

THE HOWARD PARTNERSHIP TRUST (THPT)

Complaints Policy and Procedure

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Purpose

The Howard Partnership Trust (THPT) and its schools endeavour to provide the best education possible for all pupils and young people in an open and transparent environment. We welcome any feedback that we receive from parents, pupils and third parties, and we accept that not all of this will be positive. Where concerns are raised, the Trust and all of its schools intend for these to be dealt with:

- Fairly
- Openly
- Promptly
- Without Prejudice

Aims of the policy:

- To enable concerns to be expressed and resolved as easily and fairly as possible
- To try to resolve any issues before the need to escalate to a formal level
- To treat a complaint as a clear expression of dissatisfaction with our service which calls for a response
- To provide a framework to deal with concerns and complaints in appropriate timelines, constructively and professionally taking a positive, solution focussed approach
- To enable us to learn from concerns and complaints and to use them to improve our service

Access to information

In accordance with equality law, we will consider making reasonable adjustments if required, to enable anyone who wishes to access this information and complete the procedures. For example, providing information in alternative formats including a short guide which is also available, assisting complainants in raising a formal complaint or holding meetings in accessible locations. For ease of use, template complaint forms are included at the end of this policy in Appendix C. The completion of these forms is not a requirement of the complaint process, but if you would like to use one and require help, please contact the Trust or relevant school office. You can also ask third party organisations like Citizens Advice to support you in raising a complaint.

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1. Policy Overview

1.1 Scope of this policy

This policy covers all complaints about any provision of community facilities or services by THPT and its schools. Some complaints are dealt with under other statutory procedures, including those listed below:

Exceptions	Who to contact
Admissions to schools	Concerns about Admissions should be handled through a separate process – either through the appeals process or via the Local Authority.
Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under the Trust's Child Protection & Safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the Local Authority Designated Officer (LADO) who has local responsibility for safeguarding or the Surrey Children's Single Point of Access (C-SPA) on 0300 470 9100.
Exclusion of children from school*	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions <i>*complaints about the application of the THPT Schools Respectful Relationships & Behaviour Policy can be made through this complaints procedure.</i>
Whistleblowing	The Trust has an Internal Whistleblowing procedure for all our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus . Volunteer staff who have concerns about our school should complain through this procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.
Staff grievances	Complaints from staff will be dealt with under the Trust's internal Grievance Procedures.
Staff conduct	Complaints about staff will be dealt with under the Trust's internal Disciplinary Procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.
Complaints about services provided by other providers who may use school premises or facilities	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations. If this happens, we will inform you of a proposed new timescale.

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

1.2 Who can make a complaint?

The complaints procedure is not limited to parents or carers of children that are registered at a particular school. Any person, including members of the public, may make a complaint to a school or the Trust about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (see table on page 3), we will use this complaints procedure.

1.3 Anonymous complaints

We will not normally investigate anonymous complaints. However, the school Principal, Trust Executive Leaders or a Trustee, if appropriate, will determine whether the complaint warrants an investigation.

1.4 Confidentiality

Wherever a complaint indicates that a child's wellbeing or safety is at risk, THPT is under a duty to report this immediately to the Local Authority. Any action taken will be in accordance with the Trust's Child Protection and Safeguarding policy which is on each school's website or available by contacting the relevant school.

In order for complaints to be resolved as quickly and fairly as possible, THPT schools request that the complainants do not discuss complaints publicly via social media such as Facebook or Twitter. Complaints will be dealt with confidentially for those involved and we expect complainants to observe confidentiality also, as this can undermine the process.

1.5 Concerns or complaints about a THPT School

THPT takes concerns seriously and will make every effort to resolve matters as quickly as possible. It is in everyone's interest that concerns are resolved at the earliest possible stage. The majority of concerns can be dealt with informally without resorting to the formal complaints procedure.

A concern or complaint can be made in writing, by email, by telephone, or in person.

Where there is a concern about any aspect of a school, child's education or wellbeing, you are encouraged to raise this with the relevant member of staff, your child's Class Teacher, or Year Leader in the first instance. They may be able to address your concerns straight away, or arrange a meeting with you to discuss the issue.

If it is not possible to resolve the issue informally, then complainants may wish to raise a formal complaint using the procedure detailed on page 4 onwards of this policy.

1.6 Concerns and complaints about the Academy Trust

We recognise there may also be occasions where concerns and complaints are raised about The Howard Partnership Trust from pupils, parents, members of the public and third parties. This may be in respect of Partnership Services, Executive Leaders or those involved in governance. Further information on the procedure for responding to such concerns and complaints is detailed on page 11 of this policy.

1.7 Timescales

A complaint must 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. For complaints made outside of this time frame, we will consider them only if exceptional circumstances apply.

