

THE EDUCATION VILLAGE ACADEMY TRUST



**COMPLAINTS POLICY &
PROCEDURE**

EVAT Version Control

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				Complaints Procedures		
V3.2	November 2023		Marie Roe	Updated to reflect guidance	BoT	7.12.2023

Monitoring and review

The complaints policy and procedure will be reviewed **annually**, taking into account any legislative changes and the latest guidance issued by the DfE or ESFA. The next scheduled review date of this policy is **December 2024**.

Responsibility for reviewing the procedure belongs to EVAT's Board of Trustees.

Information gathered through reviewing complaints procedures will be used to continuously improve and develop the process. Changes to the policy will be communicated to all relevant stakeholders.

The monitoring and reviewing of complaints will be used to help evaluate each academy's performance and the performance of the Trust as a whole.

Values and Ethos

Our values and ethos are inclusive and child centred. Our Trust is founded on the principles of inclusivity, diversity and fairness, and they are fundamental to our delivery of exceptional learning experiences.

EVAT stands for:

- **E**xcellence and high standards
 - a can-do culture and no-excuses ethos
- **V**alues driven with a deep sense of purpose
 - putting children and young people first
 - behaving ethically
- **A**mbition and aspiration for all
 - irrespective of background or barriers – being truly inclusive
- **T**eamwork
 - we do more, better and faster, together

We are a village. We collaborate, with our learners, their families and our communities, to provide exceptional education so that all the children and young people we serve achieve the best possible outcomes.

Our Ethos is to:

- Create a nurturing and friendly atmosphere and provide an environment where everyone feels valued for who they are
- Bring out the best in every child and young person and meet the full range of their individual needs
- Provide different and unique experiences, challenges and activities
- Show tolerance and respect for each other
- Prepare our children and young people for lifelong learning
- Improve the life chances of every child and young person we serve.

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1. Statement of intent

The Education Village Academy Trust aims to resolve complaints at the earliest possible stage, and where possible, informally, and is dedicated to continuing to provide the highest quality of education possible in all of its academies throughout the procedure.

This policy, in conjunction with other appropriate Trust policies and procedures, has been created to manage complaints relating to any aspects of the provision of facilities or services against:

- Any member of staff
- Any academy within the Trust
- Any Education Standards Committee (ESC) of the Trust
- Individual Trustees or the Board of Trustees
- The Trust as a whole
- Facilities and Services.

It is designed to ensure that the Trust's complaints procedure is straightforward, impartial, non-adversarial, allows a full and fair investigation, respects confidentiality and delivers an effective response and appropriate redress.

This policy outlines the procedure that the Complainant, the Trust, and academies within the Trust will follow. Once a complaint has been made, it can be resolved or withdrawn at any stage.

Point of Contact

A point of contact will be appointed to liaise with the Complainant until the issue is resolved, or until all levels of escalation have been exhausted.

2. Legal framework

This policy has due regard to all relevant legislation and statutory guidance including, but not limited to, the following:

- Education Act 2002
- Freedom of Information Act 2000
- Immigration Act 2016
- Equality Act 2010
- UK General Data Protection Regulation (UK GDPR)
- Data Protection Act 2018
- Part 7 of the Education (Independent School Standards) Regulations 2014.

This policy also has due regard to good practice guidance including, but not limited to, the following:

- ESFA (2021) 'Best practice guidance for academies complaints procedures'

- HM Government (2016) 'Code of Practice on the English language requirement for public sector workers'

3. Definitions

For the purpose of this policy, a “**complaint**” is defined as ‘an expression of dissatisfaction’ towards actions taken or a perceived lack of action. Complaints can be resolved formally or informally.

A “**concern**” is defined as ‘an expression of worry or doubt’ where reassurance or further information is required to satisfy the Complainant. For the purpose of this policy, concerns will be classed and addressed as complaints.

The definition of ‘unreasonable behaviour’ is outlined in the ‘Managing unreasonable behaviour’ section of this policy.

For the purposes of this policy, ‘duplicate complaints’ are identical complaints received from a complainant’s spouse, partner or child. These complaints will not be addressed again and the individual making the second complaint will be informed that the complaint has been dealt with on a local level. If the individual is dissatisfied with the result, they can appeal to the ESFA as outlined in the ‘The role of the ESFA’ subsection of this policy. Any new details provided by a complainant’s spouse, partner or child, however, will be investigated and managed in line with the complaints procedure.

For the purposes of this policy, having ‘independence’ from the Trust and its academies is defined as having no association with the Trust, including through being a member, trustee or employee and having no clear connection with any of the Trust’s academies, including through being an employee or a solicitor. Independent panel members will meet the Trust’s and the ESFA’s definition of independence.

Any complaint or concern will be taken seriously, whether raised formally or informally, and the appropriate procedures will be implemented.

4. Making a complaint

Any person, including a member of the public, is able to make a complaint about the provision of facilities or services that the Trust provides. All complaints made will be managed via the procedures outlined in this policy.

The Trust also works with a range of third-party suppliers using Trust premises or facilities. They will have their own complaints procedures in place and such complaints do not fall within the scope of this policy. These suppliers should be contacted directly by the Complainant.

Facilities – any complaints about Trust facilities should be directed to the Trust's Estates Manager – Mr Dean Barnett, dbarnett@educationvillage.org.uk. Telephone No: 01325 254000.

Complaints should be made in person, in writing or by telephone. It is preferred but not essential that complainants use the template provided in order to capture the complaints, history to date and desired outcome. The [Complaints Procedure Form can be found in the policy appendices](#). The written complaint, note of complaint or completed complaint form should be directed to the Trust Head of Governance and Assurance:

Trust Head of Governance and Assurance
The Education Village Academy Trust
Salters Lane South
Darlington
DL1 2AN
governance@educationvillage.org.uk

Telephone No: 01325 254000

Complaints are expected to be made as soon as possible after an incident arises to address the issue in an appropriate timescale. The Trust upholds a three-month time limit in which a complaint can be lodged regarding an incident. Complaints made outside this time limit may be considered but only in exceptional circumstances. In the case of any timescales changing, all parties involved will be informed of the changes in a timely manner. Complaints received outside of term time will be treated as being received on the first school day after the holiday period.

The Trust will not normally investigate anonymous complaints.

Complaints about Trust staff or Trustees

Complaints against Trust staff will ordinarily be handled by the immediate line manager in line with policy.

Complaints against governors or Trustees will be made in writing to the Trust Head of Governance and Assurance, who will determine the most appropriate course of action.

Complaints against the CEO will be dealt with by the Chair of Trustees, who will convene a panel hearing where applicable.

Complaints against the Trust as a whole will be dealt with by the CEO or the COO in the first instance and may be delegated to another appropriate person.

Acknowledgement of Complaints

The initial point of contact will acknowledge the complaint and outline next steps within 5 school days.

Information about a complaint will not be disclosed to a third party without consent from the Complainant. Consent will be recorded.

5. Complaints Procedure

This policy is implemented on a Trust-wide level. The Trust will ensure that the complaints procedure is:

- Easily accessible and publicised on its website
- Simple to understand and put into practice
- Impartial and fair to all parties involved
- Respectful of confidentiality duties
- Regularly under review for improvement
- Investigated in line with policy

If you require any assistance in any stage of the process, or have any additional needs, please discuss with the Trust Head of Governance and Assurance.

The procedure will consist of three stages:

1. **Informal** – which will usually come in the form of a meeting between a representative of the Trust or individual academy and the Complainant.
2. **Formal** – where the complaint has not been resolved informally and is put in writing to the Trust.
3. **Panel hearing** – where a panel is convened (which includes at least three people who were not directly involved in the matters detailed in the complaint, including one person who is independent of the management and running of the academy/Trust) to hear an appeal against the formal stage.

To prevent later challenge or disagreement over what was said in any meetings or telephone conversations during any stage of the procedure, brief notes will be maintained, and a copy of any written response will be added to the record of the complaint. Notes and paper copies of any complaints and/or responses should be kept securely with due regard for data protection of personal and sensitive data.

Stage One – Informal Complaint

An informal complaint may be made in person, by telephone or in writing. Please let the person who you are complaining to know if you have any special requirements or preferences to the forms of correspondence in future communications. Wherever possible, preferences will be followed.

Where a complaint has been made about a member of staff, the complainant can discuss the concern with the immediate line manager or a person delegated to hear the complaint on their behalf. A copy of the Complaints Policy should be made available as soon as possible for the complainant's information.

Within 10 school days of notification of the complaint, the Complainant and the relevant member of staff should discuss the issue in a respectful and informal manner to seek a mutual resolution.

During this initial stage of the complaint, the Complainant will be asked for their input as to what they believe may resolve the issue about which the complaint has been made, to avoid further escalation. A note-taker will be present to record any details and actions. The note-taker will confirm any actions in writing and circulate the notes and actions within ten school days.

If an appropriate resolution cannot be sought at this informal level, or if the Complainant is dissatisfied with the outcome following the initial discussions, they will be informed of next steps.

Stage Two – Formal Complaint

If a concern remains unresolved following Stage One, or needs further investigation, this must be registered as a formal complaint. The formal complaint must be made in writing or using the complaint form template (Appendix 1). Any information and evidence, including emails, photographs, communications, dates, etc. must be clearly noted and included with the written complaint. Any details omitted may not be considered.

Should a formal written complaint be received by another member of the Trust's staff, this should be immediately passed to the Trust Head of Governance and Assurance.

The Trust Head of Governance and Assurance will acknowledge the complaint in writing normally within 5 school days of receipt of the complaint. The acknowledgement will indicate the action that is being taken and the likely timescale for resolution. The Trust Head of Governance and Assurance will act as the 'point of contact' throughout the complaints process. The Trust Head of Governance and Assurance will also check with the complainant if they have any special requirements or preferences to the forms of correspondence in future communications. Wherever possible, preferences will be followed. The Trust Head of Governance and Assurance will advise the Investigating Officer of the complainant's communication preferences.

The Trust Head of Governance and Assurance will identify an appropriate Investigating Officer. If the complaint is against a member of the Trust's staff, the Investigating Officer will be the immediate line manager, or another person delegated to hear the complaint on their behalf. The Investigating Officer may request additional information from the complainant to fully understand and investigate the issue. Contact details may be shared with the Investigating Officer for the purpose of conducting the investigation.

Stage Two of the process will ordinarily be completed within 15 school days. Where the situation is recognised as complex, and it is deemed to be unable to be resolved within this timescale, the Investigating Officer will contact the complainant to inform them of the revised target date via a written notification.

An appointment with the Investigating Officer should be made, as soon as reasonably practical, to avoid any possible worsening of the situation.

Where the Investigating Officer has made reasonable attempts to accommodate the complainant with dates for a complaint meeting and they refuse or are unable to attend, the meeting will be convened in their absence and a conclusion will be reached in the interests of drawing the complaint to a close.

Once all facts are established, the Investigating Officer shall contact the complainant in writing with an explanation of the decision. The complainant will be advised of any escalation options (e.g. escalation to Stage Three) and will be provided with details of this process.

The complainant will also be provided with copies of minutes, subject to any necessary redactions under the Data Protection Act 2018 and the UK GDPR. Any further action the Trust plans to take to resolve the issue will be explained to the complainant in writing.

If the complainant is not satisfied with the outcome suggested, the procedure will progress to Stage Three. A request to escalate to Stage Three will be made to the Trust Head of Governance and Assurance within 10 school days of the end of Stage Two, i.e. when communication of an outcome has been provided to the complainant.

Stage Three – Panel Hearing (Appeal Stage)

If the Complainant is not satisfied with the outcome of Stage Two, the complaint may progress to Stage Three. A request to escalate to Stage Three should be made to the Trust Head of Governance and Assurance within 10 school days of receiving the Stage Two outcome letter.

As with Stage 2 of the complaints procedure, the Trust Head of Governance and Assurance will check if the complainant still has any special requirements or preferences to the forms of correspondence in future communications. Wherever possible, preferences will be followed. The Trust Head of Governance and Assurance will advise the Complaints Panel of the complainant's communication preferences.

A request for a complaint to be heard by a Complaints Panel (an appeal) must be made in writing and within 10 school days of receipt of the outcome correspondence from Stage Two. Appeals should be addressed to the Trust Head of Governance and

Assurance and the complainant should set out the grounds for their appeal including the reason(s) they remain unhappy and, the outcome which, in their opinion, will resolve their complaint.

The request will be recorded and acknowledged within 5 school days.

The Trust Head of Governance and Assurance will arrange a mutually convenient date and a time for a Panel hearing at the earliest convenience, and in any event, within 15 school days from the receipt of the Stage Three Appeal.

At least 5 school days' notice will be given to all parties attending the Panel Hearing.

The Panel will consist of at least three individuals who were not directly involved in the matters detailed in the complaint, and at least one of which should be an independent panel member. Where the complaint concerns an individual academy, the independent panel member will have no clear connection with that academy. Where possible, the independent panel member will also have no association with the Trust. Where this is not possible, however, and the complaint concerns an individual academy, in line with the ESFA's guidance, an Education Standards Committee member of a different academy within the Trust may assume this role, as they will be sufficiently separate from the academy being complained about.

During the Panel Hearing, all participants will be given the opportunity to put their case across and discuss any issues. The meeting will allow for:

- The Complainant to be present and accompanied at the hearing if they wish
- The Complainant to explain their complaint
- The Investigating Officer to explain the reasons for their original decision
- The Complainant to question the Investigating Officer, and vice versa, about the complaint
- Any evidence, including that of witnesses, or any person involved in the complaint, to be present in order to be questioned if necessary
- Members of the Panel to question both the Complainant and the Investigating Officer
- Final summary statements to be made by both parties involved

Neither the complainant nor the Trust will bring legal representation to this hearing, unless in exceptional circumstances, where this will be agreed beforehand. A member of staff who may be a witness to the complaint can bring a union representative or legal representative if desired; this will be agreed before the hearing.

The complainant will be sent a written response explaining the Panel's findings and recommendations within 15 school days. This letter will also explain whether there are any further rights of appeal and to whom they need to be addressed.

The Trust Head of Governance and Assurance will make a record of the Panel Hearing and the outcome.

Where relevant, the person complained about will receive a summary of the Panel's findings and recommendations. They will also receive a copy of the minutes, subject to any necessary redactions under the Data Protection Act 2018 and the UK GDPR.

Complaints to the ESFA

If the Complainant believes the Trust did not manage their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the ESFA after they have completed Stage Three.

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

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

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

The ESFA expects Complainants to have completed the Trust's Complaints Procedure before directing a complaint to them. The exceptions to this include when:

- Pupils are at risk of harm
- Pupils are missing education
- A Complainant is being prevented from having their complaint progressed through the Trust's complaints procedure
- The ESFA has evidence that the Trust is proposing to act or is acting unlawfully or unreasonably.

Withdrawal of a complaint

Where a complainant wishes to withdraw their complaint, the Trust will ask them to confirm this in writing. Despite the complaint having been withdrawn, the Trust and academy will still take the complainant's voice seriously and attempt to avoid causing similar distress to others in the future. The Trust or an academy will not under any circumstances ask, or pressure an individual, to withdraw a complaint.

6. Recording a complaint

All correspondence, statements and records relating to individual complaints will be kept confidentially except where the Secretary of State or an inspectorate requests access to them.

A written record shall be kept of all complaints made, whether made via phone, in person or in writing, detailing:

- The main issues raised, the findings and any recommendations.
- Whether the complaint was resolved following an informal route, formal route or panel hearing.
- Actions taken by the Trust or individual academy as a result of the complaint (regardless of whether the complaint was upheld).

Special considerations/additional support

If a Complainant requires support and is unable to make a formal complaint in writing, they may make their formal complaint in person or by phone to the Trust Head of Governance and Assurance, who will arrange support in completion of the form in Appendix 1 and support throughout the process as required.

For any other special needs or considerations, please speak to the Trust Head of Governance and Assurance, who will make the necessary arrangements where possible.

Recording meetings

The Trust will not record meetings and will not consent to the use of recording devices in meetings. Evidence of any recordings that were obtained covertly and without the informed consent of all parties will not be accepted.

Sharing complaint Information

Specific details of a complaint made will be confidential between the parties involved, on a need-to-know basis. Information is not shared with the entire Board of Trustees; however, a summary may be shared and the Board informed of any patterns or trends. The exception to this is when a complaint is made against the whole Board or Trust, and they will be made aware of the full allegations made against them in order to respond to any independent investigation.

Complainants have a right to access copies of these records under the UK GDPR and the Freedom of Information Act 2000. The Trust will hold all records of complaints from each academy, as well as those regarding the Trust itself, centrally. Correspondence, statements and records relating to individual complaints are kept confidentially except where the Secretary of State or a body conducting an inspection requests to access them.

7. Managing unreasonable behaviour

The Trust will not normally limit the contact complainants have with the Trust itself or any of its academies/schools; however, the Trust does not expect staff to tolerate unacceptable behaviour and will act to protect staff from such behaviour, including that which is abusive, offensive or threatening.

In these circumstances, the individual handling the complaint will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the Trust or any of its academies causing a significant level of disruption, the Trust may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after six months.

The Trust will not stop responding to a complainant on the basis that they are difficult to deal with or they ask complex questions. However, a decision to stop responding may be made if a complainant is aggressive, threatening, or violent. In this event the Trust's concerns and actions taken will be put in writing immediately and the Police informed.

Any individual may be barred from entering the premises if their behaviour is a cause for concern. In this circumstance, an appropriate Trust representative would notify the parties involved in writing and in line with the Trust's Visitor Policy.

Managing serial and persistent complaints

The Trust and its academies and schools will endeavour to be helpful to people who submit a complaint or concern and/or a request for information.

However, there may be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. If a complainant tries to re-open the same issue, the Trust would inform them that the procedure has been completed and the matter is now closed.

If the complainant contacts the Trust again on the same issue, the correspondence may then be viewed as "serial" or "persistent" and (in line with DfE guidance) the Trust/academy/school may choose not to respond. The Trust would not mark a complaint as "serial" before the complainant has completed the full complaints procedure.

Before the Trust and its academies/schools stop responding to serial or persistent complaints, the following criteria would need to be met:

- The Trust/academy/school has taken every reasonable step to address the complainant's concerns
- The complainant has been given a clear statement of the Trust/school's position and their options

- The complainant contacts the Trust/its schools repeatedly, making substantially the same points each time.

The case to stop responding is deemed stronger if one or more of the following statements can be confirmed:

- The complainant's letters, emails, or telephone calls are often or always abusive or aggressive
- The complainant makes insulting personal comments about or threats towards staff
- The Trust/school has reason to believe the complainant is contacting it with the intention of causing disruption or inconvenience.

The Trust would not stop responding to a complainant because an individual is difficult to deal with or asks complex questions.

If the Trust decides to stop responding to the complainant, the individual would be informed.

Vexatious complaints

The Trust may also receive complaints considered to be vexatious. The Office of the Independent Adjudicator defines the characteristics of a "frivolous" or "vexatious" complaint as:

- Complaints which are obsessive, persistent, harassing, prolific and repetitious
- Being insistent upon pursuing unmeritorious complaints and/or unrealistic outcome beyond all reason
- Being insistent upon pursuing meritorious complaints in an unreasonable manner
- Complaints which are designed to cause disruption or annoyance
- Demands for redress that lack any serious purpose or value.

The Trust would not refuse to accept further correspondence or complaints from an individual they have had repeat or excessive contact with. The application of a "serial" or "persistent" marking should be made against the subject or the complaint itself rather than the complainant.

Procedure for managing unreasonable, serial, persistent and vexatious complaints

The Trust and its schools may deem the following behaviours to be unreasonable when dealing with complaints and reflect serial, persistent or vexatious complaints:

- Refusing to cooperate with any stage of the complaints policy and investigation process
- Refusing to accept that certain issues are not within the scope of the complaints procedure

- Making unjustified complaints about staff who are trying to deal with any issues raised
- Changing the basis of the original complaint as the investigation proceeds
- Refusing to accept the findings of the investigation where the Trust's complaints procedure has been fully and properly implemented and completed, including referral to the ESFA
- Seeking an unrealistic action or outcome
- Making excessive demands on school or Trust time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email or by telephone while the original complaint is being dealt with
- Publishing unacceptable or slanderous information in media such as social media websites and newspapers.

Where unreasonable, vexatious or persistent behaviour is exhibited, the Trust maintains the right to cease any further engagement with the complainant.

Complainants should limit the number of communications with the Trust 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 Investigating Officer would discuss concerns about "unreasonable" behaviour with the complainant informally before applying an "unreasonable" categorisation. If the behaviour continues, the Investigating Officer would write a letter to the individual explaining their behaviour is unreasonable and ask them to change it to allow the complaint process to be completed. For complainants who excessively contact the Trust, school or Investigating Officer causing a significant level of disruption by behaving unreasonably, the Trust may specify methods of communication and limit the number of contacts in a communication plan. This would be reviewed after six months.

In response to any serious incident of aggression or violence, the Trust would immediately inform the police and communicate its actions in writing. This may include barring an individual from Trust and school premises.

Communication with serial, persistent or vexatious complainants

The Trust can implement a tailored communication plan if an individual's behaviour is causing significant levels of disruption, regardless of whether they have raised a complaint. The Trust may:

- Restrict the individual to a single point of contact via an email address
- Limit the number of times the individual can make contact, such as a fixed number of contacts per term.

The communication plan would be reviewed after six months.

Regardless of the application of a communication strategy, the Trust and its schools would continue to provide parents and carers with the information they are entitled to under the Education (Pupil Information) (England) Regulations 2005, within the statutory timeframe.

The Trust would continue to act reasonably and would consider any new complaint. The Trust recognises that anyone has the right to raise a new complaint at any time and failure to respond could result in the Trust/school failing to act reasonably.

Barring from Trust/school premises

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. The Trust and its schools have a responsibility to ensure they remain safe places for pupils, staff and other members of the community.

If an individual's behaviour is a cause for concern, they may be asked to leave Trust/school premises. In some cases, individuals may be barred from entering Trust/school premises. The decision to bar is a serious one and the Trust and its schools will always give the individual the opportunity to express their views on a decision to bar.

The decision to bar would be made by the Executive Principal or Principal of the relevant school. The decision should then be reviewed by the Chair of the Education Standards Committee (ESC) or a committee of ESC members of the relevant school. The Chair of the ESC should consider any representations made by the individual and decide whether to confirm or lift the bar. If the decision is confirmed, the Executive Principal/Principal would notify the individual in writing, explaining how long the bar would be in place and when the decision would be reviewed.

Once the appeal process has been completed, individuals who remain barred may be able to apply to the Courts for a review of the school's decision. Individuals wishing to exercise this option should seek independent legal advice.

8. Complaints campaigns

Where the Trust becomes the subject of a complaints campaign from Complainants who are not connected with the Trust, a standard, single response will be published on the Trust's website.

If the Trust receives a large number of complaints about the same subject from Complainants who are connected to the Trust, e.g. parents, each Complainant will receive an individual response.

9. Public Sector Equality Duty (Equality Act 2010)

In preparing or amending this policy, the author has given due regard to the Public Sector Equality Duty; that is, they have considered any potential impact on people who share certain protected characteristics. These protected characteristics are

defined as: race, disability, sex, age, religion or belief, sexual orientation, pregnancy and maternity and gender reassignment.

Appendix A – Formal Complaint Form

Education Village Academy Trust

Formal Complaint Form

Please complete this form if you have been unable to achieve a resolution to your complaint informally, then send to:

Trust Head of Governance and Assurance: governance@educationvillage.org.uk

Name:	Address:
Daytime telephone number:	
Evening telephone number:	
Email:	Postcode:
Please provide full details of your complaint, including any relevant dates and names of persons concerned.	
What action, if any, have you already taken to try and resolve your complaints, who did you speak to, when and what was their response?	
What outcome, in your opinion, would fully resolve your complaint?	
Please attach all relevant evidence - paperwork, documentation, e-mails, names of witnesses, photographs, etc. for consideration. This is necessary in order that your complaint may be fully investigated.	
Signed:	Date:

Appendix B - Roles and responsibilities

The Role of the Complainant:

- Cooperating with the Trust, or an academy within the Trust, in seeking a resolution to the complaint.
- Expressing the complaint and their concerns clearly in full at the earliest opportunity.
- Promptly responding to any requests for information and meetings.
- Asking for assistance as needed.
- Treating any person(s) involved in the complaint with respect.

The Role of the Investigator:

Will differ depending on the nature of the complaint and who it is directed at.

- For complaints against staff in the Trust, the Investigator will normally be the immediate line manager or appropriate delegated person.
- For complaints against governors/Trustees, the Investigator will be determined by the Trust Head of Governance and Assurance.
- For complaints against the CEO, the investigator will usually be the Chair/Vice Chair of the Board of Trustees; however, depending on the circumstances and nature of the complaint, another appropriate person may be used.

Responsibilities of the Investigator:

- Providing a sensitive and thorough interviewing process of the Complainant to establish what has happened and who is involved.
- Considering all records, evidence and relevant information provided.
- Interviewing all parties that are involved in the complaint, including staff and pupils.
- Analysing all information in a comprehensive and fair manner.
 - Identifying and recommending solutions and courses of actions to take. Being mindful of timescales and ensuring all parties involved are aware of these timescales.
- Responding as appropriate to the Complainant in a clear and understandable manner.

The Responsibilities of the Panel Members:

- The review panel hearing is independent and impartial.
- No individual with prior involvement in the complaint, or the circumstances surrounding it, is permitted to sit on the panel.
- The aim of the panel is to achieve a reasonable resolution and, ultimately, attain reconciliation between the parties involved.

- Reconciliation between the Trust and Complainant is not always achievable, and it may only be possible to establish facts and make recommendations to reassure the Complainant that their case has been taken seriously.
- The panel can:
 - Dismiss or uphold the complaint, in whole or in part.
 - Decide on appropriate action to be taken.
 - Recommend changes that the Trust can make to prevent reoccurrence of the problem.
- Complainants may feel nervous or inhibited in a formal setting and, therefore, the proceedings should be as welcoming as possible.
- When a child is present at the hearing, extra care needs to be taken to ensure that the child does not feel intimidated, as well as ensuring the child's view is represented equally.

The Role of the Chair of the Panel:

- Ensure that minutes of the hearings are taken on every occasion.
- Explain the remit of the panel to the Complainant.
- Ensure that all issues are addressed and that outcomes are reached based on facts and evidence.
- Help to put at ease and console individuals involved who are not used to speaking at such hearings, particularly any pupils involved.
- Conduct the hearing in a manner that ensures everyone is treated with respect and courtesy.
- Ensure that the room's layout and setting is non-adversarial, yet still sets the appropriate tone.
- Confirm that no member of the panel has previously been involved in the earlier stages of the procedure or has an external interest in the outcome of the proceedings.
- Give both the Complainant and the Trust the opportunity to state their case and seek clarity without undue interruption.
- Provide copies of any written material or evidence to everyone in attendance of the meeting, ensuring that everyone has seen the necessary material.
- Organise a short adjournment of the hearing if required.
- Continuously consult with the Governance Professional to ensure the procedure runs smoothly.
- Help to provide the support necessary where the Complainant is a child.
- Confirming the outcome to the Complainant in writing.

The Role of the Trust Head of Governance and Assurance

All panels considering complaints must be supported by the Trust Head of Governance and Assurance. They will remain the point of contact for the complainant and are required 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
- Ensure the Complaint's Policy and procedure is followed
- 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
- Ensure all parties are notified of the Panel's decisions.

The Role of any Witness

A witness should be prepared to answer questions put in relation to the complaint. They should be aware a written record of the discussions will be made. They may also be invited to a panel hearing and once their evidence has been given, they will be asked to leave the hearing. The panel will always aim for the hearing to be completed in a single sitting, but any witness should be prepared to remain on the premises in case they are recalled.

The role of the Education and Skills Funding Agency (ESFA)

If a Complainant remains dissatisfied once the complaint procedure has been completed, they have the right to refer their complaint to the Secretary of State. Complaints about academies are handled by the Education and Skills Funding Agency (ESFA) on behalf of the Secretary of State.

Complainants can put a complaint in writing and send it directly to the Secretary of State for Education at the Department for Education or alternatively complete the online contact form: [contact form](#), which, is automatically submitted to the Secretary of State.

It is important to note that The ESFA will not overturn the Trust or panel's decision or re-investigate the original complaint. The ESFA will only intervene following a complaint if it believes the Trust has:

- [Breached a clause in its funding agreement.](#)

You can request a copy of the funding agreement from the school and check to see whether the school have complied with this agreement.

- Failed to follow its policy and procedures
- Failed to comply with education law or acted unreasonably when exercising related education functions.

When making a final decision about a complaint, the Trust reserves the right to seek advice from the ESFA on whether they are acting reasonably and lawfully; however, the ESFA will not be able to advise on how to resolve the complaint.