasons of confidentiality and to avoid conflict of interest. The Complainant must advise the Clerk to the Complaint Review Panel of the name and role of this additional person prior to the hearing, and the Clerk will seek agreement from the Chair of the Panel. If the additional person is attending as an advocate, they will be presenting the Complainant's case and speaking on their behalf, and, therefore, the Complainant will not be able to address the Panel directly. If the additional person is attending as a supportive companion, they will not be able to address the Panel directly, except with the prior agreement of the Chair.

As this is not a legal process, neither party may bring legal representation with them except in exceptional circumstances, by prior agreement of the Panel.

If the attendance of any pupils is required at the hearing, parental permission will be sought if the pupil is under the age of 18. Extra care will be taken to consider the vulnerability of children where they are present at a complaints hearing. 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.

Representatives from the media are not permitted to attend.

Conduct of the hearing

The Panel will consider:

- Those aspects of the complaint which the Complainant believes have not been fully addressed at the previous stages in the Complaints Procedure and where the Complainant believes that the school has not followed its Complaints Policy;
- The effectiveness of the investigation process at Stage 1 & 2;
- Ways to resolve the complaint and, if possible, achieve reconciliation between the School and the Complainant.

The Panel will not review any new complaints at this stage or consider evidence unrelated to the initial complaint. The Panel will consider the complaint as was submitted at Stage 1 & 2. Any new issues will need to be dealt with by a separate complaint starting with Stage 1 of the procedure.

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. Financial compensation is not a possible outcome of the process.

The hearing will be held in private and is confidential. Electronic recordings of meetings, hearings or conversations are not normally permitted unless a Complainant's own disability or additional needs require it. Prior knowledge and the consent of all parties attending must be sought before meetings, hearings or conversations are recorded. Consent will be recorded in any minutes taken.

The format of the hearing is that the Complainant is given a set amount of time to make their case. The Panel and the School may then ask the Complainant questions for clarification. The School then has the same amount of time to make their case. The Panel and Complainant then have the opportunity to seek clarification from the School. Both parties then leave the hearing and the Panel will deliberate.

The Panel will consider the complaint and all the evidence presented and will come to their decision on the balance of probabilities. The Panel can:

- uphold the complaint in whole or in part;
- dismiss the complaint in whole or in part; or
- determine that all or part of the complaint is out of their scope to consider.

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 Holmesdale Community Infant School with the Panel's decision in writing, and a copy of the minutes of the Panel hearing, within 10 school days. The minutes are a summary of the discussion at the hearing and the decision of the Panel following the hearing, but will not include the deliberations of the Panel. The minutes are the property of 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 Holmesdale Community Infant School will take to resolve the complaint.

The letter to the Complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they believe that their complaint has been handled unreasonably or unlawfully by Holmesdale Community Infant School.

The Panel will ensure that those findings and recommendations are sent by post, electronic mail or otherwise given to the Complainant and, where relevant, the person complained about, with a copy to the Headteacher. Furthermore, they will be available for inspection on the school premises by the proprietor.

This is the final stage at which the School and Trust will consider the complaint. If the Complainant remains dissatisfied and wishes to take the complaint further, please see the contact details on page 25 of this Policy. The School and the Trust will not consider the complaint beyond this stage.

Complaints escalated to / about the Trust, CEO or a Trustee

Complaints escalated to / about the Trust

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 in writing to the CEO of the Trust (contact details at Appendix A) to be investigated. The Complainant should complete and submit the Complaint Form (Appendix B to this Policy) for this purpose.

The procedure and timescales in Stage 2 of this Policy will be followed by the CEO (as if they were the Chair of Governors/Nominated Governor).

The CEO will write to the Complainant acknowledging the complaint within **5 school days** of receipt. The acknowledgement will confirm that the complaint will now be investigated by the CEO using the procedure set out in Stage 2 of this Complaints Policy 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 **15 school days** of the date that the complaint was received. If this time limit cannot be met, the CEO will write to the Complainant explaining the reason for the delay and providing a revised date.

