

Complaints Policy & Procedure



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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 any school within The Arthur Terry Learning Partnership (ATLP), or about the Trust itself about any provision of facilities or services that we provide.

This procedure does not apply to concerns and complaints relating to the matters listed in Appendix 1.

Definitions in the application of this policy

- 'complaint' means an expression of dissatisfaction however made, about actions taken or a lack of action.
- 'concern' means an expression of worry or doubt over an issue considered to be important for which reassurances are sought.
- 'meeting' means an in person or virtual meeting (i.e. telephone or video conference where all parties can participate verbally), virtual meetings will only be held in the event that all parties have access to appropriate equipment to attend and are happy to do so. If the parties are unable to meet virtually and the meeting must take place in person, the meeting may be postponed until it is deemed safe to hold an in-person meeting, at the discretion of the trust.
- 'parent' means a parent, carer or anyone with legal responsibility for a child;
- 'school days' excludes weekends, bank holidays and school holidays and periods of partial or total school closure;
- 'trust' means the academy trust: The Arthur Terry Learning Partnership

The difference between a concern and a complaint

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. The ATLP takes concerns seriously and will make every effort to resolve the matter as quickly as possible. We actively encourage that any complaint be resolved informally.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the headteacher (or head of school) of the school concerned will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the headteacher will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, the schools within the ATLP will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

Anonymous complaints

We will not normally investigate anonymous complaints. However, the recipient of a complaint, as appropriate, will determine whether the complaint warrants an investigation under the terms of this policy. If it does, we will advise the sender as such, and invite them to contribute further information.

Time scales

Concerns or complaints should be brought to our attention as soon as possible. Any matter raised more than three months after the incident occurring or, where a series of associated incidents have occurred, within three months of the last of these incidents will not usually be considered. We will only consider complaints made outside of this time frame if exceptional circumstances apply that would explain the delay. Exceptional circumstances will be determined by The ATLP and may include:

- a serious medical condition or a significant time in hospital.
- a serious medical condition of a close relative when you were the main carer, if this prevented you from making your complaint.
- certain personal circumstances that made complaining difficult – for example, serving in the armed forces in a war zone.

Exceptional circumstances **would not** normally include:

- not knowing about the time limits for a complaint or an appeal.
- a medical condition that only affected you for a short period of the time in question.
- a prolonged medical condition that would not have prevented you from making a complaint.
- being too busy to submit the complaint.

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

Ongoing complaints shall be suspended with the 'clock paused' during school holidays due to the limited availability of staff and governance representatives required by the complaints process.

The timeframes referred to in this policy for the ATLP's response framework are our usual timeframes and the ATLP will seek to adhere to these timeframes where possible. Should it become necessary to alter the time limits and deadlines set out within this policy, complainants will be advised accordingly and be provided with revised timescales and an explanation as to the reasons for variation.

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 a complainant commences legal action against the ATLP, or one of its schools, in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

Resolving complaints

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

- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that we will try to ensure the event complained of will not recur;
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made;
- an undertaking to review school policies in light of the complaint;
- an apology.

Where there are multiple complaints, from unconnected parties, but which are all based on the same subject or issue, we may decide to combine these in to one complaint and send one response to all complainants, or by publishing a response on the school's website, when this is the appropriate means of communication.

The ATLP expects all complainants to make reasonable attempts to seek an informal resolution.

The ATLP encourages parents to approach the school or trust with any concerns and refrain from airing concerns about its schools and staff on social media sites. The posting of negative comments on social media can cause damage and upset and is often counter-productive to students' education.

Withdrawal of a Complaint

If a complainant wants to withdraw their complaint, they will be asked to confirm this in writing.

Should a complainant not wish to engage with the latter stages of this process, e.g. participate in a stage 3 complaints panel after requesting escalation, the complaint will be considered withdrawn. The ATLP will continue to make every effort to seek an informal resolution where appropriate.

Records of Complaints

A record will be kept of all written complaints, including nature of complaint, what stage they were resolved, whether they were upheld or not and any action to be taken as a result of the complaint. In accordance with GDPR regulations, correspondence, statements and records relating to individual complaints will be kept for no longer than is necessary, with material reduced to a basic record after a period of 6 months. Complaint records shall be kept confidential except where

- access is requested by the Secretary of State;
- disclosure is required in the course of a school inspection;
- an individual has a legal right to access their own personal data contained within such documentation; or
- under other legal authority, or section 109 or 2008 requests access to them

How to raise a concern or make a complaint - Stage 1: Informal Concern/Complaint

A concern or complaint can be made in person, in writing or by telephone. It may also be made by a third party acting on behalf of a complainant, as long as they have appropriate authority to do so.

