KING EDWARD VI
ACADEMY TRUST
BIRMINGHAM

COMPLAINTS POLICY

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KING EDWARD VI ACADEMY TRUST BIRMINGHAM COMPLAINTS POLICY

1. INTRODUCTION

1.1. King Edward VI Academy Trust Birmingham (the "Academy Trust") through its Academies endeavours to provide the best education possible for all of its pupils in an open and transparent environment. Our Academies welcome any feedback that they receive from parents, pupils and third parties; where concerns are raised the Academy Trust intends for these to be dealt with:

- Fairly
- Openly
- Promptly
- Without Prejudice

1.2 To do so, the Academy Trust Board has approved the following procedure which explains what persons should do if they have any concerns about an Academy. All members of staff will be familiar with the procedure and will be able to assist.

2. TOPICS OF COMPLAINT

2.1 The following list details specific topics of complaints, and the correct policy to refer to. These policies can be accessed on the relevant Academy website or from the main Academy reception.

- Pupil admissions; please see the Academy Trust's admissions policy
- Pupil exclusions; please see the Academy's Behaviour policy or Exclusion policy.
- Staff grievance, capability or disciplinary; these are covered by the Academy's grievance/disciplinary/capability procedure.
- Safeguarding and child protection matters; these are covered by the Academy Trust Safeguarding policy
- Where the complaint concerns a third party used by an Academy; please complain directly to the third party themselves.
- Anonymous complaints – please refer to the Whistleblowing policy.
- Subject Access Requests and Freedom of Information Requests – please see the relevant Academy's Data Protection and Freedom of Information policy.

3. RAISING A CONCERN

3.1 The majority of concerns can be dealt with without resorting to the procedure. Where there are concerns about any aspect of the Academy or a child's education or wellbeing, these can be raised with the relevant member of staff via the phone or in person. Ideally, the member of staff will be able to address any concerns on the spot or can arrange a meeting to discuss the issue.

3.2 All concerns will be dealt with confidentially, although the staff member may need to take notes if they feel that the matter may need to be taken further or it may arise again in the future. Any such notes will be kept in accordance with the principles of the Data Protection regulation. However, such notes would be

able to be used to as evidence if further investigation was required, or if the concern became a formal complaint.

3.3 Arrangements for handling complaints from parents of children with SEN are within the scope of this policy. Such complaints should first be made to the SENCO and if remain unresolved can then be referred to this complaints policy.

3.4 If parents have complaints of greater seriousness or feel that these have not been properly addressed, they may wish to make a formal complaint and all complaints will be dealt with in accordance with the following procedure. This procedure aims to ensure that complaints are dealt with quickly and fairly.

4. SAFEGUARDING

4.1 Wherever a complaint indicates that a child's wellbeing or safety is at risk, the Academy is under a duty to report this immediately to the local authority. Any action taken will be in accordance with the Academy Trust's safeguarding policy.

5. SOCIAL MEDIA

5.1 In order for complaints to be resolved as quickly and fairly as possible, the Academy Trust requests the complainants do not discuss complaints publicly via social media such as Facebook, Twitter or Basecamp. Complaints will be dealt with confidentially for those involved, and we expect complainants to observe confidentiality also.

6. COMPLAINTS THAT RESULT IN STAFF CAPABILITY OR DISCIPLINARY

6.1 If at any formal stage of the complaint it is determined that staff disciplinary or capability proceedings are necessary in order to resolve the issue, the details of this action will remain confidential to the Head and/or the individual's line manager. The complainant is not entitled to participate in the proceedings or receive any detail about them.

7. PROCEDURE

7.1 Timescales for each stage are set out below in the relevant paragraphs. When we refer to **school working days**, we mean Monday to Friday, when the Academies are open during term time. The dates of terms are published on each Academy's website.

7.2 The Academy Trust will endeavour to abide by timeframes stated under each stage but acknowledges that in some circumstances, this is not always possible due to the complexity of information needed to review a complaint or difficulties regarding individual's availability to deal with the complaint, for example. If it becomes apparent that it is not possible to complete any stage of the complaints procedure within a given timeframe, the individual responsible for handling the complaint will contact the complainant as soon as possible and come to an agreed timeframe that works for all parties involved.