Complaints about the CEO or a Trustee

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

The complaint should be sent in writing to the Clerk to the Trust Board (contact details at Appendix A). The Complainant should complete and submit the Complaint Form (Appendix B to this Policy) for this purpose. The Clerk will pass the complaint to the appropriate individual for it to be investigated. If deemed appropriate, the Chair might appoint an independent clerk to deal with the clerking aspects of the complaint.

The timescales for acknowledging receipt of the complaint and confirming the outcome of the investigation will be as set out in Stage 2 of this Policy.

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 before a Complaint Review Panel, within 10 school days of receiving the decision letter.

The procedure and timescales for this next stage will mirror that outlined under Stage 3 – Panel Hearing above. The Panel will consist of two Trustees and an independent member who were not directly involved in the matters detailed in the complaint or any previous investigation.

If the complaint is:

- jointly about the Chair and Vice Chair of the Trust Board or
- the entire Trust Board or
- the majority of the Trust Board

the complaint will be heard by a completely independent panel under Stage 3 of this Policy.

Retention

The complaint investigator/the Chair of the Complaint Review Panel will ensure that a copy of all relevant information relating to the complaint is kept at the School in a secure, confidential* file, separate from staff and pupil records. This information should be retained for six years from the date of the complaint, in line with guidance from the Information and Records Management Society (www.irms.org.uk) and in accordance with the principles of the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR). The Complainant should be informed that this will be done.

* Please note that the Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008 may request access to complaints documentation.

Roles and Responsibilities

Complainant

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

- explain the complaint in full as early as possible;
- co-operate with the School/Trust 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 and to provide a comprehensive, open, transparent, and fair consideration of the complaint through:

- sensitive and thorough discussion with the Complainant to establish their perspective and desired outcomes;
- interviewing staff and children and other people relevant to the complaint;
- consideration of records and other relevant information;
- analysing information;
- liaising with the Complainant as appropriate to clarify what the Complainant feels would put things right.

Clerk to the Stage 3 Panel Hearing

The Clerk is the contact point for the Complainant and the Panel and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR);
- set the date, time and venue of the hearing, 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 hearing within an agreed timescale;
- record the proceedings;
- circulate the minutes of the hearing;
- notify all parties of the Panel's decision.

Panel Chair

The Panel's chair, who is nominated in advance of the Complaint Review Panel hearing, will ensure that the hearing is conducted in line with the Complaints Procedure and best practice principles.

The Panel Chair 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 are put at ease and that the remit of the Panel is explained to them;
- both the Complainant and the School/Trust are given the opportunity to make their case & seek clarity, either through written submissions ahead of the meeting or verbally in the hearing 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 hearing is minuted.

Panel Members

Panel members should be aware that:

- The hearing 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;
- They should read all documentation and understand the aims and purpose of the hearing.

Procedure for managing serial and unreasonable complaints

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

Holmesdale Community Infant School and the Trust defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the Complainant's contact with the School, such as if the Complainant:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of the Complaints Procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted Complaints Procedure or with good practice;
- introduces trivial or irrelevant information which the Complainant expects 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 Complaints Procedure has been fully and properly implemented and completed including referral to the Education & Skills Funding Agency;
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with;
- uses threats to intimidate;
- uses abusive, offensive or discriminatory language or violence;
- knowingly provides falsified information;
- publishes unacceptable information in social media or other public forums.

Complainants should try to limit the numbers of communications with the School while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the Headteacher or Chair of Governors will discuss any concerns with the Complainant informally before determining that they may be acting "unreasonably".

If the behaviour continues, the Headteacher will write to the Complainant explaining that their behaviour is unreasonable and ask them to change it. For Complainants who excessively contact Holmesdale Community Infant School causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

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

Barring from the School Premises

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Trust boards and governing boards have a responsibility to ensure for the wellbeing of pupils and staff, and will therefore act to ensure that schools remain a safe place.

