

Complaints Procedure January 2022

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Glossary	
Local Academy Committees	The local governing committees established for each school within the Trust (currently The Kingston Academy and Fern Hill Primary School). They are committees of the board of Kingston Educational Trust. Both Trustees and Trust Associates sit on the Committees.
Trust Associates	Members of the Local Academy Committees who are not trustees.
Trustees	Trustees of Kingston Educational Trust, which is a charitable company. Trustees together form the Trust board and are both charity trustees and company directors.

1. Introduction

These procedures set out how parents/carers can raise a concern or make a complaint about a school.

We endeavour to provide the best possible education for all of our pupils in an open and transparent environment and will always seek to act in their best interests. If you have a concern, we ask that you work in partnership with the school to address this. Most matters can be resolved quickly and informally, without the need to escalate to the formal process.

We are committed to dealing with all concerns and complaints fairly, impartially and promptly. Once you have raised your concern or complaint we ask that you try to limit further communication relating to that complaint while it is being progressed, as this is likely to slow the process and may delay an outcome being reached.

If you have any questions regarding these procedures please contact the Complaints Manager (contact details are provided above).

Please do not approach individual trustees or local academy trust associates to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from being able to participate as part of the Panel considering complaints at Stage 3 of the procedure.

These procedures follow the Department for Education's Best Practice Guidance for Academies Complaints Procedures and meet the requirements set out in schedule 1, part 7 of the <u>Education (Independent School Standards)</u> Regulations 2014.

2. Equality Act

When implementing the complaints procedure we will be sensitive to the needs of all parties involved, and will make any reasonable adjustments required to enable complainants to access and complete this complaints procedure, pursuant to the Equality Act 2010.

3. Scope of this complaints procedure

Complaints relating to certain issues are covered by a separate policy/process or a statutory process and fall outside the remit of these procedures, including:

- Pupil admissions: please see the school's admissions policy and appeals process published on its website.
- Pupil exclusions: please see the school's behaviour policy published on its website. If your child has been excluded you will be provided with details of how you may make representations in respect of that decision.
- Staff grievance, capability or disciplinary: these are covered by the Trust's separate grievance, disciplinary and capability procedures and copies can be found by staff in the policy folder in the Whole School Team Drive.
- **Third parties:** Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.
- Subject Access Requests and Freedom of Information Requests Please see the Data Protection
 page and the school's Data Protection and Freedom of Information policies which are available on
 its website
- Special Educational Needs and Disability (SEND): Concerns about statutory assessments of special
 educational needs should be raised directly with the local authority (complaints about the school's
 support are within scope and should first be raised informally with the SENCo).
- Matters likely to require a Child Protection Investigation Complaints about child protection
 matters are dealt with under our Child Protection and Safeguarding Policy (available on the school
 website) and in accordance with relevant statutory guidance. The safeguarding page on the school
 website provides details of how to report concerns regarding pupils.
- Whistleblowing: We have a whistleblowing procedure for all our employees, including temporary staff and contractors. A copy is published on the policy page of the school website.
- **Staff conduct:** Complaints about staff will be dealt with under the school's internal disciplinary procedures if appropriate. The complainant will be notified that the matter is being addressed, but due to confidentiality, outcomes will not be shared with them.

4. Who may use these procedures/The complaints process for anyone who is not a parent/carer

These procedures are only for the use of parents/carers of children and young people currently on roll at the school. If you are not a parent or carer of a current pupil the separate complaints process set out at Appendix 3 will apply.

Where complaints are made by parents/carers of former pupils after they have left the school, albeit about incidents that arose during their child's time at the school, the process set out at Appendix 3 will be used. Where a current parent/carer starts a complaint but the procedure is not completed before the child or young person leaves the school, these procedures will continue to be used.

Complaints will not usually be accepted through a third party acting on behalf of a parent/carer, and parents/carers should work with the school directly to resolve the matter. Parents/carers do not have a right to be represented or accompanied during Stages 1 or 2 of this process. In the event that a complaint progresses to a Stage 3 panel hearing, parents may choose to bring a companion to that meeting to support them.