7.3 The Academy Trust reserves the right not to investigate complaints that have been made six months after the subject of the complaint took place, except in exceptional circumstances. What is meant by exceptional circumstances is where new evidence has come to light, where the complaint is of an especially serious matter or where there is a reasonable justification for why the complainant has been unable to raise the complaint before this time. The Head will review the situation and decide whether or not to enact the complaints procedure, informing the chair of governors of the decision.

7.4 The Academy Trust reserves the right to not investigate a complaint if there are alternative statutory processes available that may resolve the issue.

8. STAGES OF COMPLAINT

8.1 Stage One: Informal Resolution

8.1.1 Where as a result of raising a concern the complainant still feels that the issue has not been addressed, or where the outcome has been that the complaint needs further investigation, they may progress by making an informal complaint. In doing so, the following steps will be followed:

8.1.2 If parents have a complaint, they should contact their child's Form Tutor in the first instance who may refer the matter to the Head of Year or the Senior Leadership Team.

8.1.3 If a complaint refers to a member of the Senior Leadership Team, it should be made to the Head. If a complaint refers to the Head, it should be made to the Chair of the relevant Academy Governing Body ("GB").

8.1.4 The complainant must explain in writing:

- an overview of the complaint so far;
- who has been involved;
- why the complaint remains unresolved; and
- action they would like to be taken to put things right.

8.1.5 The recipient of the complaint will respond within 5 (school) working days of having received the written complaint. At which point they will explain what action they intend to take.

8.1.6 It is hoped that most complaints will be resolved quickly and informally through a meeting of the parents and the relevant member of staff at this stage.

8.1.7 The staff member will provide written confirmation of the outcome of their investigation within 15 (school) working days of having sent confirmation of the intended action. Where the complainant is not satisfied with the outcome, they are able to progress to Stage 2 of the complaints process and launch a formal written complaint.

8.1.8 The staff member will make a record of the concern and the outcomes of the discussion which will be held for twelve months, in line with the principles of Data Protection regulation.

8.2 Stage Two: Formal Resolution

8.2.1 If the complaint cannot be resolved on an informal basis, then the complaint should be put in writing to the Head without delay and at most within 15 school days of the conclusion of Stage 1 above. The parents should state in the letter that they want the matter to be dealt with under the Stage 2 procedure. The letter should be accompanied by a completed copy of the Complaints Form (see Appendix 1).

8.2.2 Should a formal written complaint be received by another member of the Academy's staff, it should be immediately passed to the Head.

8.2.3 The Head will respond in writing within 10 (school) working days of the date of receipt of the complaint to acknowledge receipt of the complaint and explain what action will be taken, giving clear timeframes.

8.2.4 The Head will gather information from everyone concerned to confirm the substance of the complaint. The Head will consider all relevant evidence; this may include but is not limited to:

- a statement from the complainant,
- where relevant a statement from an individual who is the subject of the complaint,
- any previous correspondence regarding the complaint,
- any supporting documents in either case,
- interview with anyone related to the complaint.

8.2.5 It may be necessary for the Head to carry out further investigations and this responsibility is likely to be shared with members of the Senior Leadership Team and the Chair of the Academy.

8.2.6 The Head will keep written records of all meetings and interviews held in relation to the complaint and details of complaints made in this way are kept on pupils' confidential files. These details will be provided to the Panel in the event of a Stage 3 Panel hearing.

8.2.7 After considering the available evidence, the options available to the Head are:

- Uphold the complaint and direct that certain action be taken to resolve it.
- Reject the complaint and provide the complainant with details of the stage three appeals process.
- Uphold the complaint in part: in other words, the Head may find one aspect of the complaint to be valid, but not another aspect. They may direct for certain action to be taken to resolve the aspect that they find in favour of the complainant.
- Advise the complainant that the matter will be dealt with via an alternative statutory process.

8.2.8 The Head must inform the complainant of their decision in writing within 20 (school) working days of having issued written acknowledgement of the receipt of the complaint. They must explain clearly why they have come to the decision that they made. They must detail any agreed actions as a result of the complaint. Finally, they must provide the complainant with details of how to progress the complaint to Stage 3 if they are not satisfied, providing them with the contact details of the clerk

to the governors.

8.2.9 In the event of a formal complaint about the Head, it should be addressed to the Chair of the relevant Academy GB who will undertake an investigation and determine the appropriate course of action. In all cases, the Chair will inform the parents of their decision within 20 school working days of receipt of the complaint.

8.2.10 If complaints are still not satisfied with the decision at this stage, they should proceed to Stage 3 of this Procedure.

8.3 Stage 3: Panel Resolution

8.3.1 If the complainant wishes to appeal a decision by the Head at stage 2 of the procedure, or they are not satisfied with the action that the Head took in relation to the complaint, the complainant can appeal this decision.

8.3.2 They must write to the clerk (see the Further Information at the end of the procedure) briefly outlining the content of the complaint and requesting that a complaints appeal panel is convened.

8.3.3 It is not possible to move to this stage without following through the Stage 2 procedure.

8.3.4 The clerk will fulfil the role of organising the time and date of the appeal hearing, inviting all the attendees, collating all the relevant documentation and distributing 5 days in advance of the meeting, recording the proceedings in the form of minutes, and circulating these and the outcome of the meeting.

8.3.5 The complainant must request an appeal panel within 4 weeks of receiving the Head's decision, or it will not be considered, except for in exceptional circumstances. On receipt of this written notification, the following steps will be followed.

8.3.6 The clerk will write to the complainant within 5 school working days to confirm receipt of the appeal request and detail further action to be taken.

8.3.7 The clerk will convene a panel of two Academy local governors and one independent member that is independent of the management and running of the Academy. All three-panel members will have no prior knowledge of the content of the complaint.

8.3.8 Complainants also have the right to request an independent panel if they believe there is likely to be biased in the proceedings. The decision to approve this request is made by the Company Secretary, who will not unreasonably withhold consent. Where an entirely independent panel is required, timescales may be affected while the Academy Trust source appropriate individuals for the review.

8.3.9 The appeal hearing will take place within 20 (school) working days receipt of the date of the confirmation letter from the clerk to the complainant, confirming the appeal.

8.3.10 In addition to the panel, the following parties will be invited, where applicable:

- the complainant
- the Head who dealt with the complaint at Stage 2
- where the complaint regards a member of staff, the staff member who is the subject of the complaint.

8.3.11 The complainant is also able to bring a companion with them to the hearing if they wish. Where the subject of the complaint is a member of staff, that staff member is also able to bring a companion with them. The companion will be a friend or a colleague. Neither party is permitted to bring legal representation with them. If after the hearing any party feels that legal action is necessary, please see the contact details at the end of the procedure.

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

8.3.13 Where the complaint is about a governor/trustee, the complainant may request that the appeal is heard by an entirely independent panel. It is at the discretion of the Academy Trust who will notify the clerk of their decision. Where an entirely independent panel is required, timescales may be affected while the Academy Trust source appropriate individuals for the review.

8.3.14 The panel can make the following decisions:

- Dismiss the complaint in whole or in part
- Uphold the complaint in whole or in part
- Decide on the appropriate action to be taken to resolve the complaint
- Recommend changes to the Academy's systems or procedures to ensure that problems of a similar nature do not recur.

8.4 This is the final stage at which the Academy will consider the complaint. If the complainant remains dissatisfied and wishes to take the complaint further, please see the Further Details section 16 at the end of the document. The Academy will not consider the complaint beyond this.

9. PROCEDURE FOR PANEL HEARING

9.1 The order of business will be as follows:

9.2 The Clerk to the Complaint Panel will greet the Complainant, the Complainant's supporter and the Academy's Representative and welcome them into the room where the Complaint Panel has convened (any witnesses will remain outside of the room until they are called in to give their account)

9.3 After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses* (if any).

9.4 The Head may question both the complainant and the witnesses after each has spoken. The panel may ask questions at any point

9.5 The Head is then invited to explain the Academy's actions and be followed by the Academy's witnesses.

9.6 The complainant may question both the Head and the witnesses after each has spoken. The panel may ask questions at any point.

9.7 The complainant is then invited to sum up their complaint.

9.8 The Head will be invited by the panel to summarise their response to the complaint and the Academy's stance.

9.9 Both parties leave together while the panel decides on the issues. The Chair of the panel explains that both parties will hear from the panel within a set timescale.

*Witnesses are only required to attend for the part of the hearing in which they give their evidence.

10. COMPLAINT PANEL'S DECISION

10.1 The Complaint Panel will convene in private, either immediately after the Complaint Panel Hearing or on a subsequent date, and will consider all of the documentation and everything that they have heard at the Complainant Panel Hearing and make:

10.2 **Findings of Fact**

10.2.1 The Complaint Panel will decide which facts are established to be true, on a balance of probabilities (i.e. more likely than not). If a fact is not deemed relevant, the Complaint Panel will not consider it further. The Complaint Panel will make a written record of the facts that have been established, those which have not been established and those which are not relevant, with their reasons for making these findings.

10.3 **Recommendations**

10.3.1 The Complaint Panel will consider the facts which they have established and will make recommendations based upon them. These recommendations may be aimed at achieving reconciliation between the parties (for example, a written apology), improving procedures or preventing a recurrence in the future. The Complaint Panel will keep a written record of their recommendations, with reasons.

11. NOTIFICATION OF THE COMPLAINT PANEL'S DECISION

11.1 The Clerk to the Local Governors will write within 10 (school) working days of the Complaint Panel Hearing to the:

- Complainant;
- the Head and the Chair of the Academy;
- Any person complained about;

11.2 The letter will identify each of the issues complained about, summarise how the Complaint Panel Hearing proceeded, and confirm each of the Complaint Panel's findings of fact and recommendations, if any, with reasons. The letter will also confirm that, if the Complainant believes that this Complaints Policy does not comply with the Regulations, or that the Academy has not followed the procedure outlined in this Complaints Policy, the Complainant may refer

their complaint to the Education and Skills Funding Agency or Department of Education for further consideration.

11.3 The Clerk to the Governing Body will also ensure that a copy of the Complaint Panel's findings and recommendations are made available on the Academy's premises for inspection by the Academy Trust, the Governing Body and the Academy Head.

12. FACTORS FOR THE COMPLAINT PANEL TO CONSIDER

12.1 It is important that the Complaint Panel Hearing is independent and impartial, and that it is seen to be so. No person may sit on the Complaint Panel if they have had prior involvement in the matters which gave rise to the complaint, in dealing with the complaint in the previous stages, or have prior detailed knowledge of the complaint;

12.2 The aim of the Complaint Panel Hearing, which must be held in private, will always be to resolve the complaint and achieve reconciliation between the Academy and the complainant. However, it has to be recognised that the complainant may not be satisfied with the outcome if the Complaint Panel does not find wholly in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously;

12.3 An effective Complaint Panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The Chair of the Complaint Panel will ensure that the Complaint Panel Hearing is as welcoming as possible while ensuring that it is procedurally fair to all parties. The layout of the room will set the tone and care is needed to ensure the setting is informal and not substantially adversarial;

12.4 Extra care needs to be taken when the complainant is a child, or there are child witnesses present. Care should be taken to ensure that the child does not feel intimidated. The Complaint Panel should be aware of the views of the child and give them equal consideration to those of the adults present. Where the child's parent is the complainant, it would be helpful to allow the parent to suggest which parts of the hearing, if any, the child should attend, with the Chair retaining discretion.

13. GUIDANCE FOR COMPLAINT PANEL MEMBERS

13.1 The Complaint Panel should ensure that they are familiar with the complaint procedure in advance of the Complaint Panel Hearing.

13.2 The Chair of the Complaint Panel will play a key part at the Complaint Panel Hearing, ensuring that:

- The remit of the Complaint Panel is explained to the parties, and each party has the opportunity of making representations without undue interruption;
- All of the issues raised in the complaint are addressed;
- Key findings of fact are made, on a balance of probabilities;
- Each party treats the other with respect and courtesy;
- The Complaint Panel is open-minded and acts independently of the Academy;

- No member of the Complaint Panel has a vested interest in the outcome of the proceedings;
- Each side is given the opportunity to state their case and ask questions;
- All written material is seen by all parties. If a new issue arises during the course of the Complaint Panel Hearing, it would be useful to give all parties the opportunity to consider and comment on it.

13.3 Further details on roles and responsibilities can be found in appendix two.

14. UNREASONABLE COMPLAINTS

14.1 Where a Complainant raises an issue that has already been dealt with via the Academy Trust's complaints procedure, and that procedure has been exhausted; the Academy will not reinvestigate the complaint except in exceptional circumstances, for example where new evidence has come to light.

14.2 If a Complainant persists in raising the same issue, the Head will write to them explaining that the matter has been dealt with fully in line with the Academy Trust complaints procedure, and therefore the case is now closed. The Complainant will be provided with the contact details of the Department for Education (see paragraph 16) if they wish to take the matter further.

14.3 Unreasonable complaints include the following scenarios:

- The Complainant refuses to co-operate with the Academy's relevant procedures.
- The Complainant changes the basis of the complaint as the complaint progresses.
- The complainant seeks an unrealistic outcome
- Excessive demands are made on the time of staff and Academy governors, and it is clearly intended to aggravate.
- The Complainant acts in a way that is abusive or offensive.

14.4 The Head will use their discretion to choose not to investigate these complaints. Where they decide to take this course of action, they must inform the chair of governors that they have done so, explaining the nature of the complaint and why they have chosen not to investigate. If the Chair deems it appropriate to, they can redirect the Head to investigate the complaint. The full complaints procedure will commence from Stage one on this direction.

14.5 If the Chair upholds the Head's decision not to look into the complaint, and the complainant deems this decision to be so unreasonable that no other rational body in the same position would have made that decision, then the Complainant may write to the Company Secretary of the Academy Trust (see paragraph 16).

15. ANONYMOUS COMPLAINTS

15.1 The Academy will not investigate anonymous complaints under the procedure in this Complaints policy. Anonymous complaints will be referred to the Head who will decide what, if any, action should be taken.

16. FURTHER DETAILS

16.1 If you wish to write to a Clerk of an Academy of the Academy Trust, please write to the Clerk of [**Name of Academy**], c/o Company Secretary, Foundation Office, Edgbaston Park Road, Birmingham B15 2UD

16.2 If you have any queries regarding any aspect of the complaints procedure, please direct these to the Company Secretary of the Academy Trust, Foundation Office, Edgbaston Park Road, Birmingham B15 2UD.

16.3 If the complainant remains dissatisfied with the outcome of the complaints procedure they may write to the Company Secretary of the Academy Trust, Foundation Office, Edgbaston Park Road, Birmingham B15 2UD.

16.4 If the complainant feels that the Academy Trust acted 'unreasonably' in the handling of the complaint, they can complain to the ESFA (Education & Skills Funding Agency) (via the schools complaints form) after the complaints procedure has been exhausted. Please note that unreasonable is used in a legal sense and means acting in a way that no reasonable school or authority would act in the same circumstances.

16.6 Ofsted will also consider complaints about schools.

17. RECORD OF COMPLAINTS

17.1 A written record will be kept of all formal complaints, and of whether they were resolved at Stage 2 or proceeded to a Complaints Panel Hearing, including the action taken by the Academy Trust as a result of the complaints (regardless of whether they are upheld).

17.2 Records of complaints will be kept for one year after the student has left the Academy. (where a complaint relates to a particular student)

17.3 Correspondence, statements and records relating to individual complaints are to 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 or in other circumstances where the Academy Trust is required by law to disclose such information.

18. MONITORING ARRANGEMENTS

18.1 The Academy Trust will monitor the effectiveness of the complaints procedure in ensuring that the complaints are handled properly.

19. BARRING FROM ACADEMY TRUST PREMISES

19.1 Although fulfilling a public function, the Academies are private places. The public has no automatic right of entry. The Academy Trust will, therefore, act to ensure they remain a safe place for students, staff and other members of their community.

19.2 If the behaviour of a parent, guardian or carer is a cause for concern, the Academy staff will ask them to leave the premises. In serious cases, the Head can notify them in writing that any implied license to be on the Academy premises has been temporarily revoked subject to any representations that

the parent, guardian or carer may wish to make.

19.3 The Academy will always allow the parent, guardian or carer to formally express their views on the decision to bar in writing. The decision to bar should then be reviewed, taking into account any representations made by the parent and either confirmed or lifted. If the decision is confirmed the parent, guardian or carer should be notified in writing, explaining how long the bar will be in place.

19.4 Anyone wishing to complain about being barred can do so, by letter or email, to the Chair of the Governing Body.

19.5 Complaints about barring cannot be escalated to the Department for Education.

19.6 Once the Academy's own complaints procedure has been completed the parent may write to the Company Secretary of the Academy Trust, and then the remaining avenue of appeal is through the courts; independent legal advice must, therefore, be sought.

20. COMPLAINTS FROM MPs

20.1 Written complaints from MPs will be addressed by the Head of the relevant Academy.

20.2 The Head will acknowledge receipt of the complaint within 3 school days.

20.3 Following investigation the Head will respond in writing within 10 school days.

APPENDIX ONE

Complaint Form

Please complete and return to the Head who will acknowledge receipt and explain what action will be taken.

Your Name	
Name of Student	
Academy Name	
Your Relationship to the Student	
Contact Address	
Contact Postcode	
Contact Telephone - Day	
Contact Telephone - Evening	
Contact Email	
Details of the complaint	
What action, if any, have you already taken to try and resolve your complaint (who did you speak to and what was the response)?	

What is the reason you remain dissatisfied with the outcome?
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 received	
Complaint reference No.	
Date acknowledgement sent	
By whom	
Complaint referred to	
Date	
Date reported to the Company Secretary	
By whom	

APPENDIX TWO

Roles and Responsibilities

The Complainant

The complainant will receive a more effective response to the complaint if he/she:

- co-operates with the Academy in seeking a solution to the complaint;
- expresses the complaint in full as early as possible;
- responds promptly to requests for information or meetings or in agreeing on the details of the complaint;
- asks for assistance as needed;
- treats all those involved in the complaint with respect.

The Complaints Co-ordinator (or Head)

The complaints coordinator will:

- ensure that the complainant is fully updated at each stage of the procedure;
- ensure that all people involved in the complaint procedure will be aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000;
- liaise with staff members, Head, Chair of Governors, Clerk and Company Secretary to ensure the smooth running of the complaint procedure;
- keep records;
- be aware of issues regarding:
    - sharing third party information;
    - additional support - this may be needed by complainants when making a complaint including interpretation support.

The Investigator

The Investigator is the person involved in Stages 1 and 2 of the procedure. The Investigator's role can include:

- 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;
    - consideration of records and other relevant information;
    - interviewing staff and children/young people and other people relevant to the complaint;
    - analysing information;
- effectively liaising with the complainant and the complaints coordinator as appropriate to clarify what the complainant feels would put things right;
- identifying solutions and recommending courses of action to resolve problems;
- being mindful of the timescales to respond; and
- responding to the complainant in plain and clear language.

The person investigating the complaint should make sure that they:

- conduct interviews with an open mind and be prepared to persist in the questioning;
- keep notes of interviews or arrange for an independent note-taker to record minutes of the meeting.

The Panel Clerk (this could be Clerk to the Governors)

The Clerk is the contact point for the complainant for the panel meeting and is expected to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- circulate the minutes of the panel hearing;
- notify all parties of the panel's decision;
- liaise with the complaints coordinator.

The Panel Chair

The Panel Chair has a key role in ensuring that:

- the meeting is minuted;
- the remit of the panel is explained to the complainant and both they and the school have the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents/carers and others who may not be used to speaking at such a hearing are put at ease – this is particularly important if the complainant is a child/young person;
- the hearing is conducted in an informal manner with everyone treated with respect and courtesy;
- the layout of the room will set the tone – care is needed to ensure the setting is informal and not adversarial;
- the panel is open-minded and acts independently;
- no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- both the complainant and the school are given the opportunity to state their case and seek clarity;
- written material is seen by everyone in attendance – 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 hearing;
- liaise with the Clerk and complaints coordinator.

Panel Member

Panelists will need to be aware that:

- It is important that the review panel hearing is independent and impartial, and that it is seen to be so; no governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- The aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant; however, it must be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- Many complainants will feel nervous and inhibited in a formal setting; parents/carers often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible.
- Extra care needs to be taken when the complainant is a child/young person and present during all or part of the hearing. Careful consideration of the atmosphere and proceedings will ensure that the child/young person does not feel intimidated.

The panel should respect the views of the child/young person and give them equal consideration to those of adults. If the child/young person is the complainant, the panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the panel should give the parent the opportunity to say which parts of the hearing, if any, the child/young person needs to attend. The parent should be advised however that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting which the panel considers not to be in the child/young person's best interests.

- The welfare of the child/young person is paramount.

APPENDIX THREE

Glossary & Terms

SEN	Special Educational Needs
SENCO	Special Educational Needs Co-Ordinator
Senior Leadership Team	Normally comprising of the Head, the Deputy Head and Assistant Heads
Complainant	The person who raises a complaint under the procedure. This will normally be a parent, guardian or carer
Company Secretary	The Company Secretary of the Academy Trust
Regulations	Education (Independent School Standards) Regulations 2014. (part 7)
Complaint co-ordinator	A member of the Academy staff with responsibility for co-ordinating complaints