If a parent/carer's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the Headteacher or the Trust can notify them in writing that their implied permission to be on school premises has been temporarily revoked subject to any representations that the parent/carer may wish to make. Schools should always give the parent/carer the opportunity to formally express their views on the decision to bar in writing.

The decision to bar will be reviewed by either the Chair of Governors or the School Committee, taking into account any representations made by the parent/carer, and either confirmed or lifted. If the decision is confirmed, the parent/carer should be notified in writing, explaining how long the bar will be in place and when the decision will be reviewed. Anyone wishing to complain about being barred can do so by letter or email, to the Headteacher or Chair of Governors. However, complaints about barring cannot be escalated to the Education & Skills Funding Agency. Once the School's own Complaints Procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

Procedure for managing complaint campaigns

In the rare event that the School/Trust receives a large volume of complaints all based on the same subject, from complainants unconnected with the School/Trust, we will either send a template response to all complainants, or publish a single response on the School and Trust website.

Contact details for external organisations if not satisfied with the outcomes of the complaints procedure in full

- If you have any queries regarding any aspect of the complaints procedure, please direct these to the Clerk to the School Committee (see Appendix A) or the Surrey County Council Area Schools Support Service (see page 24).

If the Complainant remains dissatisfied with the outcome of the complaints procedure, he/she may contact the Greensand Multi-Academy Trust, via the Clerk to the Greensand MAT, at the following address:

Reigate School
Pendleton Road
Reigate
Surrey RH2 7NT

Telephone number: 01737 243166

- 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 Education & Skills Funding Agency (ESFA) after they have completed Stage 3.

ESFA expect that Complainants will have completed the School's complaints procedures first before submitting their complaint to ESFA.

The exceptions to this include when:

- children are at risk of harm; and/or
- missing education.

The ESFA will not normally reinvestigate the substance of complaints and cannot overturn the decision about a complaint. Their role is to make sure the complaint is handled properly by following a published procedure that complies with part 7 of the Education (Independent School Standards) Regulations 2014.

The ESFA will only consider the complaint if the Complainant can provide evidence that the School or Trust:

- does not have a complaints procedure;
- did not provide a copy of its complaints procedure when requested;
- does not have a procedure that complies with statutory regulations;
- has not followed its published complaints procedure;
- has not allowed its complaints procedure to be completed.

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

Relevant legislation and guidance

The Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/contents>

The Data Protection Act 2018 [Data Protection Act 2018 \(legislation.gov.uk\)](http://www.legislation.gov.uk/ukpga/2018/12/contents)

The Education (Independent School Standards) Regulations 2014
<http://www.legislation.gov.uk/uksi/2014/3283/contents/made>

The Education Act 2002 <http://www.legislation.gov.uk/ukpga/2002/32/contents>

The Department for Education *Best Practice Advice for Academies Complaints Procedures 2021* [Best practice guidance for academies complaints procedures - GOV.UK \(www.gov.uk\)](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/90421/best-practice-guidance-for-academies-complaints-procedures-2021.pdf)

Area Schools Support Service contact details

The role of the Area Schools Support Service is to provide impartial advice and guidance to school staff, governors & complainants at all stages of the complaints process

<p>North East Surrey</p> <p>(Elmbridge, Epsom & Ewell, Spelthorne)</p> <p>Caroline Marden Area Schools Officer Telephone: 01372 833412 Email: caroline.marden@surreycc.gov.uk</p> <p>Esher Civic Centre, High St, Esher, Surrey KT10 9SD</p>	<p>North West Surrey</p> <p>(Runnymede, Surrey Heath, Woking)</p> <p>Kate Prince Area Schools Officer Telephone: 01483 518104 Email: kate.prince@surreycc.gov.uk</p> <p>Quadrant Court, Guildford Rd, Woking, Surrey GU22 7QQ</p>
<p>South East Surrey</p> <p>(Mole Valley, Reigate & Banstead, Tandridge)</p> <p>Ann Panton Area Schools Officer Telephone: 01737 737960 Email: ann.panton@surreycc.gov.uk</p> <p>Consort House, 5-7 Queensway, Redhill, Surrey RH1 1YB</p>	<p>South West Surrey</p> <p>(Guildford and Waverley)</p> <p>Jane van den Broeke Area Schools Officer Telephone: 01483 517835 Email: jane.vandenbroeke@surreycc.gov.uk</p> <p>Quadrant Court, Guildford Rd, Woking, Surrey GU22 7QQ</p>
<p>Area Schools Assistants:</p> <p>Natalie Cull Area Schools Assistant Telephone: 07814811489 Email: natalie.cull@surreycc.gov.uk</p>	<p>Yvonne Girdler Area Schools Assistant Telephone: 07814355482 Email: yvonne.girdler@surreycc.gov.uk</p>

Appendix A (Customise Appendix A for your own school)

School contact details

Holmesdale Infant School Alma Road Reigate RH2 0BY	School telephone number: 01737 243678 School Website details: www.holmesdale.surrey.sch.uk School email address: info@holmesdale.surrey.sch.uk
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Contact details for the Chair of Governors

Chair of Governors Mr Greg Scott Holmesdale Infant School Alma Road Reigate RH2 0BY	Telephone number: 01737 243678 Email address: chairofgovernors@holmesdale.surrey.sch.uk
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Contact details for the Clerk to the School Committee

Mr M Elliott Clerk to the School Committee Holmesdale Infant School Alma Road Reigate RH2 0BY	Telephone number: 01737 243678 Email address: clerkofgovernors@holmesdale.surrey.sch.uk
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Contact details for the CEO of the Trust

Mrs S Wardlow, CEO Greensand Multi-Academy Trust Reigate School Pendleton Road Reigate Surrey RH2 7NT	Telephone number: 01737 243166 c/o email address: e.salisbury@reigate-school.surrey.sch.uk
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Contact details for the Clerk to the Trust

Mrs E Salisbury Clerk to the Trust Greensand Multi-Academy Trust Reigate School Pendleton Road Reigate Surrey RH2 7NT	Telephone number: 01737 243166 Email address: e.salisbury@reigate-school.surrey.sch.uk
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Appendix B – Complaint form

Please complete and return to <Name> (either Headteacher for Stage 1, or **Chair or Clerk** for Stages 2 and 3) 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):		
Contact details:		
Please give details of your complaint (adding extra pages if necessary):		
No.	Details of issue	What action has been taken to resolve the matter and by whom?
1		
2		
3		
Etc.		

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:

Appendix C

FOR SCHOOL USE ONLY	COMMENTS	TIMELINE
Name of Complainant & relationship to pupil		
Date complaint received:		
Date acknowledgment sent:		<i>Must be sent within <u>5 school days</u> of receipt</i>
Signature		
Please complete the following, acknowledge the stages of the Complaints Procedure that have been followed & make any comments as necessary		
Stage 1 (complaint investigated & considered by Headteacher or designated member of SLT)	Date: Signature:	<i>Letter with outcome of investigation to be sent within <u>15 school days</u> of complaint being received</i>
Stage 2 (complaint considered by Chair of Governors or Nominated Governor)	Date: Signature:	<i>Letter with outcome of decision to be sent within <u>15 school days</u> of Stage 2 being initiated</i>
Stage 3 (Complaint Review Panel)	Date: Signature:	<i>Appeal to be held within <u>30 school days</u> of Stage 3 being initiated</i> <i>Outcome of review to be confirmed in writing within <u>10 school days</u> of meeting</i>
Official use Date received: _____ Signed: _____		