5. Stage 1: Resolving concerns or complaints informally

The majority of concerns and complaints can be resolved without the need to escalate to the formal stages of this procedure. We encourage parents/carers that have concerns or a complaint to raise them as soon as possible with their child's Form Tutor or Head of Year, this can be by telephone, email or in person. For children with SEND, if the matter relates to the support being provided by the school, concerns or complaints should be raised with the SENCo.

Depending on the particular circumstances and where appropriate, the Form Tutor/Head of Year may refer the matter to a colleague to resolve, such as a Curriculum Lead or member of the Senior Leadership Team. A meeting may be arranged with the parent/carer to discuss their concern/complaint; what they feel would resolve the issue; and to provide an opportunity for the school to provide information and context.

We ask that parents/carers work constructively with the school to try to resolve the matter as quickly and efficiently as possible, which is usually in the best interests of all parties involved. In the rare instances where the school considers that the relationship with the parent/carer has broken down, mediation may (at the discretion of the school) be offered to help rebuild that relationship and to resolve concerns and we encourage parents/carers to take up that opportunity when made available.

The formal stages of the procedures should be followed when attempts to resolve concerns or complaints informally have first been tried and proved unsuccessful. The extent to which this informal stage was both attempted and followed will be taken into consideration when assessing the reasonableness of a complaint during the formal stages.

6. Stage 2: Formal Investigation by the Head Teacher

If, having sought to resolve concerns or a complaint informally, a parent/carer is not satisfied with the outcome, they may then elevate the matter to a formal complaint using the procedure set out below. This is not a legal process and is not intended to be adversarial. The purpose is to reach a resolution as quickly and efficiently as possible, in the best interests of all concerned.

A request for a formal investigation of a complaint by the Head teacher must be made in writing (unless the complainant has a sufficient reason to request a reasonable adjustment be made to amend this requirement) by completing the Stage 2 Complaints Form that is included as Appendix 1 and is available to download from the policy page of the school website here. The completed form must be submitted to the Complaints Manager (contact details are provided at the front of this document).

If, having submitted a formal Stage 2 complaint, a parent/carer then wishes to withdraw their complaint, this must be confirmed in writing to the Complaints Manager.

The Head teacher will acknowledge the Stage 2 Complaints Form in writing no later than 10 school days from its submission. Within this response, the Head teacher will seek to clarify any points which are unclear from the Complaint Form and subject to this, will explain how the complaint will be investigated and timescales.

The Head teacher may choose to investigate the complaint themselves or to nominate a suitable investigator (usually a member of the Senior Leadership Team) who will report their findings back to the Head teacher as decision maker.

The Head teacher (or investigator) will gather facts and consider all relevant evidence, which, depending on the particular circumstances, may include meeting with the parent/carer and interviewing those involved and will keep a written record of any meetings/interviews in relation to their investigation.

At this stage of the process the parent/carer or anyone else involved in the matter is not entitled to be accompanied or represented at any meeting or interview.

After considering the facts and evidence the Head teacher can decide to:

- uphold the complaint and direct that specific action is taken to resolve it;
- uphold the complaint in part (in other words find an aspect or aspects of the complaint to be valid, but not the whole complaint) and direct action to be taken; or
- dismiss the complaint entirely.

The Head teacher will inform the parent/carer of their decision in writing within 20 school days of having issued the written acknowledgement of receipt of the complaint (or if later, 20 school days from the date on which the parent/carer provided any clarification requested), explaining the grounds on which it was made and any actions to be taken. The written notification will also advise the parent/carer of their right to escalate the complaint to Stage 3 if they are not satisfied with the outcome at Stage 2, including the contact details of the Complaints Manager.

In certain circumstances, the school itself may choose to escalate a parental complaint to Stage 2 in order to seek resolution.

