



# The Gateway Trust

## Complaints Procedure Policy

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# Change Log

## Version 3

09/10/24 – added stage 3 formal response from Chair of LGB or their delegated representative added after some consultation following differences in school based policies identified prior to trust growth. Reduction of school response time to ten school days after each complaint stage.

## Version 2

07/11/2023 - Clarification of roles (setting specific) and formatting changes.

## Version 1

08/11/2023 - Based on The Romsey School complaints procedure minimal changes.

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# 1 Aims

- 1.1 This is the Complaints Policy of The Gateway Trust (Academy).
- 1.2 The aims of this policy and related procedures are to provide a framework for the resolution of complaints which:
  - 1.2.1 allows for their resolution informally and sets out The Gateway Trust's formal procedures where this is not achievable;
  - 1.2.2 is easily accessible and publicised, simple to understand and use, and impartial and non-adversarial;
  - 1.2.3 enables a full, fair and transparent investigation;
  - 1.2.4 respects people's desire for confidentiality;
  - 1.2.5 addresses all the points at issue and provides an effective response and appropriate redress, where necessary;
  - 1.2.6 provides information to The Gateway Trust's senior leadership / management team so that services can be improved;
  - 1.2.7 helps promote a whole school culture of safety, equality and protection.

# 2 Definitions and interpretation

- 2.1 Where the following words or phrases are used in this policy:
  - 2.1.1 references to the Trust are references to Gateway Multi-Academy Trust, the multi-academy trust responsible for The Gateway Trust;
  - 2.1.2 references to school days mean Monday to Friday, when The Gateway Trust is open to pupils during term time. The dates of terms are published on each school specific website;
  - 2.1.3 references to Parent or Parents means the natural or adoptive parents of the pupil (irrespective of whether they are or have ever been married, with whom the pupil lives, or whether they have contact with the pupil) as well as any person who is not the natural or adoptive parent of the pupil, but who has care of, or parental responsibility for, the pupil (e.g. foster carer / legal guardian);
  - 2.1.4 references to Complainants means any third party other than Parents. The complaints procedures for Complainants is dealt with under this policy at Appendix 5
  - 2.1.5 references to complainants (with a small 'c') refers to both Parent or Parents (as defined at paragraph 2.1.3) and Complainants (as defined at paragraph 2.1.4).

- 2.2 All parental complaints should be identified at the outset by The Gateway Trust and dealt with in accordance with The Gateway Trust's Complaints Policy.
- 2.3 Timescales for each stage of the complaints procedure are set out below in the relevant paragraphs. It is expected that the management of every complaint will progress in a timely manner.
- 2.4 The Gateway Trust aims to resolve all complaints efficiently and promptly and Parents are encouraged to bring any matter causing concern to The Gateway Trust's attention as soon as possible.
- 2.5 Where there are exceptional circumstances resulting in a delay to the timescales for a stage of the complaints procedure, The Gateway Trust will notify the Parent and inform them of the new timescales and explain the delay as soon as possible.
- 2.6 Complaints raised should be in writing unless a reasonable adjustment is requested by the Parent to amend this.

## **3 Scope and application for Parents**

- 3.1 This policy applies to The Gateway Trust.
- 3.2 This policy applies to complaints by Parents (as defined at paragraph 2.1.3). The scope and application of this policy for persons other than Parents is outlined at Appendix 5. The Gateway Trust has separate grievance and whistleblowing policies to cover concerns that a member of staff may have.
- 3.3 This policy applies to any expression of dissatisfaction however made about actions taken, or a lack of action, by The Gateway Trust where the Parent may seek an apology, explanation and / or action by The Gateway Trust.
- 3.4 This policy does not apply to matters for which there are separate statutory procedures (e.g. admission appeals, exclusion reviews, special educational needs appeals, etc).
- 3.5 This policy applies to complaints from each of the following:
  - 3.5.1 Parents of current pupils;
  - 3.5.2 Parents of former pupils, if the complaint was initially raised when the pupil was registered as a pupil at The Gateway Trust, or within three months of the pupil being removed from the register
- 3.6 The Gateway Trust will not normally investigate anonymous complaints, unless it is appropriate to do so.
- 3.7 Requests for financial awards, such as claims for compensation or damages are beyond the scope of The Gateway Trust's Complaints Policy.
- 3.8 All Parents should be aware that, regardless of the nature of a complaint

and whether or not it is upheld, Parents are not entitled to details of any related sanctions imposed on staff or pupils, or measures in respect of Parents, for data protection and confidentiality reasons.

- 3.9 There may be occasions when it is necessary to deviate from this complaints procedure if this is reasonable and justified, subject to The Gateway Trust continuing to meet the statutory requirements under Part 7 of the Education (Independent School Standards) Regulations 2014. Parents will be notified of any changes.

## 4 Timescales

- 4.1 Whenever possible, in the interests of a prompt resolution of issues, a complaint should be raised within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will, however, consider complaints made outside of this time frame where exceptional circumstances apply. A complaint raised outside this time frame should therefore confirm the reasons for the delay in raising it.
- 4.2 Timescales for each stage of The Gateway Trust's complaints procedure are set out below. It is expected that the management of every complaint will progress in a timely manner. Where there are exceptional circumstances resulting in a delay to the timescales for a stage of the complaints procedure (such as other bodies investigating aspects of the complaint), The Gateway Trust will notify the Parent and inform them of the new timescales as soon as possible.
- 4.3 Complaints which are raised in the school holidays will usually be deemed to have been received on the first school day after receipt.
- 4.4 If a Parent commences legal action against the Trust in relation to their complaint, the Chief Executive Officer or Chair of the Trust Board will consider whether or not to suspend the complaints procedure until those proceedings have been concluded.

## 5 Regulatory framework

- 5.1 This policy has been prepared to meet The Gateway Trust's responsibilities under:
- 5.1.1 Education (Independent School Standards) Regulations 2014;
  - 5.1.2 Education and Skills Act 2008;
  - 5.1.3 Children Act 1989;
  - 5.1.4 Childcare Act 2006;
  - 5.1.5 Data Protection Act 2018 and UK General Data Protection Regulation (UK GDPR); and
  - 5.1.6 Equality Act 2010.

## 6 Responsibility statement and allocation of tasks

- 6.1 The Trust has overall responsibility for all matters which are the subject of this policy.
- 6.2 The Trust is aware of its duties under the Equality Act 2010 and the requirement under s 149 of the Equality Act 2010 to meet the Public Sector Equality Duty. This means in carrying out its functions, the Trust is required to have due regard to the need to:
- 6.2.1 eliminate discrimination and other conduct that is prohibited by the Act;
  - 6.2.2 advance equality of opportunity between people who share a protected characteristic and people who do not share it; and
  - 6.2.3 foster good relations across all characteristics - between people who share a protected characteristic and people who do not share it.
- 6.3 To ensure the efficient discharge of its responsibilities under this policy, the Trust has allocated the following tasks:

Task	Allocated to	When / frequency of review
Keeping the policy up to date and compliant with the-law-an best practice	CEO	As a minimum annually, ideally termly, and as required
Monitoring the implementation of the policy	Headteacher and SLT	As a minimum annually, ideally termly, and as required
Seeking input from interested groups (such as pupils, staff, Parents) to consider improvements to The Gateway Trust's processes under the policy	DHT	As a minimum annually, ideally termly, and as required
Formal annual review of complaints and implementation of any recommendations, to identify trends and recommend further improvement to policies and procedures	Academy Trust	Annually

## 7 Publication and availability

- 7.1 This policy is published on The Gateway Trust website.
- 7.2 This policy is available in hard copy on request.
- 7.3 A copy of this policy is available for inspection from The Gateway Trust office during the school day.

- 7.4 This policy can be made available in large print or other accessible format if required and The Gateway Trust will make other reasonable adjustments required to enable Parents to access and complete this procedure, such as holding meetings in accessible locations.
- 7.5 Information regarding the number of complaints registered under the formal procedure of this policy during the preceding school year is available to Parents of pupils and Parents of prospective pupils and, on request, to the Chief Inspector of Ofsted, the Secretary of State or an independent inspectorate. The Gateway Trust makes this available by uploading it to its website at the end of the academic year.

## 8 Management of complaints

- 8.1 The Gateway Trust's policy allows for complaints from Parents to be considered at **four** stages (Appendix 5 of this policy outlines the complaints procedure for persons other than Parents):
- Stage 1: Informal raising of a complaint. Further details of this procedure are set out in Appendix 1.
  - Stage 2: A formal complaint in writing. Further details of this procedure are set out in Appendix 2 with the form for completion for a stage 2 formal complaint at appendix 8 specifically.
  - Stage 3: Complaint referred to Chair of Local Governing Board (LGB). Further details can be found at appendix 3.
  - Stage 4: Formal Complaint Panel Hearing. Further details of this procedure are set out in Appendix 4 with the specific formal stage 4 complaint form found at appendix 10.
- 8.2 The roles and responsibilities of those involved in The Gateway Trust's complaints procedures are outlined at Appendix 9.

## 9 Expected standards of behaviour by those making complaints

- 9.1 Attention is drawn to the information included in Appendix 5 and 6 which have been developed having regard to:
- 9.1.1 [Best practice guidance for academies complaints procedures \(Education and Skills Funding Agency \(ESFA\), March 2021\);](#)
- 9.1.2 [Controlling access to school premises \(Department for Education \(DfE\), November 2018\).](#)



## 10 Complaint meetings

- 10.1 The Gateway Trust may use recording devices to record complaints meetings at any stage in The Gateway Trust's complaints procedure where there are communication difficulties with the Parents. The recording will only take place if all parties confirm they do not have any objections.<sup>1</sup>
- 10.2 The Gateway Trust may, at its discretion and having taken into account all the circumstances, permit the Parents to record meetings for the purposes of a reasonable adjustment or where it deems that there is a fair and reasonable purpose for allowing the Parents to record meetings. The recording will only take place if all parties confirm they do not have any objections.
- 10.3 Unless exceptional circumstances apply, the ESFA will support The Gateway Trust if it refuses to accept, as evidence, recordings of conversations that were obtained covertly and without informed consent of all parties being recorded.
- 10.4 If The Gateway Trust has made reasonable attempts to accommodate the Parents with dates for complaints meetings at any stage of The Gateway Trust's complaints procedure and they refuse or are unable to attend, The Gateway Trust can:
  - 10.4.1 convene meetings in the Parents' absence;
  - 10.4.2 reach a conclusion in the interests of drawing the complaint to a close.

## 11 Record keeping and confidentiality

- 11.1 All records created in accordance with this policy are managed in accordance with The Gateway Trust's policies that apply to the retention and destruction of records.
- 11.2 The Gateway Trust keeps a written record of all formal complaints, including the following:
  - 11.2.1 whether they were resolved at Stage 2, Stage 3 or stage 4;
  - 11.2.2 the action taken by The Gateway Trust as a result of the complaints (regardless of whether they are upheld).
- 11.3 In accordance with data protection principles, details of individual complaints will be kept only for as long as is considered to be reasonably

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<sup>1</sup> Note: The Gateway Trust should ensure that The Gateway Trust's privacy notice for parents identifies that the lawful basis that The Gateway Trust is relying on for recording the meeting and processing recorded personal data is the public interest (or public interest task).

necessary in the circumstances.<sup>2</sup>

- 11.4 The information created in connection with this policy may contain personal data. The Gateway Trust has a number of privacy notices which explain how The Gateway Trust will use personal data. The Gateway Trust's approach to data protection compliance is set out in the Data Protection Policy. In addition, staff must ensure that they follow The Gateway Trust's data protection policies and procedures when handling personal data created in connection with this policy; this includes The Gateway Trust's Data Protection Policy: Practical Guidance for Staff and the Information Security Policy.
- 11.5 Correspondence, statements and records relating to individual complaints will be kept confidential, except where access is requested by the Secretary of State or where disclosure is required in the course of an inspection or under other legal authority or court order.

## 12 Complaints to the Education and Skills Funding Agency (ESFA)

- 12.1 Parents who are dissatisfied with the decision of a Complaint Panel may contact the ESFA, which will consider the complaint on behalf of the Secretary of State.
  - 12.1.1 The ESFA's contact details are as follows:
    - 12.1.2 Online: Via the ESFA's [School Complaints Form](#)
    - 12.1.3 By post: ESFA - Academy Complaint and Customer Insight Unit Cheylesmore House, Quinton, Road Coventry, CV1 2WT
  - 12.2 The ESFA cannot overturn the decision about a complaint. The ESFA's role is to make sure the complaint is handled properly in line with the regulatory framework.

## 13 Training

- 13.1 The Gateway Trust ensures that regular guidance and training is arranged on induction and at regular intervals thereafter so that staff and volunteers understand what is expected of them by this policy and have the necessary knowledge and skills to carry out their roles.
- 13.2 The level and frequency of training depends on the role of the individual

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<sup>2</sup> In accordance with the terms of reference of the Independent Inquiry into Child Sexual Abuse all schools are required to retain information which relates to allegations (substantiated or not) of organisations and individuals who may have been involved in, or have knowledge of child sexual abuse or child sexual exploitation; allegations (substantiated or not) of individuals having engaged in sexual activity with, or having a sexual interest in, children; institutional failures to protect children from sexual abuse or other exploitation. Details of any complaints made about such matters will be retained.

member of staff.

13.3 The Gateway Trust maintains written records of all staff training.

# Appendix 1 - Stage 1: Informal complaint

## 1 Informal resolution of a complaint

- 1.1 We hope and expect that most complaints can be resolved informally without the need to use the formal stages of the complaints procedure. For example, dissatisfaction about some aspect of teaching or pastoral care or a billing error should be able to be resolved by the relevant member of staff.

## 2 Who to contact

- 2.1 Where appropriate, complaints should initially be raised in person, in writing or via a phone call as follows:
  - 2.1.1 **Educational issues:** if the matter relates to the classroom, the curriculum or special educational needs, please speak or write initially to the pupil's tutor (secondary) or class teacher (primary). Your complaint may be passed to a more senior member of staff if appropriate;
  - 2.1.2 **Pastoral care:** for complaints relating to matters outside the classroom, please speak or write to the Progress Leader (secondary) or Pastoral Leader (primary).
  - 2.1.3 **Disciplinary matters:** a problem over any disciplinary action taken or a sanction imposed should be raised first of all with the member of staff who imposed it / the Head of Year (secondary) or Senior Leader (Primary);
  - 2.1.4 **Financial matters:** a query relating to fees or extras should be addressed in writing to the Chief Operating Officer.
  - 2.1.5 **Staff:** if the matter relates to the conduct of staff, please write to the Headteacher or someone they designate, such as a deputy.
- 2.2 An informal complaint will be acknowledged by telephone, email or letter within three school days of receipt, indicating the action that is being taken and the likely timescales. Such action may include an investigation and / or a meeting with the Parent.
- 2.3 Wherever appropriate, The Gateway Trust will ask the Parent/carer at the earliest stage what they think might resolve the issue.
- 2.4 The Parent will receive a response to the complaint within ten school days.
- 2.5 If the Parent is dissatisfied with the response to the informal complaint or in the event that the complaint cannot be resolved by informal means, the Parent may make a formal complaint under Stage 2 of this procedure as set out in Appendix 2.

### 3 Complaints about the Headteacher

#### 3.1 The procedure for dealing with an informal complaint about the Headteacher is set out below:

- 3.1.1 Parents may choose to raise complaints directly with the Headteacher if they feel that the matter is capable of resolution informally. The complaint may be raised orally or in writing. If in writing, The Gateway Trust will not automatically treat the complaint as a formal (Stage 2)

complaint and the Headteacher will endeavour to resolve the complaint informally under Stage 1;

- 3.1.2 the Headteacher will acknowledge informal complaints within three school days and will seek to resolve the matter under this Stage 1 by means of direct conversation or a meeting with the Parents, to be held within ten school days of the initial complaint;

- 3.1.3 if the Parent is dissatisfied with the Headteacher's response to the informal complaint or in the event that the complaint cannot be resolved by informal means, the Parent may make a formal complaint under Stage 2 of this procedure as set out in Appendix 2.

- 3.2 Alternatively, Parents may choose to make their complaint about the Headteacher in writing to the Chair of Local Governors / Trustees via the Clerk to the Local Governors / Trustees. In this case, the complaint will be treated as a formal complaint under Stage 2 of this procedure as set out in Appendix 2.

### 4 Complaints about Local Governors / The Gateway Trust LGB

- 4.1 Complaints against individual Local Governors should be made in writing and addressed to the Clerk to the Local Governors via [office@gatewaytrust.org](mailto:office@gatewaytrust.org) . Please mark them as Private and Confidential;
- 4.2 The Clerk to the Local Governors will then arrange for the complaint to be considered by the Chair of Local Governors who will confirm their decision in writing. A panel hearing in accordance with Appendix 4 will be requested if applicable;
- 4.3 Complaints against the Chair of Local Governors, the entire Governing Body or complaints involving both the Chair and Vice Chair should also be sent to the Clerk to the Local Governors, who should then determine the most appropriate course of action which will be explained in writing.

# Appendix 2 - Stage 2: Formal complaint

- 1 How to make a formal complaint
  - 1.1 Complaints will usually only progress to Stage 2 after first being considered at the informal stage, and where the Parent indicates that they intend to escalate a matter to the formal stage.
  - 1.2 The formal complaint must be in writing using the complaint form provided in appendix 8, addressed to the Headteacher (unless the complaint is about the Headteacher in which case please see section 4 below) and should include:
    - 1.2.1 a copy of any relevant documents and the Parent's name and full contact details; and
    - 1.2.2 details of all the grounds of the complaint and the outcome desired.
  - 1.3 The complaint will be acknowledged by telephone, email or letter within three school days, indicating the action that is being taken and the likely timescales.
  - 1.4 The complaint form in Appendix 8 (or digitally via an individual school website where available) can be used to submit a formal complaint to the Headteacher who will acknowledge receipt and explain what action will be taken.
- 2 Investigation
  - 2.1 The subject matter of the complaint will be investigated in the most appropriate manner, which may include some or all of the following steps:
    - 2.1.1 delegation of the investigation to a senior member of staff or third party;
    - 2.1.2 involvement of one or more Local Governor / Trustee;
    - 2.1.3 request for additional information from the Parent, including what they think might resolve the issue (if not already requested at Stage 1); and
    - 2.1.4 request for a conversation and / or a meeting with the Parent personally and / or others with relevant knowledge of the circumstances to define the scope of the complaint and / or assist in the investigation.
  - 2.2 Written records will be kept of all meetings and interviews held

in relation to the complaint. Where the investigation has been delegated to a senior member of staff, they will prepare a report on the investigation which will be considered by the Headteacher. Personal data may be redacted and names anonymised or cyphered in line with data protection principles.

### 3 Decision

- 3.1 The Headteacher will notify the Parent by email or letter of their Stage 2 decision and the reasons for it within ten school days from receipt of the formal complaint.
- 3.2 If the Parent is dissatisfied with the Stage 2 response to the complaint, the Parent can request that the complaint be referred to the Chair of the Local Governing Board under Stage 3 using the procedure set out in Appendix 3.

### 4 Complaints about the Headteacher

- 4.1 The procedure for dealing with a formal complaint about the Headteacher is set out below:
  - 4.1.1 the complaint should be put in writing to Chair of Local Governors / Trustees via the Clerk to the Local Governors / Trustees. The written complaint should include a copy of all relevant documents and full contact details and details of all the grounds of the complaint and the outcome desired;
  - 4.1.2 the Chair of Local Governors / Trustees via the Clerk to the Local Governors / Trustees will acknowledge the complaint by telephone, email or letter within three school days of receipt and indicate the action that is being taken and the likely timescale. Such action may include an investigation and / or a meeting with the Parent. The Parent will receive a response to the complaint within ten school days; and
  - 4.1.3 if the Parent is dissatisfied with the response to the complaint, the Parent can request that the complaint be referred to a Formal Complaint Panel under Stage 4 using the procedure set out in Appendix 10.

# Appendix 3 - Stage 3: Complaint heard by the Chair of the Local Governing Body (LGB) or their delegated representative.

- 1 Progressing the complaint to be heard by the Chair of the LGB (or their delegated representative if unavailable)
  - 1.1 Complaints will not be heard by the whole LGB at any stage as this could compromise impartiality of any panel required at stage 4 or any disciplinary hearing against a member of staff following a serious complaint.
  - 1.2 If the complainant remains dissatisfied with the Headteacher's decision under stage 2, the complaint may be renewed in writing to the Chair of the LGB via the respective Clerk.
  - 1.3 The complaint must be submitted to the clerk email address (available on each school website) within five school days of receiving the Headteacher's decision as to the outcome of the stage 2 investigation.
  - 1.4 The written submission must include the initial complaint, the headteachers response and clearly identify why the complainant remains dissatisfied including identifying proposed steps (in their opinion which may not always be possible) for resolution.
  - 1.5 The Chair of the LGB will not consider any new areas of complaint which have not been previously raised.
  - 1.6 Upon receipt, the Clerk to the LGB will acknowledge the complaint at stage 3 within five school days. This communication will inform the complainant of any further information that they require and the likely timescale for a response from the Chair of the LGB or their delegated representative. The complaint will be followed up by the Chair of Governors using the equivalent procedures set down in Stage 2.
  - 1.7 It is the aspiration that the complaint at stage 3 will be responded to by the Chair of Governors. However, being a Chair of Governors is a voluntary position and often individuals who undertake this role have pre-existing commitments outside of the role that may prevent a response meeting the timescales in this policy. In these rare cases, the Chair of Governors will be delegated to either their vice chair(s) or another member of the LGB.



- 1.8 Within 20 school days of receipt of the request for the complaint to be heard at stage 3, the Chair of the LGB will aim to give a response in writing setting out their decision as to the outcome of their investigation, the reasons for it and the steps for resolution of the complaint at stage 3.
- 1.9 If the complainant remains dissatisfied with the resolution proposed, the complainant has the right to ask for the complaint to be referred to a stage 4 Complaints Panel within five school days of receiving the stage 3 decision.
- 1.10 The clerk to the LGB will arrange a meeting of the complaints panel as per Appendix 4.

# Appendix 4 - Complaint Panel Hearing

- 1 Complaint Panel Hearing
  - 1.1 If a Parent is dissatisfied with the Stage 3 response to the complaint, the Parent can request a Complaint Panel Hearing (Panel Hearing).
  - 1.2 A Panel Hearing is a hearing to consider those elements of the Stage 3 response to the Parent's complaint with which the Parent remains dissatisfied. The Complaint Panel is not obliged to consider any new complaints which have not been previously raised.
  - 1.3 The complaint panel will not be able to discuss with the complainant any information specifically relating to a named member of staff relating to their conduct, disciplinary or capability matters.
- 2 How to request a Panel Hearing
  - 2.1 A request for a Panel Hearing must be put in writing to the Clerk to the Local Governors / Trustees and will usually only be considered if the procedure at Stage 3 has been completed. Completion of the Stage 4 proforma is a requirement in order to ensure that expectations are able to be managed and met accordingly.
  - 2.2 The written request should usually be made within **five** school days from receipt of the Stage 3 decision and include:
    - 2.2.1 a copy of the completed stage 4 proforma (see Appendix 10)
    - 2.2.2 any relevant documents and full contact details;
    - 2.2.3 details of all the grounds of the complaint about which the Parent remains dissatisfied and the outcome desired;
    - 2.2.4 a list of the documents which the Parents believe to be in The Gateway Trust's possession and wish the Complaint Panel to consider; and
    - 2.2.5 whether the Parent proposes to be accompanied to the Panel Hearing (see paragraph 3.5 below).
  - 2.3 If assistance with the request is required, for example because of a disability, please inform the Clerk to the Local Governors / Trustees who will be happy to make appropriate arrangements.
  - 2.4 The Clerk to the Local Governors / Trustees will acknowledge

the request for a Panel Hearing in writing within three school days of receipt.

- 2.5 Every effort will be made to enable the Panel Hearing to take place within 15 school days of receipt of the request.
- 2.6 Parents may withdraw their request for a Panel Hearing at any point up to and including the intended date of the Panel Hearing.

### 3 Planning the Panel Hearing

- 3.1 The Clerk to the Local Governors / Trustees will endeavour to send written notification to each party of the date, time and place of the Panel Hearing at least 10 school days before the date of the Panel Hearing.
- 3.2 Copies of any additional documents that the Parent wishes the Complaint Panel to consider should be sent to the Clerk to the Local Governors / Trustees to be received at least five school days prior to the Panel Hearing.
- 3.3 The Clerk to the Local Governors / Trustees will endeavour to circulate a copy of the bundle of documents to be considered by the Complaint Panel to all parties at least **five** school days prior to the Panel Hearing. The bundle of documents will include all records held in the complaint file following Stage 1,2 and 3, together with all correspondence and documents received from the Parent following notification of the formal response at Stage 3.
- 3.4 The Parent may be accompanied at the Panel Hearing, for example by a relative or friend. The Panel Hearing is an internal process, not legal proceedings, and legal representation is unnecessary.
- 3.5 If the Parent wishes to be accompanied by a relative or friend who is legally qualified, the Parent is required to notify the Clerk to the Local Governors / Trustees in the initial request for a Panel Hearing. The Parent should note that the Complaint Panel will wish to speak to that person directly prior to the Panel Hearing, and they will not be permitted to act as an advocate or address the Complaint Panel at the Panel Hearing unless invited to do so by the Chair of the Complaint Panel.
- 3.6 A person will be appointed to take a minute of the Panel Hearing.

### 4 Composition of the Complaint Panel

- 4.1 The Complaint Panel will comprise at least three individuals who have no detailed prior knowledge of the circumstances of the complaint, including at least one person who is independent of the management and running of The Gateway Trust (i.e. they will

not be a Trustee, or a Local Governor at any of the Trust's academies, or an employee of the Trust at any of its academies).

4.2 The Parent may ask the Clerk to the Local Governors / Trustees to inform them who has been appointed to sit on the Complaint Panel ahead of the Panel Hearing. Fair consideration will be given to any reasonable objection to a particular member of the panel.

4.3 The Complaint Panel members will appoint one of their number to be the Chair of the Complaint Panel throughout the proceedings.

## 5 Role of the Complaint Panel

5.1 The role of the Complaint Panel is to establish the facts surrounding the complaints that have been made by considering:

5.1.1 the documents provided by both parties; and

5.1.2 any representations made by the parties

and to review the decision reached at Stage 3 and to consider, on a balance of probabilities, as to whether or not to uphold each complaint.

## 6 The Panel Hearing

6.1 Unless prior to the commencement of the Panel Hearing, a parent confirms they are satisfied with the outcome of their complaint, the Panel Hearing will proceed notwithstanding that the Parent may decide not to attend. In these circumstances, the Complaint Panel will consider the Parent's complaint in their absence and issue findings on the substance of the complaint.

6.2 The panel will usually hear representations from the Stage 2 decision-maker, consider the report from the stage 3 review and hear representations from the Parent(s).

6.3 During the Panel Hearing, the parties shall have the opportunity to ask questions and make comments in an appropriate manner. The Panel Hearing is not a legal process and the Complaint Panel shall be under no obligation to hear oral evidence from witnesses but may do so and / or may take written statements into account.

6.4 All statements made at the Panel Hearing will be unsworn. The parties will be entitled to write their own notes for reference purposes.

6.5 All those present during the Panel Hearing are expected to

show courtesy, restraint and good manners or, after due warning, the Panel Hearing may be adjourned or terminated at the discretion of the Chair. Any person who is dissatisfied with any aspect of the way the Panel Hearing is conducted must say so before the proceedings go any further and their comment will be minuted.

- 6.6 The Chair may, at their discretion, adjourn the Panel Hearing if they consider it appropriate to do so. This may include an adjournment for welfare reasons, to enable additional information to be obtained and / or considered or for the parties to take legal advice on a specific issue arising.
- 6.7 A Panel Hearing before the Complaint Panel is a private proceeding. No notes or other records or oral statements about any matter discussed in or arising from the proceeding shall be made available directly or indirectly to the press or other media (including social media).
- 6.8 When the Chair of the Complaint Panel is satisfied that sufficient consideration has been given to the documentation provided and any representations made by the parties, they will conclude the Panel Hearing.

## 7 Decision

- 7.1 The Complaint Panel will make findings about each complaint on the balance of probabilities, and may make recommendations.
- 7.2 It is not within the powers of the Complaint Panel to make any financial award, nor to impose sanctions on The Gateway Trust's staff, pupils or other Parents, although the Complaint Panel may make recommendations.
- 7.3 The minutes of the Panel Hearing, together with the Complaint Panel's findings and any recommendations will be provided in writing to the Parent and, where relevant, the person complained about, within five school days of the Panel Hearing.
- 7.4 The Complaint Panel's findings and any recommendations will also be made available for inspection on The Gateway Trust's premises by the Governing Body / Trust Board and the Headteacher .
- 7.5 The decision of the Panel is final. There will be no further opportunity within The Gateway Trust for consideration of the complaint. The completion of Stage 4 represents the conclusion of The Gateway Trust's complaints procedure.
- 7.6 If a duplicate complaint is received by a new complainant following completion of the Stage 4 procedure, The Gateway

Trust will inform the new complainant that the matter is closed.

## **Appendix 5 - Complaints procedure for persons other than Parents/Carers**

- 1 The Gateway Trust encourages persons other than Parents (Complainants) (see paragraph 2.1.4 of The Gateway Trust's Complaints Policy) who have concerns about The Gateway Trust's operation or site to raise them with The Gateway Trust.
- 2 They should do so by writing to the Headteacher of the specific school. Any concerns raised will be investigated and responded to under Stage 1 of this procedure as set out in Appendix 1.
- 3 If the Complainant is dissatisfied with the response to the complaint, the Complainant can request a review of the decision by writing to the Clerk to the Local Governors / Trustees. The review will be carried out by a Local Governor / Trustee who will confirm their decision in writing.
- 4 A request for a review must be put in writing and will usually only be considered if the complaints procedure at Stage 1 has been completed.
- 5 The written request should usually be made within 5 school days from receipt of the Stage 1 decision and include:
  - 5.1 a copy of any relevant documents and full contact details;
  - 5.2 details of all the grounds of the complaint about which the Complainant remains dissatisfied and the outcome desired; and
  - 5.3 a list of the documents which the Complainant believe to be in The Gateway Trust's possession and wish the Local Governor / Trustee to consider.
- 6 The role of the Local Governor / Trustee is to:
  - 6.1 establish the facts surrounding the complaints that have been made by considering the documents provided by the Complainant;
  - 6.2 review the decision reached at Stage 1; and
  - 6.3 consider, on a balance of probabilities, as to whether or not to uphold each complaint.
- 7 The Local Governor / Trustee will make findings about each complaint, on the balance of probabilities, and may make

recommendations.

- 8 Any recommendations will be provided in writing to the Complainant and, where relevant, the person complained about, within 15 school days from receipt of the written request for the review.
- 9 The Local Governor's / Trustee's findings and any recommendations will also be made available for inspection on The Gateway Trust's premises by the Trust and the Headteacher .
- 10 The decision of the Local Governor / Trustee is final. The completion of the review represents the conclusion of The Gateway Trust's complaints procedure for  
  
Complainants. There will be no further opportunity within The Gateway Trust for consideration of the complaint.
- 11 If, at the conclusion of the review, a duplicate complaint is made The Gateway Trust will inform the Complainant that the matter is closed.
- 12 On receipt of a complaint from a Complainant The Gateway Trust may amend the procedure set out in Appendix 5 and may attempt an exploration of an informal resolution if appropriate. If this is not possible, there may be an investigation and determination of the complaint with the right to request a review of the decision made at the informal stage.
- 13 Complainants who are dissatisfied with the decision of a Complaint Panel may contact the Education and Skills Funding Agency (ESFA), which will consider the complaint on behalf of the Secretary of State. The ESFA's contact details are set out at paragraph 12 of The Gateway Trust's Complaints Policy.

# Appendix 6 - Serial and persistent complaints

- 1 Serial and persistent complaints are taken seriously by The Gateway Trust as they put a strain on valuable resources and hinder the progress of proper investigations.
- 2 If a complainant tries to re-open the same issue, The Gateway Trust will inform them that the procedure has been completed and that the matter is now closed.
- 3 If the complainant contacts The Gateway Trust again on the same issue, the correspondence may be viewed as 'serial' or 'persistent' and The Gateway Trust may choose not to respond.
- 4 The Gateway Trust will not mark a complaint as 'serial' before the complainant has completed all stages of the complaints procedure.
- 5 Under no circumstances will a complainant be marked as 'serial' for exercising their right to refer their complaint to their MP, regardless of which stage the complaint has reached.
- 6 The Gateway Trust may consider a complaint to be 'frivolous' or 'vexatious' if:
  - 6.1 complaints are obsessive, persistent, harassing, prolific, repetitious;
  - 6.2 there is insistence upon pursuing unmeritorious complaints and / or unrealistic outcomes beyond all reason;
  - 6.3 there is insistence upon pursuing meritorious complaints in an unreasonable manner;
  - 6.4 complaints are designed to cause disruption or annoyance; or
  - 6.5 demands for redress lack any serious purpose or value.
- 7 Complainants should try to limit their communication with The Gateway Trust about the complaint while it is being progressed, as it is not helpful if repeated correspondence is sent (either by letter, phone, email or text) which is likely to delay an outcome being reached.
- 8 For complainants who excessively contact The Gateway Trust causing a significant level of disruption, we may specify particular methods of communication, provide a single point of contact and / or limit the number of communications which may be made with The Gateway Trust in a communication plan. This will usually be reviewed after three months.
- 9 The Gateway Trust will stop responding to a complainant where:
  - 9.1 The Gateway Trust has taken every reasonable step to



- address the complainant's concerns;
  - 9.2 the complainant has been given a clear statement of The Gateway Trust's position and their options; and
  - 9.3 the complainant contacts The Gateway Trust repeatedly, making substantially the same points each time.<sup>3</sup>
- 10 The Gateway Trust's case to stop responding will be stronger if it agrees with any of the following statements:
- 10.1 the complainant's letters, emails, or telephone calls are often or always abusive or aggressive;
  - 10.2 the complainant makes insulting personal comments about or threats towards staff; and / or
  - 10.3 The Gateway Trust has reason to believe the individual is contacting The Gateway Trust with the intention of causing disruption or inconvenience.
- 11 In response to any serious incident of aggression or violence, The Gateway Trust will immediately report this to the police for criminal investigation. The Gateway Trust may also withdraw the complainant's implied permission to enter or be on The Gateway Trust site(s).
- 12 If the complainant's behaviour is a cause for concern, the Headteacher can ask them to leave the school premises and bar individuals from entering. If The Gateway Trust makes the decision to bar a complainant from the school premises, it will provide the complainant the opportunity to express formally their views on a decision to bar.<sup>4</sup>
- 13 The Headteacher's decision to bar will be reviewed by the Chair of Local Governor / Trustee or a Local Governor / Trustee appointed by the Chair for this purpose. If the decision is confirmed, the complainant will be notified in writing, explaining how long the bar will be in place and when the decision will be reviewed.

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<sup>3</sup> Note: The decision to stop responding should never be taken lightly and The Gateway Trust needs to be able to say yes to all of the criteria at paragraph 9.

<sup>4</sup> Note: Please follow the DfE guidance (November 2018), Controlling-access-to-school-premises - GOV.UK ([www.gov.uk](http://www.gov.uk))

# Appendix 7 - Complaint campaigns

- 1 Where The Gateway Trust becomes the focus of a campaign and receives a large volume of complaints all based on the same subject, particularly if these complaints come from complainants unconnected with The Gateway Trust, The Gateway Trust may respond by:
  - 1.1 sending a consistent response to all complainants;
  - 1.2 publishing a single response on The Gateway Trust website.

The normal procedures will apply if the complainant is not satisfied with The Gateway Trust's response.

# Appendix 8 - Stage 2 Formal Complaint form

Complaint Form					
Name of complainant(s)					
Address:		Mobile:		Email:	
Name and role of who the complaint has been raised with  <i>Please include any relevant dates</i>					
Reason for complaint  <i>Please include as much information as possible about what specifically you are unhappy about and why</i>					
Desired outcome					
List of relevant documents enclosed with the complaint form					
<b>Declaration:</b> <ul style="list-style-type: none"> <li>• The information included in this complaint form is accurate to the best of my knowledge.</li> <li>• I agree to cooperate fully with the complaints procedures and acknowledge my ongoing obligation to always treat The Gateway Trust and its staff in a reasonable manner.</li> <li>• I am aware that no confidential staff matters of conduct or discipline can be discussed with me as part of any complaints process</li> </ul>					
Sign:		Print:		Dated:	

# Appendix 9 - Roles and responsibilities

## 1 Parent / Complainant

- 1.1 The Parent or Complainant will receive a more effective response to the complaint if they:
- (a) explain the complaint in full as early as possible;
  - (b) cooperate with The Gateway Trust in seeking a solution to the complaint;
  - (c) respond promptly to requests for information or meetings or in agreeing the details of the complaint;
  - (d) ask for assistance as needed;
  - (e) treat all those involved in the complaint with respect;
  - (f) refrain from publicising the details of their complaint on social media and respect confidentiality.

## 2 Investigator

- 2.1 The individual investigating the complaint at Stage 2 of the Complaints Procedure is to establish the facts relevant to the complaint by:
- (a) providing a comprehensive, open, transparent and fair consideration of the complaint through:
    - (i) sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved;
    - (ii) interviewing staff and children / young people and other people relevant to the complaint;
    - (iii) consideration of records and other relevant information
    - (iv) analysing information;
  - (b) liaising with the complainant and the Complaints Co-ordinator as appropriate to clarify what the complainant feels would put things right.
- 2.2 The investigator should:
- (a) ensure each and every ground of complaint is identified;

- (b) review all relevant documentation;
- (c) conduct interviews with an open mind and be prepared to persist in the questioning;
- (d) keep notes of all interviews or arrange for an independent note taker to record minutes of the meeting;
- (e) ensure that any papers produced during the investigation are kept securely pending any appeal;
- (f) be mindful of the timescales to respond;
- (g) prepare a comprehensive Report for the Headteacher / Local Governor / Trustee or Complaints Panel that sets out all the grounds of complaints, the facts and where requested identifies appropriate solutions and recommends courses of action to resolve problems and lists all documents considered and interviews held as an Appendix to their Report;
- (h) The Headteacher / Local Governor / Trustee or Complaints Panel will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

### 3 Complaints Co-ordinator – Deputy Headteacher (in their absence an alternative member of SLT will be appointed)

#### 3.1 The Complaints Co-ordinator should:

- (a) ensure that the complainant is fully updated at each stage of the procedure;
- (b) liaise with staff members, the Headteacher , Chief Executive Officer, Chair of Local Governors, Chair of Trust or the Clerk and to ensure the smooth running of the complaints procedure;
- (c) be aware of issues regarding:
  - (i) sharing third party information and / or required redaction;
  - (ii) additional support (e.g. interpretation support);
- (d) keep records.

### 4 Clerk to the Local Governors / Trustees

- 4.1 The Clerk is the contact point for the complainant and the Chair of Local Governing Board at stage 3 and Formal Complaints Panel at Stage 4 and should:

- (a) 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 UK General Data Protection Regulations (UK GDPR);
- (b) set the date, time and venue of the stage 4 complaint panel meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible;
- (c) 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;
- (d) record the proceedings;
- (e) circulate the minutes of the meeting;
- (f) notify all parties of the Complaints Panel's decision.

## 5 Complaint Panel Chair

5.1 The Complaint Panel Chair, who is nominated in advance of the Panel Hearing, should ensure that:

- (a) 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;
- (b) Parents who may not be used to speaking at such a meeting are put at ease;
- (c) the remit of the Complaints Panel is explained to the Parent;
- (d) 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 UK GDPR<sup>5</sup>;
- (e) both the Parent and The Gateway 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;

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<sup>5</sup> 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.

- (f) the issues are addressed;
- (g) key findings of fact are made;
- (h) the Complaints Panel is open-minded and acts independently;
- (i) no member of the Complaints Panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- (j) the meeting is minuted;
- (k) they liaise with the Clerk and Complaints Coordinator

## 6 Complaint Panel Member

### 6.1 Complaint Panel members should be aware that:

- (a) the meeting must be independent and impartial, and should be seen to be so no Local Governor or Trustee may sit on the Complaint Panel if they have had a prior involvement in the complaint or in the circumstances surrounding it;
- (b) the aim of the meeting should be to resolve the complaint and achieve reconciliation between The Gateway Trust and the Parent. It is recognised that the Parent 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;
- (c) many Parents will feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child;
- (d) extra care needs to be taken when a child / young person is present during all or part of the meeting:
  - (i) careful consideration of the atmosphere and proceedings should ensure that the child / young person does not feel intimidated;
  - (ii) the Complaints Panel should respect the views of the child / young person and give them equal consideration to those of adults;
  - (iii) the Complaints Panel should give the Parent the opportunity to say which parts of the meeting, if any, the child / young person needs to attend;
  - (iv) 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 Complaints Panel considers is not in the child / young person's best interests; the welfare of the child / young person is paramount.



# Appendix 10 - Stage 4

## Complaints Panel Hearing Complaint Form

*Please complete in as much detail as possible in order to facilitate an efficient and effective stage 4 process. Stage 4 can only be undertaken following completion of stage 3.*

Name of Complainant:	Address:	Contact details (email / mobile)
Short summary of stage 2 complaint		
Detailed information (including reference to any supporting information and documents) of why you remain dissatisfied and wish to progress to stage 3.		
Summary of your desired stage 3 complaint outcome		
List of documents provided in support of stage 3 complaint. (hyperlinks where possible appreciated)		
<b>Declaration:</b> <ul style="list-style-type: none"><li>• The information included in this complaint form is accurate to the best of my knowledge.</li><li>• I agree to cooperate fully with the complaints procedures and acknowledge my ongoing obligation to always treat The Gateway Trust and its staff in a reasonable manner.</li><li>• I am aware that no confidential staff matters of conduct or discipline can be discussed with me as part of any complaints process</li></ul>		
<b>Sign:</b>	<b>Print:</b>	<b>Dated:</b>