Most enquiries and concerns can be dealt with satisfactorily by the class teacher or head of year, or other members of staff without the need to resort to the formal procedure. We value informal meetings and discussions and encourage parents to approach staff with any concerns they may have and aim to resolve all issues with open dialogue and mutual understanding.

It is always helpful if you can fully explain the nature of the concern and identify the outcome you are looking for. When appropriate, you may be invited to an informal meeting with the member of staff most appropriate for dealing with that concern. The member of staff dealing with the concern will make sure that you are clear about what action (if any) has been agreed. This may be put in writing if appropriate.

There is no set timescale for resolution at this stage given the importance of dialogue through informal discussion. However, it is expected that most issues will be resolved within 15 school days. If no satisfactory solution has been found, you will be advised that if you wish your concerns to be considered further you should put your complaint in writing using the template complaint form and send to the headteacher via the school office (unless your complaint is about the headteacher), or the relevant complaints contacts as outlined in Appendix 2 of this policy within 10 school days and follow Stage 2 of this policy.

Complainants should not approach individual advocates or trustees to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints, if required, at Stage 3 of the procedure.

Stage 2: Formal Complaint

It is very important that you include a clear statement of the actions that you would like us to take to resolve your complaint. We strongly encourage you to use the Complaint Form provided at Appendix 4 of this procedure. If you require help in completing the form, please contact the school office. You can also ask third party organizations like the Citizens Advice to help you. In all cases your written complaint must include:

- the nature of the complaint;
- details of how the matter has been dealt with so far;
- the names of potential witnesses, dates and times of events and copies of all relevant documents; and
- a clear statement of the actions that you would like us to take to resolve your complaint.

Reasonable adjustments will be made to this procedure when required to ensure that all complainants can access and complete this complaints procedure. This may include providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

Formal complaints must be made to the headteacher (unless they are about the headteacher), via the school office. For complaints about all other staff, refer to Appendix 2 for the appropriate contacts.

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 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, and also advise a target date for providing a response to the complaint. This will normally be within 20 school days of receiving the complaint.

If appropriate the headteacher (or someone appointed by them) may invite you to a meeting to clarify your complaints and to explore possible resolutions. If you accept that invitation, you may be accompanied by one other person, such as a friend, relative, advocate or interpreter, to assist you. Where possible, this meeting will take place within 20 school days of receipt of the written complaint. Such meeting may take place virtually, i.e. by telephone or video call.

The headteacher, or an individual to whom the investigation has been delegated, may if necessary, interview and take statements from those involved. They should seek to meet with the complainant to understand the precise nature of the complaint and the best way to resolve it. They may also meet the member of staff, or the headteacher, that the complaint is about. They may look at written documents, including records relating to a particular incident or incidents. If the complaint is about on a student, the student should also be interviewed. Students should normally be interviewed with their parent present. The exceptions to this are when to do so would seriously delay the investigation of a serious or urgent complaint, or if the student has specifically said that they would prefer that their parents were not involved. In these cases, and provided that to do so would not in any way compromise the student's welfare, another member of staff with whom the student feels comfortable should be present. If the matter includes a complaint relating to a member of staff, the member of staff must have the opportunity to respond to the complaint. If the member of staff is to be interviewed as part of the investigation, they may be accompanied. They must let the complaint Investigator know this In advance of the meeting.

The investigator will keep a written record of all meetings and interviews that are carried out as part of their investigation. These shall not usually be shared with the complainant or any subsequent panel but shall be drawn upon to provide a written response to complainants. Detailed records relating to any individual's meeting/interview related to the investigation should not be shared without the individual's knowledge and consent.

Once the relevant facts have been established as far as possible, you will be provided with a written response to your complaint, including an explanation of the decision and the reasons for it, normally within 20 school days of the date of receipt of the complaint. If the investigator is unable to meet this deadline, they will provide the complainant with an update and revised response date. In some circumstances a written response may not be necessary or appropriate. For example, some complaints are dealt with in a meeting and a written response is not required. When this is the case, the Investigator will ensure that you agree that a written response is not required.

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. When appropriate, it will include details of actions The ATLP or the school will take to resolve the complaint.

The investigator will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

If the complaint is about the headteacher, a school advocate, a member of the executive team, the CEO, or a trustee, a suitable member of staff (taking into account the organisations structure) / advocate /trustee will be appointed to complete all the actions at Stage 2.

The trust may alternatively engage an independent, external person to carry out the investigation into the Stage 2 complaint or to review the investigation and response at Stage 2. This may be appropriate when the complaint is particularly complex and involves legal issues.

Stage 3: Referral to a Complaints Committee

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, the complainant may request that a complaints committee be convened to consider your complaint. This is the final stage of the ATLP complaints procedure.

The complaints committee will consist of at least three advocates/trustees with no prior involvement or knowledge of the complaint. These can be drawn from across the entire governance network of the ATLP, including the Trust Board. Of these three people, at least one member will be independent of the management and running of the specific school. The independent member may be an advocate working with a different school within the trust, who has no conflict of interest or prior knowledge of the complaint. Prior to the meeting, the clerk will confirm who will chair the complaints committee. If there are fewer than three ATLP advocates/trustees available, the clerk will source any additional, independent governors through another local school or through the local authority's governor services team, in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 3.

A request to escalate to Stage 3 must be made to the PA to the CEO, via the ATLP Head Office at the Arthur Terry School address, within 10 school days of receipt of the Stage 2 response. You are requested to advise any significant availability constraints for the arranging of the panel.

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

Requests received outside of this time frame will only be considered if exceptional circumstances apply, (see guidance about exceptional circumstances above).

Every effort will be made to convene a panel to take place within 35 school days of the receipt of your request.

Within 10 school days of your request, the PA to the CEO will make every effort to share with you two alternative dates/times for a hearing within 35 school days, indicating the preferred date and time by the panel. You shall have 5 days to respond to the panel options. Should you not respond within 5 days, the PA to the CEO may determine that the hearing proceeds on the basis of written submissions from both parties at the preferred date and time.

Should the two panel options not be suitable, you must advise the PA to the CEO who will identify and communicate the offer of a final panel date and time within a further five days. The further date will be within 45 days of receipt of the Stage 3 request. If the third date/time is also unsuitable then the panel shall proceed on the basis of written submissions from both parties in order to enable the hearing to take place within a reasonable timeframe.

As soon as reasonably practicable and in any event at least 15 school days before the hearing, you will be sent written confirmation of the date, time and place of the hearing, together with brief details of the committee members who will be present. Fair consideration will be given to any bona fide objection to a particular member of the committee. You will also be informed if a school representative will be in attendance. You will also be requested at this time to provide

copies to the Clerk of any further written material to be submitted to the committee at least 10 school days¹ before the meeting and asked to confirm if you will be bringing anyone with you.

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 committee meeting. However, there may be occasions when legal representation is appropriate.

Representatives from the media are not permitted to attend.

The Complaints Committee reserves the right not to consider any documentation presented by either party to the Clerk less than 10 school days prior to the hearing. The Complaints Committee is under no obligation to hear oral evidence from witnesses but may do so and/or may take written statements into account.

Any written material will be circulated to all parties at least 5 school days before the date of the meeting by the Clerk. This will include a copy of the Complaints Policy which includes the Stage 3 procedure. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

The meeting will be held in private. Written notes of the meeting will be made. 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 meeting notes taken.

Unless otherwise stated, the procedure for the Stage 3 hearing is as follows:

- the Chair of the Committee will introduce the committee members and outline the process;
- the complainant will explain the complaint, and give an overview of the interactions to-date including stage 1;
- the committee members will question the complainant with the aim to identify potential resolutions
- the complainant will be asked to confirm their understanding and expectations of next steps following the discussion with the panel;
- the Chair of the Committee will explain that both parties will hear from the committee within 5 school days where possible; if further information will be required then they will indicate potential timeframes
- the complainant will leave the panel
- the Clerk will stay to assist the committee with its decision making.
- The panel will take a decision on the complaint, or agree to adjourn if required

The Clerk and or Complaints Committee reserves the right to modify the above procedure at their sole discretion.

A Complaints Committee may be adjourned if the Complaints Committee require further evidence or in exceptional circumstances (for example, if clarification sought by the Complaints Committee is essential to the proceedings). The adjourned date must be as soon as possible. The Complaints Committee reserves the right to adjourn or terminate a hearing should the complainant not engage with the panel or participate in a reasonable manner. Swearing, abusive or threatening language or intimidatory behavior will not be tolerated.

¹ Paperwork is required to be received by the Clerk at least 10 days before the panel to allow for collation/organisation prior to distribution to all parties 5 days before the panel hearing.

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

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

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

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

The Chair of the Committee will aim to provide the complainant and the School / ATLP with a full explanation of their decision and the reason(s) for it, in writing, within 5 school days alongside a copy of the minutes of the meeting. Should the timeline require modification the Clerk to the Committee will advise the complainant and provide revised timeline expectations. Correspondence following a complaints panel will usually be sent by email.² The formal 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 ATLP will take to resolve the complaint.

The letter to the complainant will include details of how to contact the Education Skills Funding Agency if they are dissatisfied with the way their complaint has been handled.

Next Steps

If the complainant believes the school 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 after they have completed Stage 3.

The Education Skills Funding Agency will not normally reinvestigate the substance of complaints or overturn any decisions made by The ATLP / School. They will consider whether The ATLP / School has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Education Skills Funding Agency online at: <https://www.gov.uk/complain-about-school/state-schools> or by writing to:

Academy Complaints and Customer Insight Unit
Education and Skills Funding Agency
Cheylesmore House
5 Quinton Road
Coventry
CV1 2WT

² Where appropriate, correspondence following a complaints panel may be sent by post.

Serial & Unreasonable Complaints

The Arthur Terry Learning Partnership (ATLP) 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 our schools or with The ATLP. However, we do not expect our staff to tolerate unacceptable behavior and we will take action to protect staff from that behavior, including that which is abusive, offensive or threatening.

The ATLP defines unreasonable behavior 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
- 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 complaints procedure or with good practice
- introduces trivial or irrelevant information which they expect to be considered and commented on
- raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- changes the basis of the complaint as the investigation proceeds
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education
- 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 on social media or other public forums.

Complainants should try to limit their communication with the school that relates to their complaint, while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.

Whenever possible, a senior leader from The ATLP will discuss any concerns with the complainant informally before applying an '*unreasonable*' marking.

In these circumstances, we may:

- inform the complainant that their behaviour is unacceptable or unreasonably persistent and ask them to change it;
- restrict the complainant's access to the academy e.g. requesting contact in a particular form (for example, letters only), requiring contact to take place with a named person only, restricting telephone calls to specified days and times or banning the complainant from the academy's premises. Any such arrangements will be reviewed after six months;
- conduct a Complaints Panel by written communication only i.e. not hold a hearing;
- refuse to consider the complaint and, where Part 1 of this procedure applies, refer the complainant directly to the ESFA.

We may take the decision not to respond to any further correspondence where:

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

The case for ceasing further correspondence is stronger where:

- letters, emails, or telephone calls are often or always abusive or aggressive or make insulting personal comments about or threats towards staff
- we have reason to believe the complainant is contacting us with the intention of causing disruption or inconvenience

Where the behavior is so extreme that it threatens the immediate safety and welfare of staff, advocates or trustees, we will immediately inform the police and communicate our actions in writing. These may include barring an individual from an individual school, all schools or the ATLP offices.

All determinations of serial or unreasonable complaints made under this policy are shared with the Central Leadership team.

Appendix 1 - Scope of this Complaints Procedure

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

Exceptions	Who to contact
Admissions to schools Statutory assessments of Special Educational Needs School re-organisation proposals	Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with the local authority team for your school.
Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH) or Children’s Advice and Support Services (CASS).
Exclusion of children from school*	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions . *complaints about the application of the behaviour policy can be made through the school’s complaints procedure.
Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus . 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 Education Skills Funding Agency (ESFA) (see link above), depending on the substance of your complaint.
Staff grievances	Complaints from staff will be dealt with under the ATLP’s internal grievance procedures.
Staff conduct	Certain complaints about staff may need to be dealt with under the ATLP & school’s internal disciplinary procedures, if appropriate. 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.
Complaints about services provided by other providers who may use school premises or facilities	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
National Curriculum - content	Please contact the Education Skills Funding Agency at: www.education.gov.uk/contactus

Appendix 2: Complaints Contacts

Complaints against school staff (except the headteacher) should be made in the first instance, to the headteacher via the school office. Please mark them as Private and Confidential.

Complaints that involve or are about the headteacher should be addressed to the CEO – Richard Gill, via the PA to the CEO. Please mark them as Private and Confidential.

Contact details:

Mrs Claire Swann,

Claire.swann@atlp.org.uk

Complaints about Advocates, Trustees, or the whole governance network should be addressed to the ATLP Governance & Compliance Manager. Please mark them as Private and Confidential.

Contact details:

Mrs Katherine Thomas

Katherine.thomas@atlp.org.uk

Complaints that involve the ATLP HR Director, ATLP Head of Finance, ATLP Estates and Operations Director, ATLP Governance & Compliance Manager, or the ATLP Communications Manager should be addressed to the CFOO. Please mark them as Private and Confidential.

Contact details:

Mr Simon Smith,

simon.smith@atlp.org.uk

Complaints that involve the CFOO, Primary or Secondary Director of Education or a Primary or Secondary Strategic Lead should be addressed to the CEO via the PA to the CEO. Please mark them as Private and Confidential.

Contact details:

Mrs Claire Swann,

Claire.swann@atlp.org.uk

Complaints that involve the CEO should be addressed to the Chair of the Trust Board. Please mark them as Private and Confidential. Contact details:

Mr John Vickers,

john.vickers@atlp.org.uk

Should you prefer to send your complaint by post, it shall be recorded as the day received/opened. Complainants are encouraged to use email delivery where possible to account for offsite movement/absences and postal delays that may delay receipt & review of mailed complaints.

Please attention any mail submissions to the relevant contact as identified above, and send to the address below;

ATLP
Arthur Terry School
Kittoe Road
B74 4RZ

Appendix 3: 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 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 notes 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 committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The headteacher or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

Complaints Co-ordinator (this could be the headteacher or other staff member providing administrative support)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, headteacher, Director of Education, CEO, trustees, advocates, Clerk and other authorities (where appropriate) to ensure the smooth running of the complaint's 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, including
 - ensuring all parties are notified, by the Clerk, of the committee's decision, i.e. when the panel make findings and recommendations, a copy will be provided to the complainant and, where relevant to the person complained about.

- o ensuring that the findings and recommendations of the panel are available for inspection on the school premises by the Headteacher, Director of Education and CEO.

Clerk to the Complaints Committee

The Clerk is the contact point for the complainant and the committee 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 meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example; stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- take a written record of the proceedings
- circulate the notes of the meeting to all parties
- notify all parties of the committee's decision, i.e. when the panel make findings and recommendations, a copy will be provided to the complainant and, where relevant to the person complained about.
- ensure that the findings and recommendations of the panel are available for inspection on the school premises by the Headteacher, Director of Education and CEO.

Committee Chair

The committee's chair, who is confirmed in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.
- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- notes of the meeting are taken
- they liaise with the Clerk (and complaints co-ordinator, if the school has one).

Committee Member

Committee members should be aware that:

- the meeting must be independent and impartial and should be seen to be so. No advocate or trustee may sit on the committee 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 ATLP/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 committee 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 committee 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 committee 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 committee considers is not in the child/young person's best interests.
- the welfare of the child/young person is paramount.

Appendix 4: Stage 2 Complaint Form

Please complete and return to the Headteacher / CEO / Governance & Compliance Manager / CFOO as set out in Stage 2 of the Complaints Policy and Procedure, who will acknowledge receipt and explain what action will be taken.

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address: Postcode: Day time telephone number: Evening telephone number:
Please give details of your complaint, including how the complaint has been shared and addressed in stage 1 of the complaints procedure. (Please note, should you not have completed stage 1 of the process, your complaint will be redirected to an appropriate member of staff to engage in this stage)

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:

Summary of Complaints Procedure

Stage 1: Informal concerns	Parent brings complaint to attention of member of staff
	Issue to be resolved within 15 school days
	Where no satisfactory solution has been found, parent to be advised that they should proceed to Stage 2
Stage 2: Formal Written Complaint	Parent to put complaint in writing using Complaint Form within 15 school days
	Complaint to be acknowledged within 5 school days
	(Optional) Meeting with parents within 20 school days
	Response to the complaint sent within 20 school days
Stage 3: Referral to Complaints Committee	Parent to request hearing within 10 school days of receiving notice of the outcome of Stage 2
	Request to be acknowledged within 5 school days
	Hearing to take place within 35 ³ school days of receipt of request
	Notification of date, time and place of the hearing and details of the committee members present with request for supplementary evidence/papers sent at least 15 school days before the hearing
	School representative and parents to submit evidence in support of their case to Clerk at least 10 school days before the hearing
	Clerk to send paperwork to all parties at least 5 school days before the hearing
	Complaints Committee decision sent within 5 school days after the hearing or a revised timeline to be shared with the complainant

³ Subject to the offer/acceptance of alternative dates, this may be extended to 45 days