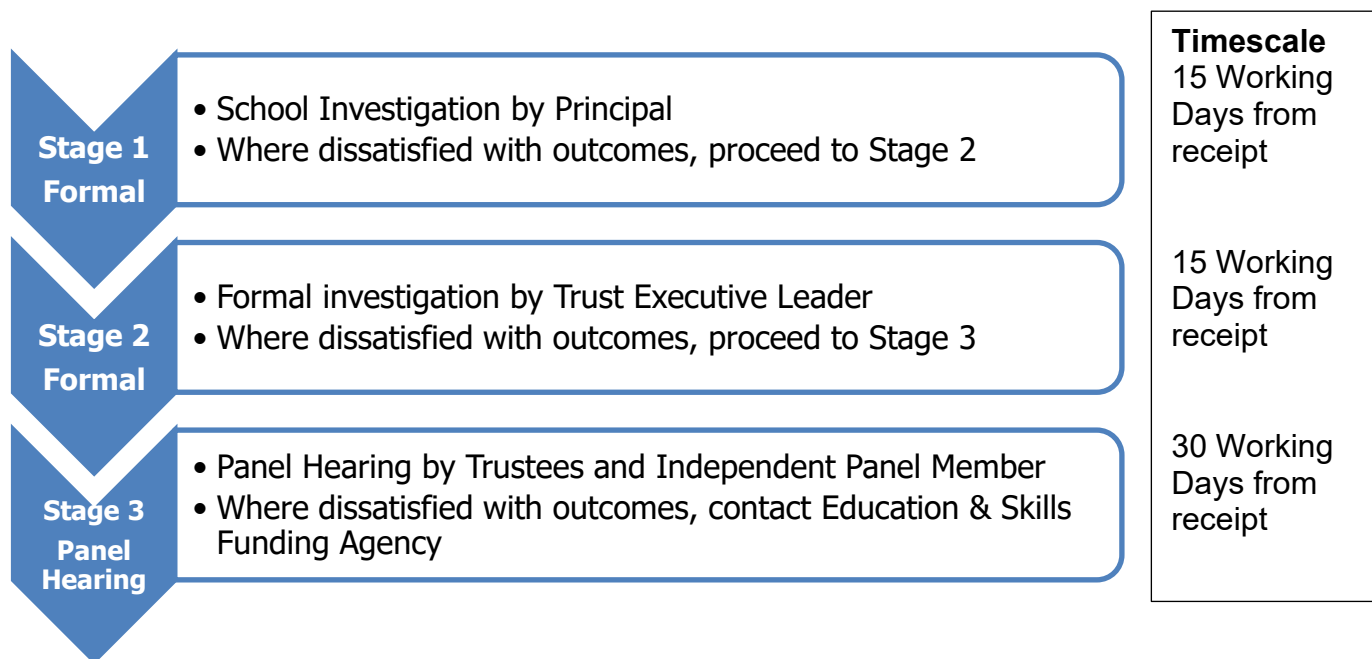
We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

2. Resolving Concerns and Complaints about a THPT School

2.1 Overview

We strongly encourage those with concerns to contact the school to try to resolve the issue directly and informally first; this is usually the quickest way to try and find a positive outcome.

Where it has not been possible to resolve issues through informal discussion, the Trust and its schools operate a 3 stage formal complaints procedure, outlined in the summary below.



All timescales refer to school working days i.e. excluding weekends, school holidays etc.

THPT schools will endeavour to abide by timeframes stated under each stage but acknowledge that, in some circumstances, this is not always possible due to the complexity of information needed to review a complaint or difficulties regarding an individual's availability to deal with the complaint. 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.

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

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

Withdrawal of a complaint

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

2.2 Stages of the Complaints Procedure

Please contact the relevant member of staff, your child's Class Teacher, or Year Leader in the first instance, to try and resolve the issue informally. An acknowledgement of your concern should be received within 3 days, and an initial response should be received within 5 days, of the initial communication. If you are not satisfied with this response, the issue can be progressed to **Stage 1** of the procedure, and will be recorded as a formal complaint.

Where the complaint regards the Principal, the process should start at **Stage 2**.

2.2.1 Stage 1 – School Investigation by the Principal

Where, as a result of raising a concern, the complainant still feels that the issue has not been resolved by the school, or where the outcome has been that the complaint needs further investigation, they may progress by making a formal complaint to the Principal by completing the Stage 1 form, (see Appendix C). If a complainant is concerned about completing the form, then support will be offered.

In the event that the Principal has been involved in the initial informal discussions, a Principal from another THPT school may be assigned to investigate the complaint

At **Stage 1**, these steps will be followed:

1. Complainant contacts the Principal

The complainant must explain in writing, using the Stage 1 form, if possible, with support if required (See Appendix C), to clarify:

- The nature of the complaint
- Who has been involved so far
- Why the complaint remains unresolved
- What action they would like to be taken to put things right

2. The Principal will acknowledge receipt of the written complaint within 3 working days

3. The Principal will explain within 5 working days of receipt of the written complaint what action they intend to take.

4. The Principal may appoint an Investigating Officer.

5. In most cases the Principal or Investigating Officer should offer to have a meeting with the complainant at the outset of the process to understand the issues.

6. A log of all correspondence in relation to the complaint will be kept in accordance with the Data Protection Act 2018 and GDPR regulations.

