




Complaints Policy

Last Reviewed	March 2023
Reviewed by	Trust Board
Date of Approval	March 2023
Lead responsibility	CEO
Next Review	March 2026

	AAT COMPLAINTS POLICY	
	Last Reviewed: March 2023	Next Review: March 2026

1 PRINCIPLES – WHO CAN MAKE A COMPLAINT

This complaints process is not limited only to parents or carers of children that are registered on roll at one of the Alban Academies Trust schools. Any person, including members of the public, may make a complaint to the Alban Academies Trust ('the Trust') or its individual schools ("the School") provided that the complaint relates to the 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.

2 TRUST ARRANGEMENTS

This policy has been developed at Trust level and therefore covers policy that is relevant and followed by all the schools within the Alban Academies Trust. The appendices contain specific school level documents and detail of any differing procedures if applicable and relevant to this policy.

3 THE DIFFERENCE BETWEEN A CONCERN AND A COMPLAINT

We define a concern as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*.

We define a complaint as *'an expression of dissatisfaction however made, about actions taken or a lack of action'*.

It is in everybody's interest that concerns and complaints are resolved as swiftly as possible. Many issues can be resolved informally, without needing to escalate to the formal stages of the complaints process. The Trust and schools within the Trust take concerns seriously and will make every effort to resolve matters as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In such cases, you will be referred to another staff member. Similarly, if the member of staff directly involved feels unable to deal with your concerns, 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 the most important factor.

The Trust and schools within the Trust understand however, that there are some occasions when people only wish to raise their concerns formally. In this case, the schools within the Trust will attempt to resolve the issue internally, through the stages outlined within this complaints policy and procedure.

4 HOW TO RAISE A CONCERN OR MAKE A COMPLAINT

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf on a complainant, provided that the third party is able to demonstrate to the relevant school within the Trust that they have the appropriate consent to do so.

Concerns should be raised with the member of staff who is best placed to deal with the issue, starting with the individual Form Tutor/Class Teacher, for example, followed by the Head of Year/member of the Senior Leadership Team. If the issue remains unresolved, the next step is to make a formal complaint.

Complainants should not approach individual Governors 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 at Stage 3 of the formal complaints process.

Complaints against School staff (except the Headteacher) should be made in the first instance, to the Headteacher via the School Office. They should be marked Private and Confidential.

Complaints that involve or are about the Headteacher should be addressed to the Chair of Governors and submitted via the School Office. They should be marked as Private and Confidential. The School Office will ensure that the Chair of Governors receives this promptly.

Complaints about the Chair of Governors, any individual Governor or the whole Local Governing Board should be addressed to the Clerk to the Local Governing Board and submitted to the School Office. They should be marked Private and Confidential. The School Office will ensure that the Clerk receives this promptly.

Complaints about the Chief Executive Officer (CEO) or a Trustee of the Trust, should be addressed to the Chair of Trustees, via the trust office. Please mark them as Private and Confidential.

For ease of use, a template complaint form has been included within this complaints policy and procedure (Appendix 2). If you require help to complete the form, please contact the school office. You can also ask third party organisations like the Citizens Advice Bureau or an Independent Advocate 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.

If a complainant is unable to submit their complaint in writing, the School will ensure that the issues being complained about and the outcomes being requested are documented in writing. The School may do this in either of the following ways:

- Invite the complainant to a meeting with the Headteacher or Chair of Governors (depending on what stage the complaint has reached) and a Notetaker. The Notetaker will document the issues being complained about and the complainant's desired outcomes, as discussed and agreed during the course of the meeting. At the end of the meeting, the complainant will be given a copy of the notes of the meeting containing this information and the School will retain the original copy for the purpose of investigating the complaint(s).
- Signpost the complainant to independent support, including Advocacy. Advocates provide qualified, independent support for people that have difficulty understanding information and advice or who would like support in communicating their views. Advocates can help complainants to formulate their complaint and then submit it on their behalf and support them through the complaints process. POhWER was founded in Hertfordshire in 1996. They deliver services in Hertfordshire as part of the HertsHelp service, in partnership with a wide range of voluntary sector organisations, including Advocacy. It is a free and impartial service. Their contact details are as follows:

POhWER

Telephone: 0300 456 2370

Text: send the word 'pohwer' with your name and number to 81025

Email: pohwer@pohwer.net

Skype: pohwer.advocacy

Post: PO Box 14043, Birmingham, B6 9BL

5 ANONYMOUS COMPLAINTS

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

6 TIMESCALES

All complaints must be raised within three months of an incident or event. Where a series of associated incidents have occurred, the complaint must be raised within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

7 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.

8 SCOPE OF THIS COMPLAINTS PROCEDURE

This policy and procedure covers all complaints about any provision of community facilities or services by the schools within the Trust, other than the following items listed below and complaints that are dealt with under other statutory procedures.

The following matters cannot be dealt with as a formal complaint:

- Complaints about pupil behaviour outside of School hours, e.g. weekends and holiday periods – such issues are not the School’s responsibility.
- Complaints regarding third parties using or hiring School premises – third party providers should have their own complaints process and you should contact them directly.
- Complaints regarding internal management decisions, e.g. Class and Teacher Allocations and School Session Time changes.
- Complaints about a decision or process that has been subject to a full consultation and subsequently approved by the Full Local Governing Board – the Local Governing Board has already given the matter full consideration and respondents have had the opportunity through the consultation process to put forward their views
- A member of staff complaining about an action or a decision of the School’s Local Governing Board - The Local Governing Board will have already given the matter full consideration.

Complaints that are dealt with under other statutory procedures:

Exceptions	Explanation
Complaints about the School carrying out a statutory duty, e.g. making a Child Protection referral	The School’s complaints process cannot be invoked to stop it from doing something it has a duty to do.
Matters likely to require a Child Protection Investigation	Complaints about Child Protection matters are handled under the School’s Child Protection and Safeguarding Policy and in accordance with relevant statutory guidance.
Admissions to schools	Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority.
Exclusion of children from school*	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions .

Exceptions	Explanation
	*complaints about the application of the behaviour policy can be made through the School's complaints procedure.
Whistleblowing	Refer to the School's Internal Whistleblowing Procedure for all employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for matters relating to education for Whistleblowing in education who do not wish to raise matters directly with their employer. Referrals can be made at www.education.gov.uk/contactus Volunteer staff who have concerns should complain through the School's complaints procedure.
Staff Grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.
Staff Conduct	Complaints about staff will be dealt with under the 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.
National Curriculum content	Contact the Department for Education at www.education.gov.uk/contactus

If other bodies are looking into aspects of a complaint, for example the Police, the Local Authority (LA) Safeguarding Teams or a Tribunal, this may impact on the School's ability to adhere to the timescales set out within this policy and procedure or may result in the process being suspended until the other relevant body has concluded its enquiries.

If a complainant commences legal action against the School or Trust in relation to their complaint, we will consider whether to suspend the complaints process until the legal proceedings have concluded.

9 RESOLVING COMPLAINTS

At each stage of this process, the School/Trust will aim 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 if it is deemed appropriate and necessary:

- An explanation.
- An admission that the situation could have been handled differently or better.
- An assurance that we will try to ensure the event(s) 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 relevant School/Trust policies in light of the complaint.
- An apology.

10 WITHDRAWAL OF A COMPLAINT

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

11 STAGE 1 INFORMAL COMPLAINTS

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

Concerns should be raised with either the class teacher, year head / subject head or headteacher. Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 3 of the procedure.

At the conclusion of their investigation, the appropriate person investigating the complaint will provide an informal written response within 3 school days of the date of receipt of the complaint.

If the issue remains unresolved, the next step is to make a formal complaint.

12 STAGE 2 FORMAL COMPLAINTS

Formal complaints must be made to the Headteacher in the first instance (unless the complaint is about the Headteacher) via the School office. If you are unable to submit your complaint in writing by email or letter or by using the formal complaint form, the School will follow the steps set out on pages 3 of this policy and procedure, by offering to meet you and/or signposting you to a free and impartial Advocacy and Support Service.

If a concern or complaint about a School is made direct to the Alban Academies Trust, the complainant will be asked to complete the template complaint form (Appendix 2) for submission directly to the School to enable the process within this policy to be followed.

The Headteacher will record the date the complaint was received and will acknowledge receipt of the complaint in writing (either by letter or email) within 3 School days.

Within this response, the Headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome(s) the complainant would like to see. The Headteacher will consider whether a face to face meeting is the most appropriate way of doing this. The Headteacher can delegate the investigation of the complaint to another member of the School's Senior Leadership Team, but not the decision(s) 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. The decision in terms of who should be interviewed and how is up to the Headteacher (or Investigator).
- Keep a written record of any meetings or interviews in relation to their investigation.

At the conclusion of their investigation, the Headteacher will provide a formal written response within 10 school days from the date of receipt of the complaint.

If the Headteacher is unable to meet this deadline for whatever reason, they will provide the complainant with an update and a revised response date.

The response will detail the actions taken to investigate the complaint and will provide a full explanation of the decision(s) made and the reasoning behind them.

Where appropriate and possible, the response will include details of actions the School will take to hopefully resolve the complaint.

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

If the complaint is about the Headteacher, or a member of the Local Governing Board (including the Chair or Vice-Chair of Governors), a suitably skilled Governor will be appointed to complete all of the required actions at Stage 2.

Complaints about the Headteacher must be made to the Chair of Governors.

Complaints about a member of the Local Governing Board must be made to the Clerk, via the School Office.

If the complaint is:

- jointly about the Chair and Vice Chair of Governors,
- the majority of the Local Governing Board or
- the entire Local Governing Board,

Stage 2 will be escalated to the CEO who may consider appointing an Independent Investigator. This person could be a Governor from another School. At the conclusion of their investigation, the Independent Investigator will provide a formal written response to the complainant.

13 STAGE 3 PANEL HEARING

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3 – a panel hearing consisting of at least three people who were not directly involved in the matters detailed in the complaint with at least one panel member who is independent of the management and running of the school. This is the final stage of the complaints procedure.

A request to escalate to Stage 3 must be made to the Clerk, via the school office, within 10 school days of receipt of the Stage 2 response.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 3 school days.

When the complaint relates to an individual school the Complaint Panel will comprise of at least three impartial Governors from the Local Governing Body (LGB), with no prior direct involvement of the complaint, with one panel member who is independent of the management and running of the school.

In exceptional circumstances, a decision may be taken to have all three Complaint Panel members independent of the management and running of the school. This will depend on the circumstances of the complaint and the decision will be made by the Chair of Governors (or the Clerk).

When the complaint concerns the AAT itself, the Complaint Panel will comprise of two members of the Trust Board and one person independent of the AAT, with no prior direct involvement of the complaint.

The Chair of Governors (or the Clerk) will write to the complainant to inform them of the date of the Stage 3 Complaints Panel Hearing. They will aim to convene a Panel within 20 School days of receipt of the Stage 3 request. If this is not possible, they will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Chair of Governors (or the Clerk) will decide when the Complaint Panel Hearing will be. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

If the complaint is:

- jointly about the Chair and Vice Chair of Governors,
- the majority of the Local Governing Board or
- the entire Local Governing Board,

Stage 3 will be heard by the Trustees and an independent panel member.

Prior to the meeting, they will decide amongst themselves who will serve as the Chair of the Panel. If there are fewer than two Governors from the School available, the Clerk will source any additional independent Governors through another local school, in order to make up the committee.

The Complaints Panel will decide whether to deal with the complaint by inviting parties to a hearing or by way of written representations, but in making their decision they will be sensitive to the complainant's needs. The Hearing may take place with both parties present or attending separately at different times. Once again, this will depend on the circumstances of the complaint.

Both parties (i.e. the complainant and the respondent on behalf of the School) may bring someone along with them to provide support. This could be a friend, relative or independent supporter. 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. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation. The decision will be at the discretion of the Complaint Panel Chair.

Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

Representatives from the media are not permitted to attend a Stage 3 Complaints Panel Hearing.

At least 5 School days before the meeting, the Chair of Governors (or the Clerk) will:

- confirm and notify the complainant of the date, time and venue of the Panel Hearing, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the committee at least 5 school days before the meeting.

All relevant documentation will be circulated to all parties at least 5 School days before the date of the Hearing. Late papers will only be circulated and considered at the discretion of the Chair of the Complaint Panel and in exceptional circumstances. The Complaints Panel will not normally accept as evidence audio or video recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

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

The Stage 3 Complaints Panel Hearing will be held in private. Electronic recording of the Hearing is not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and

consent of all parties attending must be sought before meetings or conversations take place Consent will be recorded in any minutes taken.

The Stage 3 Complaints Panel will consider the complaint and all of the evidence presented. The Panel can:

- Uphold the complaint in whole or in part.
- Reject the complaint in whole or in part.

If the complaint is upheld in whole or in part, the Stage 3 Complaints Panel will:

- Decide on the appropriate action to be taken to try and 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 the School with a full explanation of their decision and the reason(s) for it, in writing, within 5 School days of the Hearing.

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

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the school premises by the proprietor and the head teacher.

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

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

A flowchart showing the complaints procedure can be found in Appendix 1.

14 COMPLAINTS ABOUT THE TRUST, CEO OR TRUSTEE

If a complainant wishes to complain directly about the Trust, then the complaint should be sent to the CEO to be investigated.

The CEO will write to the complainant acknowledging the complaint within 3 school days of the date that the written request was received. The acknowledgement will confirm that the complaint will now be investigated under Stage 2 of this Complaints Policy and will confirm the date for providing a response to the complainant.

The CEO can delegate the investigation of the complaint to another member of the AAT Core Team, but not the decision(s) to be taken.

During the investigation, the CEO (or Investigator) will:

- If necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish. The decision in terms of who should be interviewed and how is up to the CEO (or Investigator).
- Keep a written record of any meetings or interviews in relation to their investigation.

At the conclusion of their investigation, the CEO will provide a formal written response within 10 school days from the date of receipt of the complaint. 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.

The response will detail the actions taken to investigate the complaint and will provide a full explanation of the decision(s) made and the reasoning behind them.

Where appropriate and possible, the response will include details of actions the Trust will take to hopefully resolve the complaint.

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

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 for investigation.

Where the Chair of the Trust Board has investigated the complaint, they will write the letter of outcome to the Complainant and provide a copy to the CEO.

Complaints about the CEO or a member of the Trust Board must be made to the Trust Clerk, via the AAT Registered Office.

If the complaint is:

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

Stage 2 will be considered by an Independent Investigator appointed by the Clerk to the Trust Board. This person could be a Trustee from another Trust. At the conclusion of their investigation, the Independent Investigator will provide a formal written response to the complainant.

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3 – where the complaint is heard by a Complaint Panel. This is the final stage of the complaints procedure.

A request to escalate to Stage 3 must be made to the Trust Clerk, via the Trust Registered office, within 10 school days of receipt of the Stage 2 response.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Trust Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 3 school days.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 20 school days of receipt of the Stage 3 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

If the complaint is:

- jointly about the Chair and Vice Chair of Trustees,

- the majority of the Trust Board or
- the entire Trust Board,

Stage 3 will be heard by a completely independent complaint panel.

The Complaint Panel will consist of three members. None of the three members of the Complaint Panel will have been involved in the incidents or events which led to the complaint, or have been involved in dealing with the complaint in the previous stages, or have any detailed prior knowledge of the complaint.

One of the Complaint 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 Trustee or an employee of the Trust.

Both parties (i.e. the complainant and the respondent on behalf of the Trust) may bring someone along with them to provide support. This could be a friend, relative or independent supporter. 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. For instance, if a Trust employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation. The decision will be at the discretion of the Complaint Panel Chair.

Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

Representatives from the media are not permitted to attend a Stage 3 Complaints Panel Hearing.

At least 5 School days before the meeting, the Trust Clerk will:

- confirm and notify the complainant of the date, time and venue of the Panel Hearing, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the committee at least 5 school days before the meeting.

All relevant documentation will be circulated to all parties at least 5 School days before the date of the Hearing. Late papers will only be circulated and considered at the discretion of the Chair of the Complaint Panel and in exceptional circumstances. The Complaints Panel will not normally accept as evidence audio or video recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

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

The Stage 3 Complaints Panel Hearing will be held in private. Electronic recording of the Hearing is not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The Stage 3 Complaints Panel 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 Stage 3 Complaints Panel will:

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

The Chair of the Panel will provide the complainant and the Trust with a full explanation of their decision and the reason(s) for it, in writing, within 5 school days of the Hearing.

The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by the 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 the Trust will take to resolve the complaint.

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the Trust premises by the proprietor and the CEO.

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

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

15 NEXT STEPS

If the complainant believes the School/Trust did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Education and Skills Funding Agency (ESFA) after they have completed Stage 3.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by the School/Trust. They will consider whether the School/Trust has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed [Part 7 of the Education \(Independent School Standards\) Regulations 2014](#).

The complainant can refer their complaint to the ESFA online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

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

16 SPECIAL EDUCATIONAL NEEDS AND DISABILITIES (SEND) PROVISION COMPLAINTS

Arrangements for handling complaints from parents of children with special educational needs and disabilities (SEND) about the support provided to them by the School are within scope of this policy.

If your complaint is about the way the School has been delivering the provision set out in Section F of your child's Education, Health and Care Plan (EHCP), you may complain further to the Local Authority that maintains your child's EHCP.