7. The timescale for making a Stage 2 complaint

Notification of a complaint should be given as soon as possible after the incident/issue(s) that led to the complaint occurred and after making informal attempts to seek resolution at Stage 1 of these procedures. Complaints that are submitted later than three months after the incident/issue(s) will **not** be considered under this procedure, unless:

- there are exceptional circumstances; and
- there is a valid explanation of why it was not possible to give notification of the complaint sooner;
 and
- the complaint can still be investigated in a fair manner for all involved.

In such cases the Head teacher (or Executive Director/Chair of the trust board/Head of Governance as appropriate see section 11 below) will review the circumstances and will determine whether the complaint should be accepted.

When complaints are made out of term time, they will be deemed to have been submitted on the next school day.

8. Stage 3 - Review by a panel of trustees/members of a local academy committee (trust associates)

Parents/carers are entitled to request a review of the decision taken at Stage 2 and the actions taken. The review is carried out by a Panel of trustees/trust associates and an independent member.

Requests for a review of the decision taken at Stage 2 must be made by completing the Stage 3 Complaints Form that is included as Appendix 2 of this procedure and is available to download from the school website here. The form must be received by the Complaints Manager no later than 15 school days after written notification of the outcome of Stage 2 has been given. The completed Form must:

- include a brief summary of the complaint; and
- set out in full the grounds on which the parent/carer remains dissatisfied with the outcome of Stage 2; and
- include any new evidence or information they wish to rely on; and
- set out the remedies they are seeking.

Requests for a Stage 3 Review received outside of this time frame will only be considered if exceptional circumstances apply, as determined by the Chair of the local academy committee, or the Head of Governance (if the complaint relates to the Chair or a trustee/trust associate, see section 11 below).

If, having submitted a formal Stage 3 complaint, a parent/carer then wishes to withdraw their complaint at any point, this must be confirmed in writing to the Complaints Manager as soon as possible.

Throughout the Stage 3 process the Complaints Manager will continue to be the point of contact for the parent/carer and the Panel.

The Panel will not review any new complaints at this stage or consider evidence unrelated to the initial complaint. New complaints must be dealt with from Stage 1 of the procedure.

The following steps are taken at Stage 3:

- a. The Complaints Manager will acknowledge the Stage 3 Complaints Form within 5 school days of receiving it and invite the school to put in writing its response to the grounds on which the parent/carer remains dissatisfied with the outcome of Stage 2. The school will provide this within 15 school days of receiving the request and the Complaints Manager will provide a copy to the parents/carers.
- b. If the parents/carers are satisfied with the response and no longer wish to pursue the complaint further, they should advise the Complaints Manager in writing that they are withdrawing the complaint as soon as possible and within 5 school days of receiving the response. At the end of that period, if the parents/carers have not withdrawn the complaint, the Complaints Manager will convene a meeting of the Stage 3 Review Panel.
- c. The Panel will comprise two trustees or trust associates and a third member who is independent of the management of the school. Prior to the meeting, the three Panel members will decide amongst themselves who will act as the Chair. All three Panel members will have no prior knowledge of or have been directly involved in the matters detailed in the complaint. The Panel will have access to the existing record of the complaint's progress.

- d. The Complaints Manager will organise a time and date for the Review meeting, which will be held in private on school premises as quickly as practicable, given the need to find a date that is reasonably convenient for the parent/carer, the school and the members of the Panel. Whenever possible, the meeting will be held within 20 school days of the school's response time.
- e. The meeting will be held at a time and date that is convenient to all attendees, however, if the parent/carer rejects the offer of three proposed dates, without good reason, the Complaints Manager will decide when to hold the meeting.
- f. The Complaints Manager will invite all attendees and request that any further written material to be submitted to the Panel is provided at the latest by 12pm, 5 school days before the meeting. Written material provided after that time may not be accepted by the Panel.
- g. The Complaints Manager will collate all the relevant documentation and distribute this electronically to all attendees at least 5 school days in advance of the meeting (hard copy papers will be provided on request);
- h. The Complaints Manager (or another member of staff not involved in the subject matter of the complaint) will take minutes of the Review Meeting, which will be approved by the Panel Chair. Electronic recording of the Review Meeting is not permitted.
- The parent/carer, the Head teacher, any investigator and any member of staff subject to the complaint will be invited to the meeting and may be accompanied if they wish by a companion for support, but will usually be expected to speak on their own behalf. Legal or other representation is not usually appropriate, although we recognise that in certain circumstances a member of staff may be entitled to bring union and/or legal representation.
- j. The Review Meeting will be structured, but as informal as circumstances allow. The Panel chair will ensure that all parties are treated with respect throughout. At the meeting:
 - the parent/carer will have the opportunity to put forward the grounds on which they
 remain dissatisfied, but may not introduce new reasons that were not previously put in
 writing;
 - the Head teacher/investigator and any member of staff subject to the complaint and the Panel will have the opportunity to ask questions;
 - the Head teacher/investigator will present their response to the parent/carer's case;
 - the parent/carer and the Panel will have the opportunity to ask questions;
 - witnesses may be called by either party;
 - the parent/carer and then the Head teacher/investigator will be given the opportunity to make any final closing comments;
 - all attendees will be asked to leave, with the exception of the Complaints Manager/minute taker and the Panel will review the evidence and deliberate in private.
- e. The Panel will not normally accept as evidence recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.
- f. Where proposed witnesses include pupils at the school, parental permission must be sought if they are under the age of 18.

- g. After considering all of the written evidence and the representations made at the meeting, the Panel can decide to:
 - uphold the complaint and direct that action be taken to resolve it;
 - uphold the complaint in part (in other words find an aspect or aspects of the complaint to be valid, but not the whole complaint) and direct action to be taken, or
 - dismiss the complaint entirely.

Irrespective of the decision taken, the Panel may also recommend steps to be taken by the school that reduce the likelihood of a similar complaint being made in the future.

- h. The parent/carer and, where relevant, the person complained about will be informed in writing of the outcome of the Review Meeting no later than 10 school days after the meeting has taken place and a copy of the findings and recommendations will be available for inspection by the Head teacher and Trust.
- i. Once approved by the Panel chair, a copy of the minutes of the meeting will be provided to the parent/carer on request and made available to the Head teacher and Trust.
- j. This is the final stage at which the school/Trust will consider the complaint. If the parent/carer feels that the school/Trust acted unreasonably in the handling of the complaint, they can complain to the Department for Education after they have completed Stage 3 of this procedure: using an online form which can be found here:
 https://form.education.gov.uk/service/Contact_the_Department_for_Education Full details of how to contact the Department for Education will be included in the outcome letter.

9. Failure or refusal by the Parent/Carer to engage with the Stage 3 process and/or attend a Stage 3 Review Meeting

If having instigated Stage 3, a parent/carer then fails to engage with the process or to attend the Review meeting, that meeting will proceed in their absence, on the basis of the grounds set out in their Stage 3 Complaints Form and any additional written documentation submitted in accordance with these procedures, unless (and at the Panel's discretion) the parent/carer has notified the Complaints Manager in advance that they are prevented from attending due to a compelling and unavoidable reason such as ill-health, in which case the meeting will be rearranged within a reasonable period and at a time convenient to all parties.

Once the Stage 3 Review Panel meeting has taken place, any further attempt to re-open the matter will be considered as a serial/persistent complaint (section 14 below).

10. Timescales, external investigations and legal action

We will endeavour to complete the formal stages of the complaints procedure in a timely manner and within the timescale for each stage, as referred to within these procedures above. However, if it becomes clear that for any reason we are unable to meet any timescale, the parent/carer will be advised of this, along with the reason for the delay and the revised timescale.

If other bodies are investigating aspects of the complaint, for example the police, local authority safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this

procedure or result in the procedure being suspended until those bodies have completed their investigations.

If a parent/carer commences legal action against the Trust/any member of staff in relation to their complaint, we may (where reasonable and on advice) decide to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

11. Complaints about the Head teacher or the Executive Director or trustees/trust associates

Where a complaint is about the Head teacher, the parent/carer should first seek to resolve the matter with the Head teacher informally under Stage 1.

If the parent/carer remains dissatisfied with the outcome at Stage 1, they may escalate to Stage 2, but with the Executive Director as the individual responsible for the investigation, rather than the Head teacher.

If the complaint is about the Executive Director, the parent/carer should first seek to resolve the matter with them informally under Stage 1. If the parent/carer remains dissatisfied with the outcome at Stage 1, they may escalate to Stage 2, but with the Chair of the Trust Board as the individual responsible for the investigation.

Where a complaint concerns an individual trustee or trust associate, the Stage 2 Complaints Form (at Appendix 1) should be submitted to the Head of Governance (email clerk@kingstoneducationaltrust.org). The Stage 2 process will be completed with the Chair of the Trust as the individual responsible for the investigation, rather than the Head teacher. If the Chair has been directly involved in the matters detailed in the complaint, the Vice Chair or another trustee will take their place. If the Complaint is against the Chair, the Vice Chair will be responsible for the investigation.

Complaints against the entire Trust Board, a local academy committee or complaints involving both the Chair and Vice Chair should be submitted to the Head of Governance, who will determine the most appropriate course of action. This will depend on the nature of the complaint.

12. Maintaining records

A confidential written record of all formal Stage 2 and 3 complaints that are made in accordance with this procedure will be kept by the Complaints Manager. The written record will include whether the complaint was resolved following a formal Stage 2 procedure and whether it proceeded to a Stage 3 Panel review. It will also refer to any action taken by the school as a result of the complaint, regardless of whether it was upheld.

13. Maintaining confidentiality

Concerns and complaints will be dealt with confidentially at all stages and at the conclusion of the procedure (except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Education and Skills Act requests access to records).

Parents/carers should pursue their concerns and complaints using these procedures. Complaints should not be discussed publicly, including via social media, and potentially defamatory comments should not be made about members of staff.

Written records taken and used throughout the complaints process, including correspondence and notes of meetings will be kept securely and in accordance with the Data Protection Act 2018 and the UK GDPR.

Actions taken in relation to school staff, that arise as a result of the complaint, will remain confidential to the school and the member of staff concerned.

14. Serial, persistent and unreasonable complaints

For the purpose of this procedure a complaint may be viewed as serial and/or persistent if it relates to the same issue that was the subject of a previous complaint (whether made by the same complainant or their spouse/partner, family member or other individual) and which has already been through the formal complaints procedure. In such cases the complainant will be informed that the matter is now closed and that the school/trust will provide no further response. If a new complaint is raised that does not relate to the same issue, it will be dealt with under these procedures, from Stage 1.

For the purpose of this procedure a complaint may be viewed as unreasonable if:

- the complainant insists on pursuing a complaint that is out of scope of the complaints procedure;
- the complainant seeks unrealistic outcomes or a resolution that lacks any serious purpose or value;
- the complainant knowingly provides false or falsified information;
- the complainant refuses to articulate their complaint in sufficient detail for it to be investigated or the outcomes sought by raising the complaint;
- the complainant insists on the complaint being dealt with in ways which are incompatible with this
 complaints procedure and the time frames set out,
- the complainant raises large numbers of detailed but unimportant or irrelevant questions, and insists they are responded to or introduces trivial or irrelevant information which they expect to be taken into account and commented on/responded to;
- the complainant changes the basis of the complaint as the investigation proceeds;
- the complainant makes excessive demands on school/Trust time by frequent, lengthy correspondence and contact while the complaint is being dealt with;
- the complainant makes unjustified complaints about staff who are trying to deal with the issues and the concerns raised:
- the complainant uses repeated and unreasonable threats of action to try to intimidate staff or trustees, including for example taking the complaint to the media, police or pursuing civil action against individual members of staff/trustees;
- the complainant publishes confidential and/or potentially defamatory information on social media or other public forums;
- the complainant uses abusive, offensive or discriminatory language or threats of violence;

the complainant refuses to accept the findings of the investigation into the complaint where this
procedure has been followed and they have been advised to refer any complaint regarding that
process to the Department for Education.

If any of these factors apply and:

- all reasonable steps have been taken to address concerns; and
- a clear statement of our position and the parent/carer's options have been provided and the unreasonable behaviour continues

the Head teacher or the Executive Director or Trust Board (as appropriate) may take the decision to stop responding to the complainant.

15. Complaint campaigns

Where the school/Trust receives a large volume of complaints about the same topic or subject, the school/Trust may respond to these complaints by:

- publishing a single response on the school/Trust website, and/or
- sending a template response to all of the complainants.

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

16. Communication strategy for persistent correspondents

If an individual's behaviour is causing a significant level of disruption, regardless of whether or not they have raised a complaint, a tailored communication plan may be put in place. The Head teacher (or Chair of the local academy committee/Trust Board if communications are directed to the Trust) may:

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

The individual will be notified of the communication plan and it will be reviewed every six months. Where the individual is a parent/carer of a pupil at the school, matters relating to the day to day education of that pupil will be excluded from the plan.

17. Review and Monitoring

The trust board will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled effectively. The trust board will track the number and nature of formal complaints, and review any underlying issues or trends.

This policy will be reviewed by headteachers and the Executive Director at least once every 3 years.

At each review, the policy will be approved by the trust board.

Approved: Trust Board Kingston Educational Trust

Date: 10 January 2022

The procedures were approved at a meeting of the board held remotely due to COVID-19 controls and the Chair was not physically present to sign.

Appendix 1: Stage 2 Formal Complaints Form

Name	
Name of pupil, year group and your relationship to them	
Contact email	
Contact address	
Contact telephone number	
Brief facts	
What do you consider should have been done? or what reasonable expectations have not been met?	
Describe what has been done to try to resolve the matter informally, including the member of staff who has been dealing and actions already	

taken/ solutions offered	
The reason that this was not a satisfactory resolution	
What action would you like to be taken to resolve the matter?	
Signed Date	

Appendix 2: Stage 3 Formal Complaints Form: Request for a review of the decision taken at Stage 2

Name	
Name of pupil, year group and your relationship to them	
Contact email	
Contact address	
Contact telephone number	
Brief details of the complaint	
The grounds on which you remain dissatisfied with the outcome of Stage 2, including any new evidence or information you wish to rely on	
The outcome/ action you are seeking to resolve the matter	
Signed Date	

Appendix 3: Complaints process for non-parents/carers (including parents/carers of pupils who have left the school)

- 1. Complaints by anyone other than a parent/carer of a current pupil (no child enrolled at the school/no parental rights) should be made in writing using the Third Party Complaint Form at Appendix 4 and sent to the Head teacher (by email via their personal assistant email: or left at Reception or sent to the school by post, marked Confidential and for the attention of the Head teacher).
- 2. If the complaint concerns the Head teacher, the completed Third Parties Complaints Form should be sent to the Executive Director and if it relates to the Executive Director it should be sent to the Chair of the Trust board via the Head of Governance and Legal (email: clerk@kingstoneducationaltrust.org or left at Reception or sent to the school by post, marked Confidential and for the attention of the Chair, Kingston Educational Trust).
- 3. The Head teacher (or Executive Directr/Chair as appropriate) will acknowledge receipt and seek any clarification needed within 10 school days. Once any clarification required has been provided, they will then investigate the complaint and issue a written response within a further 20 school days.
- 4. The decision of the Head Teacher (or Executive Director/Chair as appropriate) will be final, there is no right of appeal.

Appendix 4: Third Party Complaint Form (for all non parental complaints)

Name	
Contact email	
Contact address	
Contact telephone number	
Details of the complaint	
Details of any prior contact with the school to resolve the matter informally, including the member(s) of staff dealing and actions already taken/ solutions offered	
The reason that this was not a satisfactory resolution	
What action would you like to be taken to resolve the matter?	
Signed Date	