7. The Principal will consider all relevant evidence; this may include but is not limited to:

- The Stage 1 formal complaint form and supporting details
- Evidence and outcomes from investigation
- Where relevant a meeting with/statement from an individual who is the subject of the complaint
- Any previous correspondence regarding the complaint
- Any supporting documents from all parties
- Interview with anyone related to the complaint

Please note that some information such as EHCPs or behaviour logs may be deemed confidential and cannot be shared during the review process. If this includes information pertaining to other pupils, their names will be redacted.

8. The Principal can decide to:

- Uphold the complaint and direct that certain action be taken to resolve it
- Not uphold the complaint and provide the complainant with details of the Stage 2 review process
- Uphold the complaint in part: in other words, the Principal 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.

9. The Principal will provide written confirmation of the outcome of their investigation and recommendations within 15 days of receipt of the written complaint. If any or part of the complaint is upheld, then the complainant should be offered an apology in writing from the school for any upset and distress that has been caused. In detailing recommendations, it should be made clear who is responsible to completing the recommendations and who will monitor that they are completed. Where the complaint is about a member of staff, an informal mediation meeting may be offered to see if a resolution can be reached.

10. In addition to making the response in writing, the Principal may offer to meet the complainant to discuss/resolve the matter directly

11. Finally, the Principal will provide details of how the complainant can progress to Stage 2 of the complaints procedure, should they not be satisfied with the outcomes, giving the contact details of the THPT Governance Manager (Appendix A) and explaining that this must be within 10 days of receipt of the Principal's written response

12. The Principal will make and retain records of the concerns, investigation and the outcomes.

Retention of Information by the Principal

The Principal should ensure that a copy of all relevant information relating to the complaint is kept at the school in a secure, confidential file, separate from staff and pupil records. This information should be retained for six years from the date of the complaint, in line with guidance from the Information and Records Management Society (www.irms.org.uk) and in accordance with the principles of the Data Protection Act 2018 and GDPR regulations. The complainant should be informed that this will be done.

2.2.2 Stage 2 – Investigation by Trust Executive Leader

Where the complainant does not feel the issue has been resolved at Stage 1 of the formal procedure, the complaint will progress to **Stage 2**. If a complaint is made in regard to the Principal and it has not been possible to resolve it informally, the procedure will begin at **Stage 2**.

At **Stage 2**, these steps will be followed:

1. Complainant contacts the THPT Governance Manager (See Appendix A), using the Stage 2 form, if possible (See Appendix C), with support if required, to clarify:
 - Why they believe the complaint remains unresolved (if progressing from Stage 1)
or
 - The nature of the complaint (if this relates to the Principal)
 - What action they would like to be taken to put things right

2. The Governance Manager will acknowledge receipt within 3 days of having received the written complaint and advise the complainant of the name of the Trust Executive Leader who will handle the complaint
3. The Trust Executive Leader should offer to have a meeting with the complainant at the outset of the process
4. The Trust Executive Leader will consider all relevant evidence; this may include but is not limited to:
 - Evidence and outcome from Stage 1 investigation (if appropriate)
 - A statement from the complainant
 - Where relevant a meeting with/statement from an individual who is the subject of the complaint
 - Any previous correspondence regarding the complaint
 - Any supporting documents from all parties
 - Interview with anyone related to the complaint
 - Relevant policies.

Please note that some information, such as EHCPs or behaviour logs may be deemed confidential and cannot be shared during the review process. If this includes information pertaining to other pupils, their names will be redacted.

5. After considering the available evidence, the Trust Executive Leader can:
 - Uphold the complaint and direct that certain action be taken to resolve it
 - Not uphold the complaint and provide the complainant with details of the Stage 3 appeal process
 - Uphold the complaint in part: in other words, the Trust Executive Leader 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.
6. The Trust Executive Leader informs the complainant of their decision in writing within 15 days of receipt of the complaint. They should explain clearly why they have come to the decision that they made. They should detail any agreed actions as a result of the complaint. If any or part of the complaint is upheld, then the complainant should be offered an apology in writing from the school for any upset and distress that has been caused. In detailing recommendations, it should be made clear who is responsible to completing the recommendations and who will monitor that they are completed. Finally, they should 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 THPT Governance Manager (Appendix A).

In addition to making the response in writing, the Trust Executive Leader may also wish to meet the complainant to discuss/resolve the matter directly. Should the complaint not be resolved, mediation can be arranged through the Area Schools Support Service; this will be impartial and objective and may be helpful. If a complainant is dissatisfied with the outcome, they may progress to Stage 3 Complaint Panel Hearing within 10 days of receiving the Executive Leader's written response.

Retention of Information by the Trust Executive Leader

The Trust Executive Leader should ensure that a copy of all relevant information relating to the complaint is kept at the school in a secure, confidential file, separate from staff and pupil records. This information should be retained for six years from the date of the complaint, in line with guidance from the Information and Records Management Society (www.irms.org.uk) and in accordance with the principles of the Data Protection Act 2018 and GDPR regulations. The complainant should be informed that this will be done.

2.2.3 Stage 3 – Complaint Panel Hearing

If the complainant wishes to appeal the review by the Trust Executive Leader at Stage 2 of the procedure, or they are not satisfied with the action that the Trust Executive Leader took in relation to the complaint, the complainant is able to appeal this decision by requesting a complaint panel hearing is convened. This is the final stage at which the Trust will consider the complaint.

The THPT Governance Manager will fulfil the role of organising the time and date of the panel hearing, inviting attendees, collating all of the relevant documentation, distributing this 5 days in advance of the meeting, recording the proceedings in the form of minutes, and circulating these and the outcome of the meeting. The minutes are a summary of the discussion at the hearing and the decision of the panel following the hearing, but will not include the deliberations of the panel. The minutes are the property of the Trust Board.

At **Stage 3**, these steps will be followed:

1. The complainant may submit a Stage 3 Complaint Form (See Appendix C) or write to the THPT Governance Manager to briefly outline the content of the complaint. Please see Appendix A for contact details
2. The THPT Governance Manager will acknowledge receipt of the Stage 3 Panel Hearing request within 3 days
3. The THPT Governance Manager will respond in writing within 5 days of the date of receipt of the Stage 3 Panel Hearing request to detail what action will be taken, giving clear timeframes.
4. The THPT Governance Manager will convene a panel comprising a Lead Trustee, one further Trustee, and one Independent Member, appointed from outside of the Trust. Employees are not permitted to be panel members. All three panel members will have no prior knowledge of the content of the complaint.
5. The panel hearing will take place within 30 days of receipt of the request for the Stage 3 appeal. If the first identified date is not convenient for the complainant, up to two further dates should be offered. If these all fail to be suitable then the meeting may be conducted in private by the Complaint Hearing Panel.
6. In addition to the panel, the following parties will be invited, where applicable:
 - The complainant
 - The Principal who reviewed the complaint at Stage 1
 - the Trust Executive Leader who reviewed the complaint at Stage 2
 - Relevant witnesses

The complainant can bring a companion with them to the hearing for support if they wish. They should advise the THPT Governance Manager of the name of this supportive companion prior to the hearing. The supportive companion is not there as a witness, so does not address the panel except with the prior agreement of the Chair.

Neither party is able to bring legal representation with them, unless in exceptional circumstances agreed by the panel as conducive to proceedings. Representatives from the media are not permitted to attend.

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

present at a complaints hearing. 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 meeting, if any, the child/young person needs to attend. However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the panel considers is not in the child/young person's best interests. The welfare of the child/young person is paramount.

7. 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 school's systems or procedures to ensure that problems of a similar nature do not recur.

8. All parties who attended the meeting will be informed in writing of the outcome of the appeal within 10 days. If applicable, this will be copied to the person subject to the complaint.

9. The Complaint Hearing Panel will inform the THPT Trust Board of the outcomes.

This is the final stage at which the Trust will consider the complaint. If the complainant remains dissatisfied and wishes to take the complaint further, they may contact the ESFA, see contact details on page 17 of the policy.

Retention of Information at Stage 3

The Chair of the panel and THPT Governance Manager should ensure that a copy of all relevant information relating to the Stage 3 complaint and panel hearing is kept at the relevant school in a secure, confidential file, separate from staff and pupil records. This information should be retained for six years from the date of the complaint, in line with guidance from the Information and Records Management Society (www.irms.org.uk) and in accordance with the principles of the Data Protection Act 2018 and GDPR regulations. The complainant should be informed that this will be done.

Please note that the Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008 may request access to complaints documentation.

3. Resolving Concerns and Complaints about the Academy Trust

3.1 Overview

Complaints about operational aspects of the Academy Trust and/or non-school based THPT staff, including Executive Leaders, will be managed using a similar process as laid out in the procedures for THPT schools.

