



**Bramley Grange Primary School**

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# Bramley Grange Primary School

## Complaints Procedure

Complaints Procedure Policy

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## **Statement of intent**

The Grange Trust is fully committed to the improvement of its schools. We welcome feedback from parents and will always try to resolve any concerns as quickly as possible. We are dedicated to continuing to provide the highest quality of education possible throughout the procedure.

The Complaints Policy and Procedure has been created to deal with any complaint against a member of staff or the academy as a whole, relating to any aspects of the academy or the provision of facilities or services.

Any person, including a member of the public, is able to make a complaint about the provision of facilities or services that The Grange Trust provides. This policy outlines the procedure that the complainant and academy must follow.

Once a complaint has been made, it can be resolved or withdrawn at any stage.

## **1. Legal framework**

- 1.1. This policy has due regard to the following legislation and guidance, including, but not limited to:
- The Education Act 2000
  - Data Protection Act 1998
  - Freedom of Information Act 2000
  - Best Practice Advice for School Complaints Procedures 2018

## **2. Definition**

- 2.1. A complaint can be defined as 'an expression of dissatisfaction' which can be regarding actions taken or a perceived lack of action.
- Complaints can be resolved formally or informally dependant on the complainant's choice.
- 2.2. A concern can be defined as 'an expression of worry or doubt' for which reassurance is sought.
- 2.3. Any complaint or concern will be taken seriously, whether formally or informally, and the appropriate procedures shall be taken.

Note: For the purpose of this policy, "concerns" will be classed and addressed as complaints. Any further references to "complaints" will include "concerns".

### **3. Roles and responsibilities**

#### 3.1. The complainant will:

- Co-operate with the academy in seeking a solution to the complaint.
- Express the complaint and their concerns in full at the earliest possible opportunity.
- Promptly respond to any requests for information or meetings.
- Ask for assistance as needed.
- Treat any person(s) involved in the complaint with respect.

#### 3.2. The investigator is involved in stages one and two of the procedure. Their role includes:

- Acknowledging the complaint with the complainant and confirming within 2 working days in writing how they will proceed with the investigation.
- Providing a sensitive and thorough interviewing process of the complainant in order 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 children.
- 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 to the complainant in a clear and understandable manner.

#### 3.3. The panel chair will:

- Minute all meetings.
- 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 children involved.
- Conduct the hearing in an informal manner, ensuring that everyone is treated with respect and courtesy.

- Ensure that the room's layout and setting is informal and 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 academy 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 liaise with the clerk and complaints co-ordinator to ensure the procedure runs smoothly.
- Help to provide the support necessary where the complainant is a child.

3.4. All panel members will be aware that:

- 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 academy and complainant is not always achievable, and that 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 academy 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.

3.5. The panel clerk will:

- Keep up-to-date records of all proceedings throughout the procedure.
- Set the date, time and venue of all hearings, ensuring that this is appropriate, convenient and accessible to all parties involved.
- Collate all written material or evidence involved and send it to the parties involved in timely advance of the hearing.
- Greet all parties as they arrive at the hearing.
- Ensure that the minutes of the panel hearing are circulated.
- Notify the relevant parties of the panel's decision and any other actions to be taken.

#### 4. Making a complaint

- 4.1. The Grange Trust will ensure that all aspects of the complaints procedure is:
  - Easily accessible and publicised.
  - Simple to understand and put into practice.
  - Impartial and fair to all parties involved.
  - Respectful of confidentiality duties.
  - Continuously under improvement, using information gathered during the procedure to inform the academy's senior management team.
  - Fairly investigated.
  - Used to address all issues in order to provide appropriate and effective responses where necessary.
- 4.2. Complaints are expected to be made as soon as possible after an incident arises in order to amend the issue in an appropriate timescale.
- 4.3. The Grange Trust upholds a three month time limit in which a complaint can be lodged regarding an incident.
- 4.4. Complaints should be made in writing this can be via e-mail or formal letter. Forms are provided to assist with this if needed
- 4.5. A complaint can progress to the next stage of the procedure even if it is not viewed as "justified". All complainants are given the opportunity to fully complete the complaints procedure.
- 4.6. Any complaint made against the headteacher shall be initially dealt with by the chair of governors. Communication regarding this is via the school office. E-mails/Letters need to be marked for the attention of the chair of governors.
- 4.7. Any complaints regarding staff or services the school provides should be raised following stage 2 of the procedure.
- 4.8. Any complaints regarding incidents in class should initially be raised with the class teacher who will record this on the internal communication system for monitoring by senior leaders
- 4.9. Any complaint made against the chair of governors or any other member of the governing body should be made in writing to the clerk to the governing body.

## 5. Complaints procedure

### 5.1. Stage one – **Complaint made to a member of staff**

- Bring the issue to the schools attention as soon as possible
- The school aims to resolve all complaints in a timely manner. Upon receipt of the complaint staff will act decisively and resolve the issue within 5 working days. The member of staff can discuss the complaint with the schools senior leadership team in order to seek support.
- If the complaint concerns the head teacher, the complaint will be referred to the chair of the governing body.
- In case a complaint is made initially to a governor, the complainant should be referred to the complaints procedure. The governor in question should not act alone on a complaint outside the procedure; if they do, they cannot be involved if the complaint is subject to a hearing at a later stage of the procedure.
- If a meeting is deemed necessary by the school at this stage, the complainant and the relevant member of staff should discuss the issue in a respectful and informal manner to seek a mutual resolution.
- If an appropriate resolution cannot be sought at this level, or if the complainant is dissatisfied with the outcome, the complainant may wish to proceed to the next level of the procedure.

### 5.2. Stage two – **Complaint made to the deputy head teacher**

- If your complaint is not resolved at stage 1 above, please contact the deputy head teacher stating why you feel the complaint has not been resolved and any actions taken to date. This can be done via e-mail, telephone or through face to face discussion.
- On receipt of the complaint acknowledgment of the complaint will be made in writing with an outline as to how the deputy head intends to proceed. This will be done within 2 working days
- Complaints about staff or services of the school are to be initially raised with the deputy head teacher
- If the complaint is against the headteacher, the complaint will be forwarded to the chair of the governing body. The chair will seek to resolve the issue informally before moving directly to stage three of the procedure.
- In terms of a complaint being made against a member of staff, the deputy headteacher will discuss the issue with the staff member in question. Where necessary, the deputy head teacher will conduct interviews with any relevant parties, including witnesses and children, and take statements from those involved.

- All discussions shall be recorded by the deputy headteacher and findings and resolutions will be communicated to the complainant in writing.
- Once all facts are established, the deputy headteacher shall contact the complainant in writing with an explanation of the decision.
- Any further action the school plans to take to resolve the issue will be explained to the complainant in writing. As well as details for progressing to the next stage should the complainant be unhappy with the response at this stage
- There are occasions where details cannot be shared with the complainant, please refer to Appendix 4 – Confidentiality.
- Stage two of the process will 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 complaint will be referred to the headteacher who may contact the complainant for further details and may also inform complainant of the need for a revised target date via a written notification.
- If the complainant is not satisfied with the outcome suggested, the procedure will progress to stage three.

### 5.3. **Stage three – Complaints made to the Headteacher**

- If your complaint is not resolved at stage 2 above, please contact the head teacher stating why you feel the complaint has not been resolved and any actions taken to date. This can be done via e-mail, telephone or through face to face discussion.
- Stage three of the process will 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 headteacher may contact the complainant for further details and may also inform complainant of the need for a revised target date via a written notification.
- The head teacher will consider actions taken to resolve the complaint to date including whether the appropriate policy has been correctly followed.
- On receipt of the complaint acknowledgment of the complaint will be made in writing with an outline as to how the headteacher intends to proceed. This will be done within 2 working days
- In terms of a complaint being made against a member of staff, the headteacher will discuss the issue with the staff member in question. Where necessary, the headteacher will conduct interviews with any relevant parties, including witnesses and children, and take statements from those involved.

- All discussions shall be recorded by the headteacher and findings and resolutions will be communicated to the complainant in writing.
- Once all facts are established, the headteacher shall contact the complainant in writing with an explanation of the decision.
- Any further action the school plans to take to resolve the issue will be explained to the complainant in writing.
- There are occasions where details cannot be shared with the complainant, please refer to Appendix 4 – Confidentiality.
- If the complainant is not satisfied with the outcome suggested, the procedure will progress to stage four.
- There are times when complaints may be dealt with under an alternative policy e.g. safeguarding issues are often dealt with under the safeguarding policy or involving external agencies e.g. Social care or staffing issues maybe dealt with under disciplinary policies involving Human resources specialists.

#### **Stage four – Complaint made to chair of governors**

- If the complaint is not resolved at stage 3 above please contact the chair of governors in writing via the school office. An e-mail may also be sent to the main school e-mail address marked for the attention of the chair of governors.
- Stage 4 of the process will be completed in 15 school days. Where the situation is recognised as complex, and it is deemed to be unable to be resolved within this timescale, the chair may contact the complainant for further details and may also inform complainant of the need for a revised target date via a written notification.
- Acknowledgment of the complaint and how the Chair intends to proceed will be given within 5 working days of receipt of the complaint
- The chair of governors will establish facts and actions taken to date by the school to resolve the complaint.
- If the complaint is about the head teacher, the chair of governors will discuss the complaint with the head teacher. Where necessary, interviews and discussions will be held with relevant parties including staff and children. Statements will be taken from all those involved.
- All discussions will be recorded by the Chair .
- Once all facts are established, the chair will contact the complainant in writing with the outcome of findings and recommendations made to the school.

- If the complainant is not satisfied with the outcome suggested, the procedure will progress to stage 5.

#### **Stage 5 - Complaints appeal panel (CAP)**

- Following receipt of a stage four outcome, If still dissatisfied, The request for Review form (Form 3) should be completed and forwarded to the school within 10 school days.
- Written acknowledgement of the complaint will be made within 5 school days. This will inform the complainant that a CAP will hear the complaint within 20 school days.
- The governors, will convene a governing body CAP comprising 2 members of the governing body and 1 independent person.
- Five days' notice will be given to all parties attending the CAP, including the complainant.
- Prior to the hearing, the clerk of governors will have written to the complainant informing them of how the review will be conducted. The headteacher will also have a copy of this letter.
- At the hearing, all participants will be given the opportunity to put their case across and discuss any issues.
- The CAP will consider issues raised in the original complaint and any issues which have been highlighted during the complaints procedure.
- The meeting should allow for:
  - The complainant to explain their complaint and the headteacher to explain the reasons for their decision.
  - The complainant to question the headteacher, and vice versa, about the complaint.
  - Members of the CAP to question both the complainant and the headteacher.
  - Final statements to be made by both parties involved.
  - The panel will make findings and written recommendations following the hearing
  - Findings and written recommendations will be provided in writing to the complainant and where relevant person complained about. This will be available for inspection by the head teacher and proprietor.

- The panel will receive copies of paperwork – namely the complaint forms and letters sent, evidencing the process completed to date for their consideration prior to the CAP. This will allow them to understand the process that has been completed to date

## **6. Interviewing witnesses**

- 6.1. When interviewing children in order to gather information regarding a complaint, the interview should be conducted in the presence of another member of staff or, in the case of serious complaints, e.g. where the possibility of criminal investigation exists, in the presence of their parents/carers.
- 6.2. The School will ensure that the conduction of interviews does not prejudice a LADO or police investigation.
- 6.3. The School understands the importance of ensuring a friendly and relaxed area which is free from intimidation.
- 6.4. All children interviewed will be made fully aware of what the interview concerns and their right to have someone with them.
- 6.5. Staff will be allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager.
- 6.6. The interviewer will not express opinions in words or attitude so as to not influence the interviewee.
- 6.7. The interviewee will sign a copy of the transcription of the interview.
- 6.8. Interviews will be recorded on the relevant paperwork (i.e. a school record of discussion form). Every attempt will be made to note the exact words said by both parties. The interview record will be signed by the interviewee, the additional person present and interviewer. This will be agreed by all persons present as a true record of the interview that has been conducted prior to signing.

## **7. Recording a complaint**

- 7.1. A written record shall be kept of all complaints made, including information relating to whether they were resolved via a formal procedure or proceeded to a panel hearing. Written records will also outline actions taken by the school as a result of the complaint.
- 7.2. All records – correspondence, statements, information relating to the complaint will be kept confidential and held centrally except where the secretary of state or a body conducting inspection under section 109 of the 2008 Act requests access to them
- 7.3. Where there are communication difficulties or disabilities, the school may make reasonable adjustments to ensure the complainant is able to access and review the discussions at a later point.
- 7.4. Recording devices may not be used to record discussions. Where it is deemed necessary the school will ensure there are independent minutes taken during discussions which will later be distributed to all parties and agreed as a true record of the discussion.
- 7.5. Details of any complaint made shall not be shared with the entire governing body unless completely necessary, in case an independent panel is needed to hear the complaint.
- 7.6. The progress and the final outcome of a complaint will be recorded and kept up-to-date by the head teacher.
- 7.7. Complainants have a right to access copies of these records under the Freedom of Information and Data Protection Acts. Requests made under this act must be made by letter to the school. The academy reserves the right to charge for the collation and copying of this information.

## 8. Complaints not covered by this procedure

8.1. Complaints regarding the following topics should be directed to the LA:

- Statutory assessments of Special Educational Needs and Disabilities
- School re-organisation proposals
- Matters which may require a Child Protection Investigation
- Admissions to schools

- Complaints concerning admissions should be directed to the appropriate admissions authority.

8.2. Complaints about children being excluded from the school should be dealt with by following the process explained at:

<https://www.gov.uk/school-discipline-exclusions/exclusions>

The Grange Trust has an internal whistle blowing procedure for all employees and voluntary staff. Complaints of this nature should not be addressed using this complaints procedure. These concerns can be directed to Ofsted by telephone on: 0300 123 3155 or via email at: [whistleblowing@ofsted.gov.uk](mailto:whistleblowing@ofsted.gov.uk)

8.3. Staff grievances and disciplinary procedures will be dealt with using the Trust's internal grievance procedure. In these cases, complainants will not be informed of the outcome of any investigations.

8.4. This complaints procedure is not to be used when addressing any complaints made about services provided by a third party who may use the school premises or facilities. All complaints concerning this should be directed to the service provider.

## **9. Exceptional circumstances**

- 9.1. If the complaint suggests that a child has been at risk of significant harm through violence, emotional abuse, sexual harassment or neglect, it may be referred without further notice to the children's social care and/or to the Local Authority.
- 9.2. If a social services authority decides to investigate a situation, the head teacher or governing body may postpone the complaints procedure.
- 9.3. In the case of the above, the school will take a lead from social care. In line with legislation, when the complaint suggests that a child has been at risk of significant harm through violence, emotional abuse, sexual harassment or neglect only a qualified social worker can interview children about the alleged abuse.
- 9.4. Where a matter can be resolved through a legal appeal, it will not be considered as a formal complaint. The key areas are: admissions decisions, certain decisions relating to formal assessment of special educational needs, and decisions to permanently exclude a child.

## Appendix 1

### FORM 1 – Initial Concern

*Please complete this form and return it to the school office.*

Your Name:		
Address:		
Contact Details:	Telephone: Day -	Evening -
E-mail address:		
Pupils name (if relevant to your complaint):		
Relationship with School (e.g.: parent):		

Please give concise details of your concerns (including dates, names of witnesses, etc.) to allow the matter to be investigated. Continue on a separate sheet if necessary. (No. of additional sheets: .....)

What action, if any, have you already taken to try to resolve your concern? (i.e.: who have you spoken with and what was the outcome?)

What actions do you feel might resolve the problem at this stage?

If possible I would like to discuss this matter with:

Convenient contact times:

Signed:

Date: .....

.....





## Appendix 4

### Policy for unreasonable complainants

The Grange Trust is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the 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. Behaving in this way whilst making a complaint will not be tolerated. This behaviour will be dealt with under The Trust's Abuse, Threats and Allegations Policy. The complaints process will not begin until the complainant is willing to accept their behaviour was unacceptable. The academy reserves the right to involve South Yorkshire Police where they believe behaviour is malicious, threatening, and violent or constitutes harassment. Whilst the subject matter maybe emotive to the complainant, the trust always seeks to resolve matters in a calm, considered manner.

The Grange Trust defines 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 complaints procedure has been fully and properly implemented and completed including referral to the Department of Education.
- 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

Complainants should limit the numbers 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 head teacher or chair of governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues, the headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the school 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 6 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 School premises.

## **Appendix 5**

### **Serial and persistent complainants**

The school will act in a manner they believe to be appropriate when dealing with an individual who consistently makes the same complaints or who continuously asks the school to reconsider their position.

If a complainant attempts to re-open an issue which has previously fully completed the complaints procedure, the chair of the governing body will inform the complainant that the matter is now closed.

If the complainant contacts the school regarding the same issue again, the complaint may be classed as 'serial' or 'persistent' and the school does not have an obligation to respond.

The school must ensure that a complaint is not classed as 'serial' before they have fully completed the complaints procedure.

The Trust will not take the decision to stop responding to an individual lightly. The school will ensure that:

- They have previously taken every reasonable step to address the problem.
- They have provided the complainant with a statement of their position.
- The complainant is contacting the school repeatedly with the same complaint.

If the school believes that the complainant is continuously contacting the school to cause disruption or inconvenience, or if the complainant is being abusive or threatening, the school has the right to not respond to the correspondent.

Once the school decides to no longer respond to a complainant, the individual will be informed of this decision in writing.

If the school finds it difficult to deal with a complainant due to their unreasonable behaviour, then their complaint can be directed to the LA.

The complainant has the right to a third party representative, such as the Citizens' Advice Bureau, throughout the complaints procedure.

Any new complaint made by a 'serial' complainant will be responded to.

Complainants hold the right to refer their complaint to their local MP. This would not make the individual a 'serial' or 'persistent' complainant.

The Trust will not deny any individual access to information that they have a right to under The Education (Pupil Information) (England) Regulations 2005.

## **Appendix 6**

### **Barring from the premises**

School premises are private property and therefore any individual can be barred from entering the premises.

If parents/carers behaviour is cause for concern, a school can ask the individual to leave the premises.

The headteacher will notify the parties involved via writing, explaining that their implied licence for access to the premises has been temporarily revoked subject to any representations that the individual may wish to make.

The individual involved will be given the opportunity to formally express their views regarding the decision to bar them.

This decision to bar will be reviewed, taking into account any discussions following the incident.

If the decision is made to continue the bar, the individual will be contacted in writing, informing them of how long the bar will be in place.

Anyone wishing to make a complaint regarding a barring order can do so in writing, including email, to the head teacher or chair of governors.

Once the school's complaints procedure is completed, the only remaining avenue of appeal is through the Courts.

## **Appendix 7**

### **Confidentiality**

Some complaints/concerns may relate to issues that have to remain confidential; e.g.:

Concerns relating to the conduct/capability of a member of staff would be investigated under the schools personnel procedures. This means the detail of the procedure and its outcome must remain confidential to the school and the member of staff.

or

Concerns relating to the behaviour of a pupil will be investigated under the schools pupil conduct and disciplinary procedures. This means the detail of the procedure and its outcome remain confidential to the school and the parents of the child concerned

During an investigation reference may be made to confidential papers belonging to the school. These will remain confidential and will not be published as part of any document.

In these cases of confidentiality, the investigator may be able to provide you with some information about the outcomes and processes followed, but in any event will let you know when the matter is concluded.

All correspondence between the school and the complainant will be considered private and confidential and the same viewpoint is expected from them.

## **Appendix 8**

### **Reviewing the procedure**

The complaints procedure will be reviewed every two years, taking into account the latest guidance issued by the Department of Education.

Responsibility for reviewing the procedure belongs to the Directors of the Trust.

All projected review dates will be adhered to.

Information gathered through reviewing the complaints procedure will be used to continuously improve and develop the process.

The monitoring and reviewing of complaints will be used to help evaluate the school's performance.

## **Appendix 9**

### **Role of the school complaints unit (SCU)**

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.

The Secretary of State will only intervene when they believe that the Trust has acted unlawfully or unreasonably.

The SCU will not overturn a school's decision about a complaint except in exceptional circumstances, such as the school acting unlawfully.

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