If the EHCP is maintained by Hertfordshire County Council, you may complain further by setting out the detail of your complaint and sending it to:

Customer Service Team – Complaints
Postal Point: CHO118
Resources Department
County Hall
Hertford
SG13 8DF
Email: cs.complaints@hertfordshire.gov.uk

Once in receipt of your complaint, the Complaints Manager for Children's Services will ensure that the Local Authority completes a Section F Provision Checklist. This process entails a Provision Checklist being drawn up directly from Section F of the EHCP. A Senior SEND Officer will then visit the School in order to work through the checklist point by point and complete it. The Senior SEND Officer will seek the comments of the Headteacher, Senior Leadership Team, SENDCo and Governors as appropriate, as well as any other information or advice that they deem necessary.

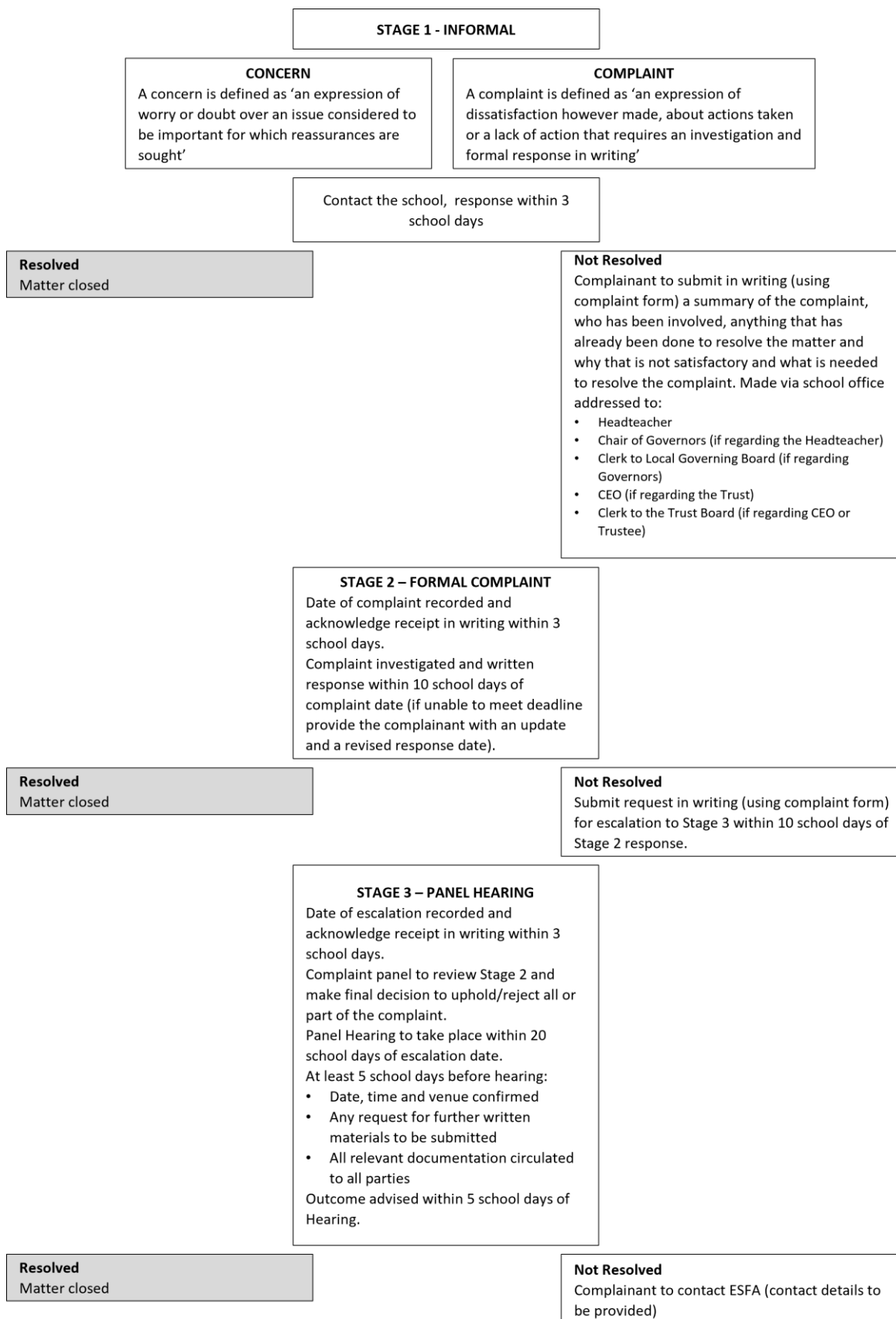
Once the Provision Checklist has been completed, the Local Authority will notify the complainant of the outcome in writing, enclosing a copy of the checklist. A copy of the outcome letter and Checklist will also be sent to the School for its information and record keeping. This process will take up to 25 working days (of the Local Authority) to conclude.

Complainants who remain dissatisfied following further investigation of their Special Educational Needs provision complaint by the Local Authority may complain to the Secretary of State who may decide to conduct an additional investigation. The contact details for the Secretary of State are set out below. The DFE will not normally re-investigate the substance of a complaint or overturn any decisions made by the School. They will consider whether the School has adhered to education legislation and any statutory policies relevant to the complaint. The DFE will not substitute its decision for that of the Stage 2 Complaints Panel simply because the complainant disagrees with it.

The complainant can refer their complaint to the Secretary of State at the Department for Education online at www.education.gov.uk/contactus, by telephone on 0370 000 2288 or by writing to:

Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD

APPENDIX 1 - AAT COMPLAINTS PROCESS DIAGRAM



APPENDIX 2 – FORMAL COMPLAINT FORM (STAGE 2 OF COMPLAINTS PROCEDURE)

NAME OF SCHOOL:
YOUR NAME:
PUPIL'S NAME (IF RELEVANT):
YOUR RELATIONSHIP TO THE PUPIL (IF RELEVANT):
ADDRESS: POSTCODE: DAY TIME TELEPHONE NUMBER: EVENING TELEPHONE NUMBER: EMAIL ADDRESS:
PLEASE GIVE DETAILS OF YOUR COMPLAINT, INCLUDING WHETHER YOU HAVE SPOKEN TO ANYBODY AT THE SCHOOL ABOUT IT.
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:

Please return your completed complaint form to the School (or Trust registered office for Trust complaints) either by email or in hard copy for attention of the relevant person (see below) who will acknowledge receipt and explain what action will be taken.

For School complaints: Headteacher/Chair of Governors/Clerk to Governing Body
 For Trust complaints: CEO/Chair of Trust Board/Clerk to Trust Board

APPENDIX 3 – ROLES AND RESPONSIBILITIES

Complainant

The complainant should:

- Explain their complaint in full as swiftly as possible.
- Co-operate fully with the School to try and resolve the complaint.
- Respond promptly to requests for information or meetings.
- Agree the details of their complaint and their desired outcomes in a timely way if clarification is requested.
- Ask for assistance if or when needed.
- Treat everybody involved in their complaint and the complaints process with dignity and respect.
- Refrain from publicising the details of their complaint on social media and respect confidentiality.
- Refrain from making allegations and threats.

If the complainant fails or refuses to follow the above, the School may have to suspend its consideration of their complaint, either temporarily or permanently, depending on the nature of the complainant's behaviour and how this affects the School's handling of the complaint. In such circumstances, the School also reserves the right to invoke its Policy and Procedure for Managing Persistent and Vexatious Behaviour and Complaints (contained in Appendix 4).

Investigator (if one is required or appointed)

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 any staff, children, young people or any other people relevant to the complaint.
 - Consideration of records and other relevant information.
 - Analysing information.
 - Referring to any relevant School policies and procedures that apply.
- Liaising with the complainant and the Complaints Co-ordinator as appropriate to try and identify how the complaint may best be resolved.

The Investigator should:

- Conduct interviews with an open mind and be prepared to persist in their questioning if they deem this necessary.
- Keep notes of interviews or arrange for an independent note taker to document the meeting.
- Ensure that any papers produced during the investigation are kept securely pending further consideration of the complaint.
- Be mindful of the timescales to respond.
- If the Investigator is somebody other than the Headteacher, then they should prepare a comprehensive report for the Headteacher/CEO or the Stage 3 Complaints Panel that sets out the facts, tries to identify solutions and makes recommendations to try and resolve the issues.

The Headteacher/CEO or Stage 3 Complaints Panel will then determine whether to uphold or reject the complaint in full or in part and communicate their finding(s) to the complainant, providing the appropriate escalation details.

Complaints Co-ordinator

This could be the Headteacher or CEO, a Designated Complaints Governor or Trustee or other staff member providing administrative support.

The Complaints Co-ordinator should:

- Ensure that the complainant is updated at each stage of procedure
- Liaise with staff members, Headteacher, CEO, Chair of Governors, Chair of Trustees, Clerk or Trust Clerk and any another relevant sources of information or support, to ensure the smooth running of the complaints procedure
- Remain mindful of issues regarding:
 - Sharing third party information.
 - Additional support. This may be needed, for example, by complainants when making a complaint, including an Interpreter or where the complainant is a child or young person.
- Keep accurate records and store them securely.

Clerk to the Local Governing Board/Trust Board

The Clerk is the point of contact for the complainant, the respondent on behalf of the School/Trust and the Stage 2 Complaints Panel. They should:

- Ensure that everybody involved in the complaints process is aware of their legal rights and responsibilities, 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 (unless three proposed dates have been declined without good reason in which case the Clerk or the Chair of Governors will decide when the Hearing will be). They should also ensure that the venue and proceedings are accessible for all attendees.
- Collate any written material relevant to the complaint (for example; the Stage 2 paperwork, the respondent on behalf of the School's submission, the complainant's submission and signed, dated witness statements) and send it to all parties in advance of the meeting within an agreed timescale (including the Panel).
- Take detailed notes of the Stage 3 Complaints Panel Hearing.
- Provide a copy of their detailed notes to either or both parties if requested to do so.
- Notify all parties of the Panel's findings.

Chair of the Stage 3 Complaints Panel

The Chair of the Stage 3 Complaints Panel will be appointed in advance of the Hearing and 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 Hearing.
- The Hearing is conducted fairly and impartially, 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 attending such Hearings are put at ease insofar as possible. This is particularly important if the complainant is a child or young person.
- The remit of the Complaints Panel is explained to both parties.
- 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 it and comment upon it. This may require an adjournment of the Hearing. New issues would need to be passed back for

consideration at Stage 1 first.

- Both the complainant and the respondent on behalf of the School/Trust are given the opportunity to put forward their case and seek clarity, either through written submissions ahead of the Hearing or verbally in the Hearing itself.
- No cross questioning is permitted. All questioning is conducted by the Panel.
- 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 has had any involvement at an earlier stage of the complaints process.
- The Clerk takes detailed notes of the Hearing.
- They liaise with the Clerk whenever the need arises (and the Complaints Co-ordinator, if the School has one).

Stage 3 Complaints Panel Member

Stage 3 Complaints Panel Members should remain mindful that:

- The Hearing must be independent and impartial and should be seen to be so.
- No Governor may sit on the Panel if they have had prior involvement in the complaint or in the circumstances surrounding it.
- The aim of the Hearing should be to try and resolve the complaint and achieve reconciliation between the School and the complainant wherever possible.
- The complainant may not be satisfied with the outcome if the Panel does not find in their favour. It may only be possible to establish the facts and make recommendations.
- Many complainants will feel nervous in a formal setting such as this.
- Parents and carers often feel emotional when discussing issues that affect their children.
- Extra care needs to be taken if the complainant is a child or young person and they are present during all or part of the Hearing.
- Careful consideration of the atmosphere and proceedings should be given to ensure that a child or young person does not feel intimidated.
- The Panel should respect the views of a child or young person and give them equal consideration to those of adults.
- If a child or young person is the complainant, the Panel should ask them in advance if any support is needed to help them present their complaint.
- Where a child or young person's parent or carer is the complainant, the Panel should give them the opportunity to say which parts of the meeting, if any, the child or young person would like to be present for.
- The complainant should be advised that it may not be agreed for a child or young person to attend a Hearing if the Panel considers that it is not in the child or young person's best interests.
- The welfare and best interests of the child or young person should remain at the forefront at all times.

APPENDIX 4 - MANAGING PERSISTENT AND VEXATIOUS BEHAVIOUR AND COMPLAINTS

AAT Schools

Policy and Procedure for Managing Persistent and Vexatious Behaviour and Complaints

The AAT Schools (“the School”) and Trust (“the Trust”) are committed to dealing with all complaints fairly and impartially and in accordance with the complaints policy and procedure that the Trust Board has adopted.

The School/Trust will not normally limit the amount of contact that parents, carers or complainants have with us; however, the School/Trust does not expect its staff to tolerate unreasonable behaviour and we will take decisive action to protect staff from such behaviour, including any that the School/Trust deems to be abusive, offensive or threatening.

The School/Trust defines unreasonable behaviour as that which affects the smooth and efficient running of the School/Trust on a daily basis, or that which hinders the School/Trust’s consideration of complaints because of the frequency or nature of the complainant’s contact with the School/Trust, 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 process at any stage.
- Refuses to accept that certain issues are not within the scope of the complaints process.
- Insists on the complaint being dealt with in ways which are incompatible with the complaints process or with good practice, or only in a way that suits themselves.
- Introduces trivial or irrelevant information that they expect to be taken into account and commented upon.
- Raises detailed but unimportant questions and insists they are answered fully, often immediately and to their own timescales.
- Makes unfounded complaints about staff who are trying to deal with the issues and seeks to have them replaced.
- Seeks to change the basis of some or all of the complaint as the complaints process proceeds.
- Repeatedly makes the same complaint(s) (despite previous investigations or responses concluding that the complaint is unfounded or has been fully addressed).
- Refuses to accept the outcome of the complaints process despite the fact that the process has been exhausted and correctly implemented, including signposting the complainant to the Department for Education (DFE).
- Seeks an unrealistic outcome.
- Makes excessive demands on School/Trust time by way of frequent, lengthy, complicated and stressful contact(s) with staff regarding the complaint, in person, in writing, by email and by telephone whilst the complaint is being dealt with.
- Uses threats to intimidate.
- Uses abusive, offensive or discriminatory language or violence.
- Makes and breaks contact with the School/Trust on an ongoing basis with varying time delays in between.
- Knowingly provides false information.
- Persistently approaches various individuals at the School/Trust, as well as the Local Authority, Ofsted and the Department for Education, etc, through different routes about the same issue(s) in the hope of eliciting different responses.
- Publishes what the School/Trust deems to be inappropriate or unacceptable information on social media or other platforms.

Complainants should try to limit their communication with the School/Trust where it relates to their complaint, whilst the complaint is being progressed through the complaints process. It is unhelpful and unnecessary if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome(s) being finalised.

Wherever possible, the Headteacher/CEO or Chair of Governors/Trust Board will discuss any concerns with the Complainant/Parent/Carer about their behaviour informally before deciding to invoke this policy and procedure for managing persistent and vexatious behaviour and complaints.

If any unreasonable behaviour continues after the Headteacher/CEO or Chair of Governors/Trust Board has spoken informally with the Complainant/Parent/Carer, the Headteacher/CEO will write to them. The Headteacher/CEO will confirm that the School/Trust deems their behaviour to be persistent and/or vexatious and will ask them to stop behaving in this way.

Wherever Complainants/Parents/Carers continue to contact the School/Trust excessively, causing a significant level of disruption, the School/Trust will consider whether to impose some or all of the following communication restrictions and confirm this in writing accordingly:

- Requesting that contact only takes place in a particular form (e.g. letters only).
- Requiring contact to take place with a designated member of Staff (e.g. the Headteacher).
- Restricting telephone calls to specified days and times.
- Asking the complainant to enter into an agreement about their future contact with the School/Trust.
- Informing the complainant that if they do not follow this advice (as stated above), any further communication/correspondence that does not present significant new matters or new information will only be kept on file and will not be acknowledged or responded to.
- If the complainant tries to re-open an issue that has already been considered through the complaints process, the Chair of Governors will inform them in writing that the process has been exhausted, that the matter is now closed, and that the School/Trust will not enter into any further correspondence about it.

The decision of the Headteacher/CEO or Chair of Governors/Trust Board to invoke this policy and procedure (and any communication restrictions imposed as a result) is final and cannot be challenged or overturned through the AAT's complaints process. This is because the decision will be reviewed by the Headteacher/CEO or Chair of Governors/Trust Board after six months. If the Complainant/Parent/Carer's behaviour has remained the same or worsened, the Headteacher/CEO or Chair of Governors/Trust Board reserves the right to extend the communication restrictions for a further six months each time they review the situation. If the Complainant/Parent/Carer's behaviour has improved to a level that the School/Trust deems acceptable, then communication restrictions will be lifted on the proviso that should matters regress, the School/Trust reserves the right to reinstate the communication restrictions that previously applied.

In response to any serious incident of aggression or violence the School/Trust will immediately inform the Police and communicate our actions in writing. This may include barring the individual(s) from the School/Trust premises. Should the School/Trust deem this necessary, it will ensure that it adheres to the guidance issued by the Department for Education (DFE) entitled [Controlling access to School premises](#).

The School/Trust also reserves the right to use and adapt this policy and procedure whenever it deems it appropriate to manage unreasonable or persistent contact not directly associated with, or resulting from, formal complaints.