

The Good Shepherd Trust Trust Complaints Procedure

1. Introduction

The Good Shepherd Trust (“the Trust”) is rooted within the Diocese of Guildford and our mission is to ensure the best possible educational outcomes for every pupil.

We believe that every pupil has the right to a broad and rich education to be achieved within a distinctively Christian context, valuing each child as an individual and enabling them to flourish by discovering and developing their God-given gifts.

Our purpose is to build a strong and high performing family of sustainable schools supported by first class shared services. Working together, we will enable our people to achieve excellent outcomes for pupils, and harness resources to secure the long-term future of our schools.

Each school within the Trust has an ‘Academy Complaints Procedure’ which must be followed for complaints relating to the local school. That local policy sets out the procedure to be followed and facilitated by the Head teacher and Local Governing Committee (“LGC”) for all complaints relating to the particular school

This policy and procedure only applies to complaints about any aspect of the Trust that does not relate to a specific academy.

2. Scope

2.1 This policy explains the steps that will be followed where a Trust issue arises that leads a stakeholder to make a complaint about provision of facilities or services that the Trust provides, or the exercise of oversight by the Trust, unless separate statutory procedures apply.

2.2 This procedure does not apply to complaints about:

- Admissions to school
- Statutory assessments of Special Educational Needs (SEN)
- School re-organisation proposals
- Matters likely to require a Child Protection investigation
- Exclusion of children from school
- Whistleblowing
- Staff grievance and disciplinary procedures

- Services provided by other providers who may use a school's premises or facilities

- 2.3 This Complaints Procedure does not provide a re-hearing of complaints that have been through all stages of an academy complaints procedure. This procedure is provided for complaints about the Trust.
- 2.4 The Trust will not respond to anonymous complaints under this policy, however, the Chief Executive Officer and / or Chair of the Trust Board ("the Chair") will consider whether the issue and fear of identification are genuine or the issue is one of child protection. Please refer to the Trust's **Safeguarding** policy and the **Allegations of Abuse Against Staff** policy, both of which are available through the Trust website.
- 2.5 This Complaints Policy is based on the principle that concerns expressed by a pupil, student, parent or any other individual or organisation should be resolved as quickly as possible without the need to escalate to the formal stage of the procedure. However, where resolution has not been achieved and the person raising the concern is unhappy and wishes to take the matter further, the formal procedure for dealing with complaints will be followed. The three stages are:
- Stage 1: Formal complaint investigated by a member of the executive
Stage 2: Formal complaint investigated by a CEO
Stage 3: Complaint heard before a Complaint Panel of the Trustees
- 2.6 Complaints made by members of staff should be dealt with under separate grievance procedures applicable to employees. Complaints made by employees will not be dealt with under this Complaints Policy.
- 2.7 Complaints made by a Trustee or LGC member should be referred to the Chair of the relevant LGC or the Chair as appropriate to be dealt with informally where possible. Complaints by a Trustee, or LGC member will not be dealt with under this Complaints Policy.
- 2.8 Complaints about or relating to a pupil or student should be directed to the relevant school.
- 2.9 This Complaints Policy is intended to be compliant with the Education (Independent School Standards (England) Regulations 2014 Schedule 1. Part 7. In the event of any variance between this Complaints Policy and the Regulations, the Regulations will apply.

3. Definitions

- 3.1 DFE 'best practice' recommends that the policy makes clear the distinction between a concern and a complaint. For the purposes of this policy:

- A concern 'is an expression of worry or doubt over an issue considered to be important for which reassurances are sought'
- A complaint is 'an expression of dissatisfaction however made, about actions taken or a lack of action'

4. Unreasonable Complaints

- 4.1 The 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 Trust. Operating from a position of mutual respect, 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.
- 4.2 The Trust defines unreasonable complaints as "those who, because of the frequency or nature of their contact with the Trust, hinders our consideration of their or other people's complaints.
- 4.3 A complaint may be regarded as unreasonable when the person making the complaint:
- Refuses to articulate their complaint or specify the grounds of the 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 a complaints procedure;
 - Insists on the complaint being dealt with in ways which are incompatible with the Trust's complaint's procedure and good practice
 - Introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
 - Makes unjustified comments 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 a complaint where the Trust's complaint 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 Trust time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and/or by telephone while the complaint is being dealt with.

4.4 A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone, in writing or electronically:

- Maliciously
- Aggressively
- Using threats, intimidation or violence
- Using abusive, offensive or discriminatory language
- Knowing it to be false
- Using falsified information
- Publishing unacceptable information in a variety of media such as in social media, websites and newspapers.

5. Policy

5.1 Concerns or complaints should be raised within three months of the incident or event to which the complaint relates (or, where the complaint relates to a series of incidents or events, within two months of the latest incident or event).

5.2 The Trust has three formal stages to its complaints procedure. The aim is to try to deal with the complaint, to the satisfaction of the Complainant, at the earliest possible stage.

Formal Procedure – Executive (Stage 1)

Formal Procedure – CEO (Stage 2)

Complaint Panel Hearing (Stage 3)

5.3 Only if the complaint cannot be resolved at the informal stage would it be escalated to the formal stages. Only if the complaint cannot be subsequently resolved at the formal stages would it be escalated to a Complaint Panel Hearing.

5.4 All Complaints to the Trust will be acknowledged, logged and tracked, referring to the stage of investigation and complaint management. Only information relevant to the tracking process will be recorded and the principles of GDPR will be adhered to.

5.5 The Principles of Investigating a Concern or Complaint:

- The ‘investigating officer’ has read this Complaints Policy to familiarise his or her self with the procedure
- Is aware of the time limits that apply to the relevant stage and ensures that he or she complies with them
- Establish the nature of the complaint or concern and what issues remain unresolved

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- Establish what the Complainant says has happened, who has been involved and what the Complainant feels would put things right (the resolution being sought)
 - Where required, interviews those involved in the matter
 - Allows those complained about to be accompanied, e.g. by a colleague, during interviews, if they so wish
 - Keeps a separate written record of each interview and asks the interviewee to sign and date the record, along with the signature of the investigation officer
 - Establishes relevant facts, on a balance of probabilities, based on evidence not speculation, and keeps a written record of these
 - Provides an effective, written response to the complaint, addressing all issues raised (including where relevant, complaints about the way in which the complaint has been dealt with in the earlier stages)
 - Ensures that the response to the complaint includes, the appropriate recommended actions, where necessary
 - Reports the complaint and the outcome of the complaint to the relevant leaders, which may include the Executive Team, so that services can be improved.
 - Deals with the investigation in an impartial, objective, fair and timely manner, keeping in mind the privacy of the parties involved and GDPR procedures.

Principles of Resolving a Concern or Complaint

- 5.6 It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. The way in which the concern or complaint is dealt with after the Complainant first raises the matter can be crucial in determining whether the complaint will escalate. To that end, members of staff will be annually reminded of the procedure in this Trust Complaints Policy, so that they will know what to do when a concern is raised with them.
- 5.7 At each stage of the complaints procedure, the investigator will consider how the complaint may be resolved. In considering how a complaint may be resolved the investigating officer will give due regard to the seriousness of the complaint. It may be appropriate in order to bring the complaint to a resolution for the investigator to offer:
- An explanation
 - An apology
 - Reassurance that steps have been taken to prevent a recurrence of events which led to the complaint
 - Reassurance that the Trust will under a review of its policies and procedures in light of the complaint.

None of the above will constitute an admission of negligence or an acceptance of liability on behalf of the Academy or the Trust.

Principles of Notifying the Outcome of a Concern or Complaint

- 5.8 When all the facts have been established, the investigator will write to the Complainant setting out all of the issues in dispute, the result of the investigation, the decision made, the reasons for the decision and details of any action to be taken to resolve matters or prevent a reoccurrence. Alternatively, the investigator may wish to meet with the Complainant to discuss the outcome of the investigation and share the written outcome, as above.
- 5.9 Strictly confidential procedures, such as staff disciplinary investigations or sanctions must **not** be referred to in the communication of the outcome.
- 5.10 The outcome of all concerns and complaints, whether dealt with formally or informally, must be recorded centrally by the Trust. Examples of outcomes include:
- There was insufficient evidence to reach a conclusion, so the complaint cannot be upheld;
 - The evidence did not substantiate the concern, so the complaint cannot be upheld;
 - The complaint was substantiated in part or full.
- 5.11 A brief description should be given of the remedial action being taken by the Trust as a consequence of the complaint.

Time Limits

- 5.12 The Complaints Policy sets out the time limits for each stage of the complaints procedure. Those dealing with complaints will keep to these time limits. However, where a complaint is of a particularly complex nature, or further investigations are required to ascertain the facts, the Trust reserves the right to set new time limits. Changes to the time limits will, within the time limits specified in this Complaints Policy, will be sent to the Complainant with an explanation for the delay and confirmation of the revised date(s).

Late Complaints

- 5.13 Where a concern or complaint is raised more than two months after the incident or event (or where the complaint relates to a series of incidents or events, more than two months from the date of the latest incident or event), the Trust reserves the right to refuse to investigate the concern or complaint under the procedure in this Complaints Policy, **if it appears reasonable and fair to do so, having regard to the circumstances surrounding the complaint.**
- 5.14 Where the Trust decides that a concern or complaint which was raised late will not be investigated, the Trust will write to the Complainant notifying them of the decision within **5 school days** of the concern or complaint being raised.

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- 5.15 Where the Complainant is unhappy with the decision not to investigate a concern or complaint that was raised late, the Complainant may write to the Chief Executive Officer at the Trust asking for the decision to be reviewed. Such a request must be received by the Chief Executive Officer within **5 school days** of the notification that the complaint 'will not be investigated'. The Chief Executive Officer will review the decision (as in 3.11 above) and write to the Complainant within **10 school days** of the date of the letter received from the Complainant seeking a review.
- 5.16 If the Chief Executive Officer quashes the decision not to investigate the concern or complaint, it will be referred to an Executive Officer of the Trust to be dealt with under the procedure in this Complaints Policy in the usual way.
- 5.17 If the Chief Executive Officer upholds the decision not to investigate the concern or complaint, The Complainant may refer the concern or complaint to the Education Skills Funding Agency using the procedure stated towards the end of this Complaints Policy.
- 5.18 In exceptional circumstances the Chief Executive Officer, can delegate the responsibility for the review to another member of the Executive Team that has no link to the subject of the complaint, or if appropriate refer the matter to the Chair.

Serial, Persistent and unreasonable complaints

- 5.19 There may be occasions when, despite exhausting the procedure in this Complaints Policy, the Complainant persists in making the same complaint to the Trust. There may also be occasions when a complainant raises unreasonable persistent complaints or raises complaints about matters, which do not affect them. In such cases it is likely that the complainant will be informed that the matter is now closed and that the Trust will provide no further response.
- 5.20 For the purpose of this procedure a complaint may be viewed as unreasonable if it contains threatening, abusive or offensive language and conveys unrealistic outcomes beyond all reason. In such cases the Chief Executive Officer may decide that the complaint is not considered under this procedure. The complainant will be notified in writing within 5 school days of the complaint being raised, that this is the case and that the Trust will provide no further response.

Anonymous Complaints

- 5.21 The Trust will not investigate anonymous complaints under the procedure in this Complaints Policy.

6. Addressing a complaint informally

- 6.1 Members of staff can deal with many concerns to the satisfaction of the Complainant, without needing to deal with it formally. The Trust values informal meetings and telephone discussions as a way of improving its procedures and relations with stakeholders.
- 6.2 There is no rigid time-scale for resolving concerns and complaints at this stage, given the importance of dialogue through informal discussions. However, it is expected that most concerns will be resolved within 10 school days. Should the nature or complexity of the concern mean that more time is required, the officer handling the complaint will write to the complainant within 10 school days informing them of the reason for the delay and setting out a revised date for resolution.
- 6.3 Should informal meetings and telephone discussion appear unlikely to resolve the concern, either party may initiate a move to Stage 2 for the complaint to be investigated formally. At this point the Complainant must complete a formal complaint form (Annex 1). The officer will forward a copy of the complaint form to the Complainant for completion, along with a copy of this Complaints Policy. The Complainant should return the completed form to the Trust to be logged and for management under Stage 2 of the policy.

7. Stage 1 – Formal Complaint Investigated by an Executive Officer

- 7.1 Where a Complainant is not content with the way their concern was dealt with informally, the Complainant should complete the formal complaint form at Annex 1 and send this to the Trust at gstpa@thegoodshepherdtrust.org.uk
- 7.2 On receipt of the completed formal complaint form, the Chief Executive Officer will identify an appropriate executive to investigate the complaint under Stage 1. The complaint will be acknowledged within **10 schools days** of receipt and the complainant will be advised as to who will undertake the investigation.
- 7.3 A log of all correspondence in relation to the complaint will be kept in accordance with the Data Protection Principles.
- 7.4 The investigating executive will consider all relevant evidence. This may include but is not limited to:
- Obtaining statements from the complainant and those involved with the complaint
 - Meeting the complainant and those involved in the complaint
 - Reviewing correspondence and other documents relating to the complaint.
- 7.5 After considering the available evidence, the investigating executive can decide to

- Uphold the complaint and direct that certain action be taken to resolve it
- Uphold the complaint in part (in other words find an aspect or aspects of the complaint to be valid, but not the whole complaint) direct for certain action to be taken, or
- Dismiss the complaint entirely.

7.6 The investigating executive, will inform the complainant of their decision in writing, the grounds on which it was made and any actions taken as a result of the complaint. This will be within 20 school days of having issued written acknowledgement of receipt of the complaint (see 5.4 above). The written notification shall also advise the complainant of their right to escalate the complaint to Stage 2 of the procedure if they are not satisfied with the outcome at Stage 1.

7.7 Where the Complainant is not satisfied with the outcome at Stage 1, they must write to the Chief Executive Officer setting out the grounds of their dissatisfaction with the Stage. This letter should be emailed to gstpa@goodshepherdtrust.org.uk within 10 school days of the date of notification of the Stage 1 outcome.

8. Stage 2 - Formal Complaint Investigated by the Chief Executive Officer (CEO)

8.1 If the Complainant is unhappy with the outcome of the complaint, investigated under Stage 1 of this policy, they may write to the CEO of the Trust asking for the complaint to be investigated under Stage 2 of this Complaints Policy.

8.2 The CEO will write to the Complainant to acknowledge receipt of the complaint within **10 school days** of the date that the written request was received from the Complainant. The acknowledgement will confirm that the matter is now being investigated under Stage 2 of the Complaints policy. The letter will also advise the date by which the CEO will provide a response to the complaint.

8.3 Following investigation of the complaint, the CEO will write to the Complainant confirming the outcome. This will be within **10 school days** of the date of the letter of acknowledgement. If the matter is such that this time limit cannot be met, the CEO will write to the Complainant within 10 school days of the date the letter of complaint was received from the Complainant, explaining the reason for the delay and providing a revised date.

8.4 If the complaint concerns the CEO or a Trustee, the complaint should be investigated by the Chair.

8.5 The CEO (or the Chair) will investigate the matter following the steps set out in 5.5 – 5.7 above.

8.6 Following the investigation, the CEO, must write to the Complainant with the outcome of the investigation and the reasons for his/her determination.

8.7 The letter to the Complainant should notify them that if he or she is unhappy with the outcome of the Stage 2 investigation, they should write to the Clerk to the Trust Board within **10 school days** of receiving the outcome letter, asking for the complaint to be heard at Stage 3 by a Complaint Panel. This is the appeal stage of the Trust's Complaints Policy.

9. Complaints against the CEO or a Trustee

9.1 Where a formal complaint is received making a complaint about the CEO or a Trustee, the complaint will be referred directly to the Chair for investigation under Stage 2 of this Complaints policy. If a formal complaint is received making a complaint about the Chair, the complaint will be referred to the Vice Chair for investigation under Stage 2 of this Complaints Policy. The option for the Complainant to request that the matter is heard by a Complaint Panel of the Trust Board remains, and the membership of that panel must be comprised of Trustees and an independent panel member, who have no prior knowledge of the issue.

10. Stage 3 Complaint Heard at a Complaint Panel Hearing

10.1 Where a Complainant is unhappy with the outcome of the complaint under Stage 2, they may write to the Clerk to the Trust Board asking for the complaint to be heard before a Complaint Panel, **within 10 school days** of the date of their letter requesting a Complaint Panel Hearing. The Clerk can be contacted at: penny.came@goodshepherdtrust.org.uk

10.2 The Clerk to the Trust Board will acknowledge receipt of the letter requesting a Stage 3 Complaint Panel hearing within **5 school days** of receipt. The letter will inform the Complainant that the Complaint Panel Hearing will take place within **20 school days** of the date that the letter was received from the Complainant and that arrangements to appoint the Complaint Panel and convene the Complaint Panel Hearing will be made by the Clerk to the Trust Board, who will be the Complainant's point of contact. Where it is not possible to find a mutually convenient date within that timescale, all reasonable steps will be taken to agree a time and date mutually convenient to all parties.

Appointment of the Complaint Panel

10.3 The Complaint Panel will comprise three members. No member of the panel will have been involved in the incidents or events which led to the complaint, or have been involved in dealing with the complaint at an earlier stage, or have any detailed prior knowledge of the complaint.

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

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- 10.5 One or both of the other two Complaint Panel members should be a Trustee or an independent member, as long as they fulfil the requirements of paragraph 10.3 above.
- 10.6 Where the complaint is about a Trustee or LGC, the complainant may request that the hearing is heard by an entirely independent panel. This is at the discretion of the Trust who will notify the Clerk of this decision. Where an entirely independent panel is required, timescales may be affected while the Trust sources appropriate individuals to serve on the hearing panel.

Convening the Complaint Panel hearing

- 10.7 The Clerk to the Board will convene the Complaint Panel hearing on a date, time and venue which is convenient to the Complainant, the Trust's representative and the three Complaint Panel Members. The Clerk will write to all parties at least **5 school days** before the complaint Panel Hearing is due to take place confirming the date and time and circulating the agenda and all the documents relevant to the case.
- 10.8 The panel may decide to invite the following to attend the panel hearing:
- The Complainant
 - The Executive who investigated the complaint and made decisions at Stage 2
 - Relevant persons involved in the complaint
 - Persons, who in the view of the panel can provide relevant advice and information, relating to the subject of the complaint and the review of the process at Stage 2.
- 10.9 Both parties may invite witnesses relevant to the case. Such witnesses will attend the hearing at the appropriate point to provide evidence to and answer questions from the panel. They will be asked to leave, once they have responded to the questions of the panel.
- 10.10 The Complainant is entitled to be accompanied by a family member/friend/representative as appropriate. However, legal representatives are not permitted to attend the hearing.

Documents

- 10.11 The Clerk to the Complaint Panel will provide the following documentation to all parties. An agenda and a copy of all correspondence, statements (including witness statements) and records relating to the complaint, including all notes and minutes relating to the investigation at the previous stages, to all parties. Documents should be circulated **at least 2 school days** before the Complaint Panel Hearing is due to take place.

Clerking

10.12 A Clerk will be assigned to attend the Complaint Panel Hearing and keep a written record of the proceedings. The Clerk will usually be the Clerk to the Board of Trustees, however another suitable person may be appointed to this role if the Clerk to the Board is not available.

Panel Decision

10.13 After considering the complaint and reviewing the available evidence, the panel can decide to:

- Uphold the complaint and direct that certain action be taken to resolve it
- Uphold the complaint in part (in other words find an aspect or aspects of the complaint to be valid, but not the whole complaint) and direct for certain action to be taken
- Dismiss the complaint entirely.

10.14 Irrespective of the decision taken, the panel may also recommend steps that the complainant and the Trust should take to move forward from the presenting issues in the best interests of all concerned. The panel may also recommend steps to be taken to reduce the likelihood of a similar complaint being made in the future.

10.15 The Complainant will be informed in writing of the outcome of the hearing no later than **10 school days** after the date of the hearing. The Chair will also advise Trust officers of the outcome and any changes to practice which are recommended.

10.16 This is the **final stage** at which the Trust will consider the complaint. If the complainant remains dissatisfied and wishes to escalate the complaint further they should refer to the section below.

11. Complaint referred to the Education and Skills Funding Agency

11.1 When a complaint has been through all the stages of this Complaints Policy, and where the Complainant believes that this Complaints Policy does not comply with the regulations, or if the Complainant believes that the Trust has not followed the procedure in this Complaints Policy, the Complainant can refer the complaint to the Education and Skills Funding Agency for consideration.

11.2 The Complainant can find further information about referring a complaint to the Education and Skills Funding Agency. Links can be found at <https://www.gov.uk/government/publications/complain-about-an-academy>

11.3 The Complainant should be aware that the Education and Skills Funding Agency will not usually investigate the complaint itself, or interfere with the findings of the Complaints Panel, unless the decision made was manifestly unreasonable.

12 Complaints Policy Review

12.1 The Trust Board will review this policy every 2 years, or sooner if there are any legislative changes or recommendations to the Trust.

Date adopted by Board of Trustees	17th October 2019
Review date	17th October 2020

Appendix 1

Complaints Form

Name of complainant:	
Contact details:	Address:
	Telephone:
	Email:
Outline of your complaint and how it has affected you (the complainant)	
Have you discussed the matter already with a member of Trust staff, if so, who? What was the outcome?	
What would you like to happen as a result of your complaint?	
Signature:	
Date:	

For Trust use:

Date received:	
Date acknowledged and by whom:	
Summary of action taken:	

Appendix 2

Summary of 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 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 or elsewhere 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 to clarify what the complainant feels would put things right.

The investigator should:

- Conduct interviews with an open mind and be prepared to persist in the questioning
- Keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- Ensure that any papers produced during the investigation are kept securely pending any appeal to a Complaints Panel
- Be mindful of the timescales to respond
- Prepare a comprehensive report for the Chief Executive Officer/the Chair, or Complaints Panel, as

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

- The Chief Executive Officer, Chair or Vice Chair of the Trust or Complaints Panel (depending on stage) will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

Clerk to the Board of Trustees

The Clerk is the contact point for the complainant and the Complaints 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 up the hearing – see Section 8 of the Complaints Policy.

Complaint Panel Chair

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

- Both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- The meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- Complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- The remit of the panel is explained to the complainant
- Written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR
- If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting
- Both the complainant and the Trust 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 and key findings of fact are made.
- The panel is open-minded and acts independently

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- 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
 - They liaise with the Clerk and the meeting is minuted.

Complaint Panel Member

All panel members should be aware that:

- The meeting must be independent and impartial and be seen to be so
- No committee member may set on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it
- The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant
- It is recognised 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 to make recommendations
- Many complainants will feel nervous and inhibited in a formal setting
- Parents/carers often feel nervous and inhibited in as formal setting
- Extra care needs to be taken when the complainant is a child/young person and present during all or part of a meeting
- Careful consideration should be given to the atmosphere and proceedings to ensure that the child/young person does not feel intimidated
- The panel should respect the view 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 with their complaint
- Where the child/young person's parent is the complainant, the panel should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend
- The parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the panel considers is not in the child/young person's best interests
- The welfare of the child/young person is paramount.

Appendix 3 – Example Procedure/agenda for a Complaint Panel Hearing

The Chair of the Complaint Panel welcomes the attendees and invites introductions.

The Chair explains that the hearing is a confidential process under the GDPR regulations and there no audio or video recording should be made during the meeting. Proceedings will be immediately concluded if unauthorised recordings are discovered during the meeting.

The Chair will acknowledge that the hearing will be addressing difficult issues and should the Complainant require an adjournment that will be accommodated.

The Complainant will be invited by the Complaint Panel to give an account of their complaint.

The Trust’s representative will be invited to ask the Complainant questions, if any.

The Complaint Panel will ask the Complainant questions, if any.

The Complainant’s relevant witness (first witness) will be invited into the room to give an account of what they saw or know.

Where the Complainant has more than one witness, witnesses will be invited into the room individually to provide their account and to be questioned as outline above. After the questioning, all witnesses must leave the room.

The Trust’s representative will be invited by the Chair of the Complaint Panel to respond to the complaint and make representation on behalf of the Trust.

The Complainant will be invited to as the Trust’s representative questions, if any.

The Complaint Panel will ask the Trust’s representative questions, if any.

The Trust’s relevant (first witness) will be invited into the room to give an account of what they saw or know.

The Complainant will be invited to ask the Trust’s witness questions, if any.

The Complaint Panel will ask the Trust’s witnesses questions, if any.

Where the Trust has more than one witness, witnesses will be invited into the room individually to provide their account and to be questioned as outline above. After the questioning, all witnesses must leave the room.

The Complainant will be invited by the Chair of the Complaint Panel to summarise their complaint.

The Trust’s representative will be invited by the Chair of the Complaint Panel to summarise their response to the complaint and the Trust’s stance.

The Chair will conclude the Complaint Panel Hearing and the Complainant and the Trust’s representative will be asked to leave.

The Complaint panel will meet in private, either immediately after the Complaint Panel Hearing or at a subsequent date and will consider all the documentation, all they have and determine the outcome.