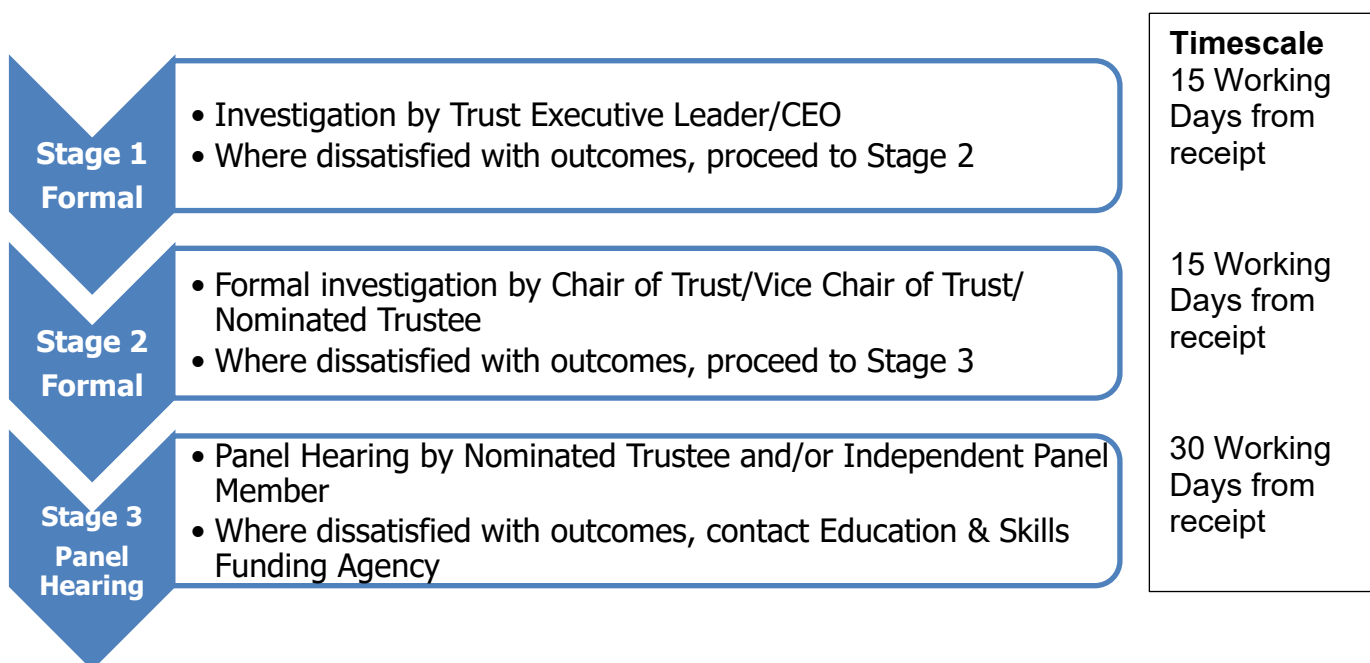
Complaints of this type should be addressed to the THPT Governance Manager, (details on page 13).

Withdrawal of a complaint

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

3.2 Stages of the Complaints Procedure

Where it has not been possible to resolve issues through informal discussion, a 3-stage formal complaints procedure will be implemented, as outlined in the summary below.



All timescales refer to school working days i.e. excluding weekends, school holidays etc.

Where a complaint concerns the CEO or a Trustee, the complainant should contact the THPT Governance Manager. Informal resolution will be sought, but where this fails, the complaints procedure at Stage 2 will take immediate effect with the Chair of the Board of Trustees or another nominated Trustee undertaking the investigation. Where a complaint concerns the Chair of Trustees, the investigation will be carried out by the Vice Chair of Trustees or another nominated Trustee.

In exceptional circumstances the Trust Board may appoint an independent investigator to look into the concerns.

3.2.1 Stage 1 – Investigation by Trust Executive Leader or CEO

At **Stage 1**, these steps will be followed:

1. Complainant contacts the THPT Governance Manager (See details Appendix A)

The complainant must explain in writing, using the Stage 1 form, if possible, with support if required (see Appendix C), to clarify:

- The nature of the complaint
- Who has been involved so far
- Why the complaint remains unresolved
- What action they would like to be taken to put things right

2. The THPT Governance Manager will acknowledge receipt of the complaint within 3 days of having received the written complaint and advise the name of the Trust Executive Leader or CEO who will be handling it

3. Trust Executive Leader or CEO will write to the complainant within 5 days of having received the written complaint and explain what action they intend to take

4. The Trust Executive Leader or CEO may appoint an Investigating Officer.

5. In most cases the Trust Executive Leader or CEO or Investigating Officer should offer to have a meeting with the complainant at the outset of the process to understand the issues.

6. A log of all correspondence in relation to the complaint will be kept in accordance with the Data Protection Act 2018 and GDPR regulations.

7. The Trust Executive Leader or CEO will consider all relevant evidence; this may include but is not limited to:

- The Stage 1 formal complaint form and supporting details
- Evidence and outcomes from investigation
- Where relevant a meeting with/statement from an individual who is the subject of the complaint
- Any previous correspondence regarding the complaint
- Any supporting documents from all parties
- Interview with anyone related to the complaint

Please note that some information may be deemed confidential and cannot be shared during the review process. If this includes information pertaining to THPT members of staff or pupils, their names will be redacted.

8. The Trust Executive Leader or CEO can decide to:

- Uphold the complaint and direct that certain action be taken to resolve it
- Not uphold the complaint and provide the complainant with details of the Stage 2 review process
- Uphold the complaint in part: in other words, the Trust Executive Leader or CEO 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.

9. The Trust Executive Leader or CEO will provide written confirmation of the outcome of their investigation and recommendations within 15 days of receipt of the written complaint. If any or part of the complaint is upheld, then the complainant should be offered an apology in writing from the Trust for any upset and distress that has been caused. In detailing recommendations, it should be made clear who is responsible to completing the recommendations and who will monitor that they are completed. Where the complaint is about a member of staff, an informal mediation meeting may be offered to see if a resolution can be reached.

10. In addition to making the response in writing, the Trust Executive Leader or CEO may offer to meet the complainant to discuss/resolve the matter directly
11. Finally, the Trust Executive Leader or CEO will provide details of how the complainant can progress to Stage 2 of the complaints procedure, should they not be satisfied with the outcomes, giving the contact details of the THPT Governance Manager (Appendix A) and explaining that this must be within 10 days of receipt of the Trust Executive Leader or CEO's written response
12. The Trust Executive Leader or CEO will make and retain records of the concerns, investigation and the outcomes.

Retention of Information

The THPT Governance Manager should ensure that a copy of all relevant information relating to complaints about the Trust are kept in a secure, confidential file. This information should be retained for six years from the date of the complaint, in line with guidance from the Information and Records Management Society (www.irms.org.uk) and in accordance with the principles of the Data Protection Act 2018 and GDPR regulations. The complainant should be informed that this will be done.

Please note that the Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008 may request access to complaints documentation.

3.2.2 Stage 2 – Investigation by Chair/Vice-Chair of Trust or Nominated Trustee

Where the complainant does not feel the issue has been resolved at Stage 1 of the formal procedure, the complaint will progress to **Stage 2**. If a complaint is made in regard to the CEO or Chair of Trust and it has not been possible to resolve it informally, the procedure will begin at **Stage 2**.

At **Stage 2**, these steps will be followed:

1. Complainant contacts the THPT Governance Manager (See Appendix A), using the Stage 2 form, if possible (See Appendix C), with support if required, to clarify:
 - Why they believe the complaint remains unresolved (if progressing from Stage 1)
or
 - The nature of the complaint (if this relates to the CEO or Chair of Trust)
 - What action they would like to be taken to put things right
2. The Governance Manager will acknowledge receipt within 3 days of having received the written complaint and advise the complainant of the name of the person who will handle the complaint. This may be the Chair of Trust, Vice-Chair of Trust, or other nominated Trustee
3. The designated complaint handler should offer to have a meeting with the complainant at the outset of the process
4. The designated complaint handler will consider all relevant evidence; this may include but is not limited to:
 - Evidence and outcome from Stage 1 investigation (if appropriate)
 - A statement from the complainant
 - Where relevant a meeting with/statement from an individual who is the subject of the complaint
 - Any previous correspondence regarding the complaint
 - Any supporting documents from all parties

- Interview with anyone related to the complaint
- Relevant policies.

Please note that some information may be deemed confidential and cannot be shared during the review process. If this includes information pertaining to THPT members of staff or pupils, their names will be redacted.

5. After considering the available evidence, the designated complaint handler can:

- Uphold the complaint and direct that certain action be taken to resolve it
- Not uphold the complaint and provide the complainant with details of the Stage 3 appeal process
- Uphold the complaint in part: in other words, the designated complaint handler 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.

6. The designated complaint handler informs the complainant of their decision in writing within 15 days of receipt of the complaint. They should explain clearly why they have come to the decision that they made. They should detail any agreed actions as a result of the complaint. If any or part of the complaint is upheld, then the complainant should be offered an apology in writing from the Trust for any upset and distress that has been caused. In detailing recommendations, it should be made clear who is responsible to completing the recommendations and who will monitor that they are completed. Finally, they should 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 THPT Governance Manager (Appendix A).

In addition to making the response in writing, the designated complaint handler may also wish to meet the complainant to discuss/resolve the matter directly. If a complainant is dissatisfied with the outcome, they may progress to Stage 3 Independent Panel Hearing within 10 days of receiving the designated complaint handler written response.

Retention of Information

The THPT Governance Manager should ensure that a copy of all relevant information relating to complaints about the Trust are kept in a secure, confidential file. This information should be retained for six years from the date of the complaint, in line with guidance from the Information and Records Management Society (www.irms.org.uk) and in accordance with the principles of the Data Protection Act 2018 and GDPR regulations. The complainant should be informed that this will be done.

Please note that the Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008 may request access to complaints documentation.

3.2.3 Stage 3 – Independent Panel Hearing

If the complainant wishes to appeal the review by the designated complaints handler at Stage 2 of the procedure, or they are not satisfied with the action that the designated complaints handler took in relation to the complaint, the complainant is able to appeal this decision by requesting an Independent Panel Hearing is convened. This is the final stage at which the Trust will consider the complaint.

The THPT Governance Manager will fulfil the role of organising the time and date of the panel hearing, inviting attendees, collating all of the relevant documentation, distributing this 5 days in advance of the meeting, recording the proceedings in the form of minutes, and circulating these and the outcome of the meeting. The minutes are a summary of the discussion at the hearing and the decision of the panel following the hearing, but will not include the deliberations of the panel. The minutes are the property of the Trust Board.

At **Stage 3**, these steps will be followed:

1. The complainant may submit a Stage 3 Complaint Form (See Appendix C) or write to the THPT Governance Manager (See Appendix A) to briefly outline the content of the complaint.
2. The THPT Governance Manager will respond in writing within 3 days of the date of receipt of the Stage 3 Panel Hearing request to acknowledge receipt
3. The THPT Governance Manager will write to the complainant within 5 days of the date of receipt of the Stage 3 Panel Hearing request to detail what action will be taken, giving clear timeframes.
4. The THPT Governance Manager will convene a panel comprising 1 Trustee and two Independent Member, appointed from outside of the Trust. Employees are not permitted to be panel members. All three panel members will have no prior knowledge of the content of the complaint.
5. The panel hearing will take place within 30 days of receipt of the request for the Stage 3 appeal. If the first identified date is not convenient for the complainant, up to two further dates should be offered. If these all fail to be suitable then the meeting may be conducted in private by the Complaint Hearing Panel.
6. In addition to the panel, the following parties will be invited, where applicable:
 - The complainant
 - The CEO/Trust Executive Leader who reviewed the complaint at Stage 1
 - the Chair of Trust/Vice-Chair of Trust or other designated complaint handler who reviewed the complaint at Stage 2
 - Relevant witnesses

The complainant can bring a companion with them to the hearing for support if they wish. They should advise the THPT Governance Manager of the name of this supportive companion prior to the hearing. The supportive companion is not there as a witness, so does not address the panel except with the prior agreement of the Chair.

Neither party is able to bring legal representation with them, unless in exceptional circumstances agreed by the panel as conducive to proceedings. Representatives from the media are not permitted to attend.

If the attendance of any pupils is required at the hearing, parental permission will be sought if the pupil is under the age of 18. Extra care will be taken to consider the vulnerability of children where they are present at a complaints hearing. 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 meeting, if any, the child/young person needs to attend. However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the panel considers is not in the child/young person's best interests. The welfare of the child/young person is paramount.

7. 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 Trust's systems or procedures to ensure that problems of a similar nature do not recur.
8. All parties who attended the meeting will be informed in writing of the outcome of the Complaint Panel Hearing within 10 days. If applicable, this will be copied to the person subject to the complaint.
 9. The Chair of the Complaint Hearing Panel will inform the THPT Trust Board of the outcomes.

This is the final stage at which the Trust will consider the complaint. If the complainant remains dissatisfied and wishes to take the complaint further, they may contact the ESFA, see contact details on page 17 of the policy.

Retention of Information

The THPT Governance Manager should ensure that a copy of all relevant information relating to complaints about the Trust are kept in a secure, confidential file. This information should be retained for six years from the date of the complaint, in line with guidance from the Information and Records Management Society (www.irms.org.uk) and in accordance with the principles of the Data Protection Act 2018 and GDPR regulations. The complainant should be informed that this will be done.

Please note that the Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008 may request access to complaints documentation

4. Contact details for external organisations if not satisfied with the outcomes of the complaints procedure.

There is no right of appeal with respect to complaints. However, if a complainant has been through all the stages of the Trust's complaints procedure but remains dissatisfied, they can ask the Education and Skills Funding Agency (ESFA) to review the handling of the complaint.

Access to the Education and Skills Funding Agency's procedure can be via any of the following:

- the Complaints about Academies page on the Department for Education website at <https://www.gov.uk/complain-about-school/state-schools>
- written contact to ESFA Complaints, Chief Executive's Office, Cheylsemore House, Quinton Road, Coventry CV1 2WT.
- Telephone contact to the Department for Education's Public Communications Unit on 0370 000 2288.

Relevant legislation and guidance

The Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/contents>

The Data Protection Act 2018 <https://www.legislation.gov.uk/ukpga/2018/12/contents>

The Education (Independent School Standards) Regulations 2014
<http://www.legislation.gov.uk/uksi/2014/3283/contents/made>

Education Act 2002 <http://www.legislation.gov.uk/ukpga/2002/32/contents>

The Department for Education <https://www.gov.uk/government/publications/setting-up-an-academies-complaints-procedure>

5. Further information

5.1 Recording and reporting of complaints

A written record of all formal complaints and subsequent actions which the school/Trust should take must be maintained by the THPT Governance Manager for recording and reporting purposes. THPT Standards & Performance Committee will receive an annual impact report providing an overview of the number and stage of complaints and any outcomes from complaints that should lead to changes in policy or practice across the Trust.

5.2 Audio or video evidence and recordings

Complainants should make sure they obtain informed consent from all parties present before recording conversations or meetings. In line with DfE guidance, we do not normally accept electronic recordings as evidence when we are asked to consider a complaint. Unless exceptional circumstances apply, we will not accept, as evidence, recordings of conversations that were obtained covertly and without informed consent of all parties being recorded.

5.3 Unreasonable complaints and serial and persistent complainants

THPT is committed to managing all complaints fairly and impartially, and to providing a high-quality service to those who complain. The Trust will not normally limit the contact complainants have with any school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

THPT defines serial and unreasonable complainants as *'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints.'*

A complaint may be regarded as unreasonable when the person making the complaint:

- Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- Refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved
- Refuses to accept that certain issues are not within the scope of a complaints procedure
- Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice
- Introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- Makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- Changes the basis of the complaint as the investigation proceeds
- Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- Refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the ESFA
- Seeks an unrealistic outcome
- Makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

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

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

Under no circumstances should 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.

Complainants should limit the number of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the Principal or Trust Executive Leader will discuss any concerns with the complainant informally before applying an 'unreasonable' judgement.

If the behaviour continues the Principal or Trust Executive Leader will write to the complainant explaining that his/her behaviour is unreasonable and asking him/her to change it. For complainants who excessively contact THPT schools causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after six months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from a THPT school.

5.4 Complaint Campaigns

In the rare event that the Trust or one of its schools receives a large volume of complaints all based on the same subject, from complainants unconnected with the school, we will either send a template response to all complainants or publish a single response on the Trust or school's website.

5.5 Barring from the School Premises

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Executive Leaders and Trustees have a responsibility to protect the wellbeing of pupils and staff and will therefore act to ensure that schools remain a safe place.

If a parent's behaviour is a cause for concern, a school leader can ask them to leave the school premises. In serious cases, the Principal or the CEO can notify them in writing that their implied permission to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. Schools should always give the parent the opportunity 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 should be notified in writing, explaining how long the bar will be in place. Anyone wishing to complain about being barred can do so, by letter or email, to the Principal, CEO or Chair of Trustees. However, complaints about barring cannot be escalated to the Department of Education. Once the Trust's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

Appendix A

Contact details for THPT Governance Manager

Email: sam.pinder@thpt.org.uk

Office address: THPT Governance Manager
The Howard Partnership Trust
Lower Road
Effingham
Surrey
KT24 5JR

Contact details for Area Schools Offices

West Surrey Area Schools Officers

Kate Charles – 07792 587096

kate.charles@surreycc.gov.uk

Cara Harding – 07968 834131

cara.harding@surreycc.gov.uk

East Surrey Area Schools Officers

Ann Panton – 07976 924186

ann.panton@surreycc.gov.uk

Adelina Mason - 07814 804432

adelina.mason@surreycc.gov.uk

Countywide School Support Officer

Natalie Cull – 07814 811489

natalie.cull@surreycc.gov.uk

Appendix B

Roles and responsibilities

It is expected that all those involved in a complaint are treated respectfully.

The Complainant

The complainant or person who makes the complaint will receive a more effective response to the complaint if they:

- Co-operate with the school in seeking a solution to the complaint
- Express the complaint in full as early as possible
- Respond promptly to requests for information or meetings or in agreeing the details of the complaint
- Ask for assistance as needed.

The Complaint Investigator

The investigator is the person involved in Stage 1 or Stage 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 to clarify what they feels would put things right
- Responding to the complainant in plain and clear language.

The investigator should make sure that they:

- Conduct interviews with an open mind and are prepared to persist in the questioning
- Keep notes of interviews or arrange for an independent note taker to record minutes of the meeting.

The THPT Governance Manager

The THPT Governance Manager is the contact point for the complainant for a Stage 3 Complaint Panel Hearing at a THPT school, and for all complaints about the Trust, and is expected to:-

- At **Stage 3** set the date, time and venue of the hearing, ensuring that the venue and proceedings are accessible and if the date set for the hearing is convenient for the complainant
- 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
- Minute the proceedings
- Circulate the minutes of the panel hearing to the complainant, the panel, the Principal who undertook the review at Stage 1 and the Trust Executive Leader who undertook the review at Stage 2
- Notify all parties of the panel's decision.
- Administration in respect of **complaints about the Trust**
- Maintaining records of all complaints received about the Trust and its schools, for reporting to the THPT Standards & Performance Committee

The Stage 3 Complaint Panel Hearing Chair

The Complaint Panel Hearing Chair has a key role in ensuring that:-

- The meeting is minuted
- The procedure for the hearing is explained

- The role of the THPT Governance Manager is explained (including that they take no part in the decision-making but are there to record proceedings and provide procedural advice)
- 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
- The hearing is conducted in a manner whereby everyone is treated with respect and courtesy
- 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.

Area Schools Support Service

The role of the Area Schools Support Service is to provide impartial advice and guidance to school staff, Trust Leaders, Trustees and complainants at all stages of the complaints process. They are also able to provide mediation services, where required.

If you need procedural advice regarding your complaint, please contact the Area Schools Support Service using the contact details on page 20.

Appendix C

<Name of school/THPT> Formal Complaint Form (Stages 1 & 2)

Name	
Name of pupil, year group and your relationship to them (where applicable)	
Address	
Telephone (Day)	
Telephone (Mobile)	
Email Address	

Details of the complaint
Action taken so far (including staff member who has dealt with it so far) or solutions offered
The reason that this was not a satisfactory resolution for you
What action would you like to be taken to resolve the problem?

Signed:
Date:

Official use

Date received:	Signed:
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<Name of school/THPT> Formal Complaint Form (Stage 3)

Name	
Name of pupil, year group and your relationship to them (where applicable)	
Contact Address	
Contact Telephone (Day)	
Contact Telephone (Mobile)	
Contact Email Address	

Reasons for requesting a Stage 3 Complaint Review
(Reasons why you feel the procedures at the earlier stages of the complaints process were not followed)

--

Which element(s) of your complaint were not properly considered in the previous stages?

--

What outcome are you seeking from the Stage 3 Complaint Review?

--

Signed:

Date:

Official use

Date received:

Signed: