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Summary of Changes from Previous Version

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V3	February 23	RBA	Complete rewrite to reflect national changes around the fulfilment of EYFS requirements and local changes in stage 3 of the complaints process.

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1. AIMS

Maltby Learning Trust aims to resolve all complaints at the earliest possible stage and is dedicated to continuing to provide the highest quality of education possible throughout the procedure.

This policy has been created to deal with any complaint against a member of staff or the Trust as a whole, relating to any aspects of the Trust 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 Trust provides. This policy outlines the procedure that the complainant and Trust must follow.

When responding to complaints, we aim to:

- Be impartial and non-adversarial.
- Facilitate a full and fair investigation by an independent person or panel, where necessary.
- Address all the points at issue and provide an effective and prompt response.
- Respect complainants' desire for confidentiality.
- Treat complainants with respect and courtesy.
- Make sure that any decisions we make are lawful, rational, reasonable, fair, and proportionate, in line with the principles of administrative law.
- Keep complainants informed of the progress of the complaints process.
- Consider how the complaint can feed into school improvement evaluation processes.

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

Complaints should be made using the appropriate channels of communication, including the use Complaints Procedure Form. Complainants should ensure that they follow each of the stages outlined within the policy in order.

Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

2. LEGISLATION AND GUIDANCE

This policy meets the requirements of section 29 of the Education Act 2002, which states that schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides.

It meets the requirements set out in part 7 of the schedule to the Education (Independent School Standards) Regulations 2014, which states that we must have and make available a written procedure to deal with complaints from parents/carers of students in the school.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on creating a complaints procedure that complies with the above regulations and refers to good practice guidance on setting up complaints procedures from the Department for Education (DFE), including the model procedure, and model procedure for dealing with serial and unreasonable complaints.

This policy complies with the relevant funding agreements and articles of association.

In addition, it addresses duties set out in the Early Years Foundation Stage statutory framework with regards to dealing with complaints about the Academy/Trust's fulfilment of Early Years Foundation Stage requirements.

3. DEFINITIONS AND SCOPE

The DFE guidance explains the difference between a concern and a complaint:

- A **concern** can be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'.
- A **complaint** can be defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

The Academy/Trust intends to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

For the purpose of this policy, 'unreasonable complaints' include:

VEXATIOUS COMPLAINTS

- Are obsessive, persistent, harassing, prolific, repetitious.
- Insist upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason.
- Insist upon pursuing meritorious complaints in an unreasonable manner.
- Are designed to cause disruption or annoyance.
- Demand for redress which lacks any serious purpose or value.

SERIAL OR PERSISTENT COMPLAINTS

- Are duplicated, sent by the same complainant once the initial complaint has been closed.

Serial or persistent complaints will only be marked as 'serial' once the complainant has completed the complaints procedure. It is the complaint that will be marked as 'serial' meaning the complainant can complain about a separate issue if necessary.

For the purpose of this policy, 'duplicate complaints' are identical complaints received from a complainant's spouse, partner, grandparent or child. These complaints will not be addressed again, the individual making the second complaint will be informed that the complaint has been dealt with on a local level and if they are dissatisfied with the result, they can appeal to the DFE.

The decision to stop responding will not be taken lightly and will only be taken on the advice of the Chief Executive Officer and/or Chair of the Trust Board if they believe that all reasonable steps have been taken to address the complainant's needs and that the Academy and/or Trust's

position has been stated clearly and despite this, the complainant is refusing to accept the decision, making the same points repeatedly.

Throughout the process of managing a complain, particularly if it is considered to be an unreasonable vexatious or persistent complaint, or one that targets an individual member of staff, the Trust will ensure that it provides an appropriate level of support for the individual concerned.

4. ROLES AND RESPONSIBILITIES

THE COMPLAINANT

The complainant will get a more effective and timely response to their complaint if they:

- Follow these procedures.
- Cooperate with the Trust or 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.
- Do not publish details about the complaint on social media.

THE COMPLAINTS CO-ORDINATOR (STAGE 2 TO 4)

The Academy or Trust will designate a Complaints Co-ordinator. The role of the Complaints Co-ordinator is to ensure that all parties involved in the complaint are fully updated throughout each stage of the procedure. They will:

- Liaise with all parties involved to ensure the complaints procedure runs smoothly, including the Principal, Executive Leaders, Clerk to the Trust Board and Trustees.
- Guarantee that all parties involved in the procedure are aware of any relevant legislation, including the Equality Act 2010, GDPR, Data Protection Act 2018 and Freedom of Information Act 2000.
- Keep up-to-date records throughout the procedure – these records will be kept securely on the Trust's ICT system and retained in line with the Trust's Records Management Policy.
- Be aware of issues regarding sharing third party information.
- Understand the complainant's need for additional support, including interpretation support, and will be aware of any issues concerning this.

THE INVESTIGATOR (STAGE 2 AND 3)

The Academy or Trust will appoint an investigator to look into the complaint and establish the facts. They will:

- Interview all relevant parties that are involved in the complaint, keeping notes.
- Consider records and any written evidence and keep these securely.
- Prepare a comprehensive report for the Principal/Executive Leader or complaints committee, which includes the facts and potential solutions.

THE CLERK TO THE TRUST BOARD (STAGE 3 AND 4)

The Clerk will:

- Be the contact point for the complainant and the complaints panel, including circulating the relevant papers and evidence before the complaints panel meetings.
- Set the date, time, and venue of all hearings, ensuring that this is appropriate, convenient, and accessible to all parties involved.
- Record and circulate the minutes and outcome of the hearing and any other actions to be taken.

THE CHAIR OF THE COMPLAINTS APPEAL PANEL (CAP) (STAGE 4 ONLY)

The Chair of the panel will:

- Chair the meeting, ensuring that everyone is treated with respect throughout.
- Make sure all parties see the relevant information, understand the purpose of the hearing, and are allowed to present their case.

THE COMPLAINTS APPEAL PANEL (CAP) (STAGE 4 ONLY)

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 or Trust 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 or Trust can make to prevent reoccurrence of the problem.

5. PRINCIPLES FOR INVESTIGATION

When investigating a complaint, we will try to clarify:

- What has happened.
- Who was involved.
- What the complainant feels would put things right.

TIMESCALES

The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.

We will consider exceptions to this timeframe in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

When complaints are made out of term time, we will consider them to have been received on the first school day after the holiday period.

If at any point we cannot meet the timescales we have set out in this policy, we will:

- Set new time limits with the complainant.
- Send the complainant details of the new deadline and explain the delay.

COMPLAINTS ABOUT OUR FULFILMENT OF EARLY YEARS REQUIREMENTS

We will investigate all written complaints relating to the Academy/Trust's fulfilment of the Early Years Foundation Stage requirements and notify the complainant of the outcome within 28 days of receiving the complaint. The Academy/Trust will keep a record of the complaint and make this available to Ofsted on request.

Parents and carers can notify Ofsted if they believe that the Academy is not meeting Early Years Foundation Stage requirements by emailing enquiries@ofsted.gov.uk. An outline contact form is also available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>.

We will notify parents and carers if we become aware that the Academy is to be inspected by Ofsted. We will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis.

6. RESOLVING COMPLAINTS

At each stage in the procedure the Trust will keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- An apology.
- An explanation.
- An admission that the situation could have been handled differently or better.
- An assurance that the event complained of will not recur.
- An explanation of the steps that have been taken to ensure that it will not happen again.
- An undertaking of a review of procedures and policies considering the complaint.

An admission that the Academy or Trust could have handled the situation better is not the same as an admission of negligence.

7. COMPLAINTS PROCEDURE

STAGE ONE – INFORMAL CONCERN MADE TO A MEMBER OF STAFF

The Academy will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The individual should raise the concern as soon as possible with the relevant member of staff or the Principal, either in person or by letter, telephone, or email. Within 20 school days, the individual and the relevant member of staff should discuss the issue in a respectful and informal manner to seek a mutual resolution.

If a concern is raised about a member of staff, the colleague can discuss this with the Principal to seek support. To prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls are kept, and a copy of any written response is added to the record.

If a concern is raised about the Principal, the Clerk to the Trust Board should be informed and will manage this situation via the Executive Director/Chief Executive Officer.

If an appropriate resolution cannot be sought at this informal level, or if the individual is dissatisfied with the outcome following the initial discussions, they may wish to proceed to the formal stage of the procedure. They should contact the Academy or Trust and refer to stage two of the complaint's procedure within 5 school days.

STAGE TWO – FORMAL COMPLAINT MADE TO THE PRINCIPAL

The formal stage involves the complainant putting the complaint to the Principal and/or subject of the complaint. This should be done using the Complaints Procedure Form. Where there are communication difficulties, support in completing the complaints form will be available.

The complainant should provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they are looking for as a resolution to the complaint.

Written acknowledgement of the complaint will be made within 3 school days. Stage two of the process will be undertaken by the Principal and completed within 20 school days. Where the situation is recognised as complex, and it is deemed to be unable to be resolved within this timescale, the Principal will contact the complainant to inform them of the revised target date via a written notification.

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

If the complaint is against the Principal, the complainant will initially need to write, in confidence, to the Clerk to the Trust Board using the Complaints Procedure Form contained within the policy.

Where the Principal or Executive Director 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. To prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls are kept, and a copy of any written response is

added to the record. These notes are kept securely on the Academy's ICT system and, where appropriate, encrypted.

In terms of a complaint being made against a member of staff, the Principal will discuss the issue with the staff member in question. Where necessary, the Principal will conduct interviews with any relevant parties, including witnesses and students, and take statements from those involved. All discussions shall be recorded by the Principal.

Once all facts are established, the Principal shall contact the complainant in writing with an explanation of the decision. The complainant will be advised of any escalation options (for example, escalation to stage three) and will be provided with details of this process. Any further action the Academy plans to take to resolve the issue will be explained to the complainant in writing.

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the Clerk to the Trust Board in writing within 5 school days.

STAGE THREE – INVESTIGATION BY THE EXECUTIVE DIRECTOR/CHIEF EXECUTIVE OFFICER

Complaints will be escalated to stage three if the complainant is not satisfied with the response to the complaint at stage two of the process. The complainant should inform the Clerk to the Trust Board in writing within 5 school days. This should be done using the Complaints Procedure Form. Where there are communication difficulties, support in completing the complaints form will be available.

The complainant should provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they are looking for as a resolution to the complaint.

Written acknowledgement of the complaint will be made within 3 school days. The Executive Director/Chief Executive Officer will then carry out an investigation and consider all available evidence.

The complainant (and the Principal if appropriate), will be informed of the outcome within 20 school days of the Clerk to the Trust Board receiving the complaint. The complainant will be advised of any escalation options (for example, escalation to stage four) and will be provided with details of this process.

If the complainant is not satisfied with the way the process has been followed, considers the decision to be perverse, or believes that the Executive Director/CEO has acted unreasonably, they may request that the Complaints Appeals Panel reviews the complaint (stage four).

STAGE FOUR – COMPLAINTS APPEAL PANEL (CAP)

Convening the Panel:

Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at stage three of the process. The complainant should inform the Clerk to the Trust Board in writing within 5 school days. This should be done using the Complaints

Procedure Form. Where there are communication difficulties, support in completing the complaints form will be available.

The complainant should provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they are looking for as a resolution to the complaint.

Written acknowledgement of the complaint will be made within 3 school days. This will inform the complainant that a Complaints Appeals Panel will hear the complaint within 20 school days.

The Clerk to the Trust Board, will convene a Complaints Appeals Panel comprising three people not involved in the complaint, one of whom is independent of the management and running of the Academy and Trust. Governors and Trustees can sit on the panel but are not eligible to be the independent member. Governors from any category of governor or members of another Local Governance Committee can be approached to take part in an independent panel.

Prior to the hearing, the Clerk to the Trust Board will write to the complainant informing them of how the hearing will be conducted. The Principal will also have a copy of this letter. The complainant must have at least 5 school days notice of the date of the panel hearing. If the complainant rejects the offer of 3 proposed dates without good reason, the clerk will set a date and the hearing will go ahead using written submissions from both parties.

The panel will have access to the existing record of the complaint's progress (see section 12). Any written material will be circulated to all parties at least 5 school days before the date of the meeting.

At the Meeting:

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all attending will be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

At the panel hearing, the complainant and representatives from the Academy or Trust, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the hearing.

The complainant must be allowed to attend the panel hearing and be accompanied if they wish. We don't encourage either party to bring legal representation but will consider it on a case-by-case basis. Representatives from the media are not permitted to attend.

At the hearing, all participants will have the opportunity to give statements and present their evidence, and witnesses will be called, as appropriate, to present their evidence.

The panel, the complainant and the Academy/Trust representative(s) will be given the chance to ask and reply to questions. Once the complainant and Academy/Trust representative(s) have presented their cases, they will be asked to leave, and evidence will then be considered.

The panel will then put together its findings and recommendations from the case.

The Outcome:

The panel can:

- Uphold the complaint, in whole or part.
- Dismiss the complaint, in whole or part.

If the complaint is upheld the panel will:

- Decide the appropriate action to resolve the complaint.

Where appropriate, the panel may recommend changes to the Academy or Trust's systems or procedures to prevent similar issues in the future.

The complainant will receive a written response explaining the panel's findings and recommendations within 20 school days. This letter will also explain whether there are any further rights of appeal and to whom they need to be addressed (see section 9).

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 GDPR.

8. INTERVIEWING WITNESSES

When interviewing students 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, for example, where the possibility of criminal investigation exists, in the presence of their parents/carers.

The Academy or Trust will ensure that the conduction of interviews does not prejudice any Local Authority Designated Officer's (LADO), or police investigation.

All students interviewed will be made fully aware of what the interview concerns and their right to have someone with them.

Staff are allowed a Trade Union representative or colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager.

The interviewer will not express opinions in words or attitude, to not influence the interviewee. Notes will be taken in all interviews and the interviewer/interviewee will sign a copy of any transcript.

9. REFERRING COMPLAINTS ON COMPLETION OF THE TRUST'S PROCEDURE

If the complainant is unsatisfied with the outcome of the Trust's complaints procedure, they can refer their complaint to the Education and Skills Funding Agency (ESFA). The ESFA will check whether the complaint has been dealt with properly by the Academy/Trust. The ESFA will not overturn a decision about a complaint, but will intervene if the Academy or Trust has:

- Breached a clause in its funding agreement.
- Failed to act in line with its duties under education law.
- Acted (or is proposing to act) unreasonably when exercising its functions.

If the Trust's complaints procedure is found to not meet regulations, the Trust will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:

[HTTPS://www.gov.uk/complain-about-school](https://www.gov.uk/complain-about-school)

10. PERSISTENT COMPLAINTS

UNREASONABLY PERSISTENT COMPLAINTS

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- Has made the same complaint before, and it's already been resolved by following the Trust's complaints procedure.
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory, or repetitive.
- Insists on pursuing a complaint that is unfounded, or out of scope of the complaint's procedure, beyond all reason.
- Pursues a valid complaint, but in an unreasonable manner, for example, refuses to articulate the complaint, refuses to co-operate with this complaint's procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the timeframes it sets out.
- Makes a complaint designed to cause disruption, annoyance or excessive demands on time.
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value.

Steps we will take:

We will take every reasonable step to address the complainant's concerns and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

If the complainant continues to contact the Academy or Trust in a disruptive way, we may put communications strategies in place. We may:

- Give the complainant a single point of contact via an email address.
- Limit the number of times the complainant can make contact, such as a fixed number per term.
- Ask the complainant to engage a third party to act on their behalf, such as Citizens Advice.
- Put any other strategy in place as necessary.

Stopping responding:

We may stop responding to the complainant when all these factors are met:

- We believe we have taken all reasonable steps to help address their concerns.
- We have provided a clear statement of our position and their options.

- The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience.

Where we determine a complaint to be unreasonably vexatious and / or persistent and we stop responding, the decision will not be taken lightly and will only be taken on the advice of the Chief Executive Officer and/or Chair of the Trust Board. We will inform the individual that we intend to do so and will explain that we will still consider any new complaints they make.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from the school site.

DUPLICATE COMPLAINTS

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to consider.

If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and that the local process is complete.
- Direct them to the ESFA if they are dissatisfied with our original handling of the complaint.

If there are new aspects, we will follow this procedure again.

COMPLAINT CAMPAIGNS

Where the Academy or Trust receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the organisation, the Academy or Trust may respond to these complaints by:

- Publishing a single response on the Academy or Trust website
- Sending a template response to all the complainants.

If complainants are not satisfied with the Academy or Trust's response, or wish to pursue the complaint further, the normal procedures will apply.

11. BARRING FROM THE PREMISES

The Academy and Trust premises are private property and therefore any individual may be barred from entering the premises.

If an individual's behaviour is cause for concern, the Principal will ask the individual to leave the premises. The Principal or Executive Director will notify the parties involved in writing, explaining that their implied licence for access to the premises has been temporarily revoked and why, 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 by the Chair of Governors or a

committee of governors, considering 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, they will also be informed of when the decision will be reviewed.

Anyone wishing to make a complaint regarding a barring order can do so in writing, including email, to the Principal or Chair of Governors.

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

12. RECORD KEEPING

The Academy and Trust will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters or emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally and will be viewed only by those involved in investigating the complaint or on the appeals panel.

This is except where the Secretary of State (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and records management policy.

The details of the complaint, including the names of individuals involved, will not be shared with the Local Governance Committee or Trust Board in case an appeal panel needs to be organised at a later point.

Where the Local Governance Committee is aware of the substance of the complaint before the appeal panel stage, the Trust will arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings.

13. LEARNING LESSONS

The Trust Board and/or Chief Executive Officer will review any underlying issues raised by complaints with the relevant Executive Director, Principal and/or staff member, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the Academy or Trust can make to its procedures or practice to help prevent similar events in the future.

14. MONITORING ARRANGEMENTS

The Trust Board and/or Chief Executive Officer will monitor the effectiveness of the complaints procedure in making sure that complaints are handled properly. The Trustees will track the number and nature of complaints, and review underlying issues as stated in section 13.

The complaints records are logged and managed by the Clerk to the Trust Board.

The policy will be reviewed by the Clerk to the Trust Board every two years. At each review, the policy will be approved by the Trust Board.

APPENDIX 1 - COMPLAINTS PROCEDURE FORM

Name:	Address:
Daytime telephone number:	
Evening telephone number:	
Email:	Postcode:
What is your concern/complaint concerning?	
When did you raise your concern/complaint with the Academy or Trust?	
How was the concern/complaint dealt with?	
What are you looking for as the resolution to the concern/complaint?	
Signed:	Date: