TOWERS SCHOOL

AND SIXTH FORM CENTRE

COMPLAINTS POLICY

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Approved By: Principal

THE TOWERS SCHOOL & SIXTH FORM CENTRE

COMPLAINTS POLICY – changes from previous version

Audit Log		
Section of policy	**Update**	**Date**
All	DfE - Change references from ESFA to DfE where applicable	Nov 25
P6	Changed the timescale for response to SAR to one calendar month, as per DP Policy	Nov 25
P7	Retention of records changed to refer to the data retention policy	Nov 25

THE TOWERS SCHOOL & SIXTH FORM CENTRE

COMPLAINTS POLICY

Policy Aim and Statement

This Complaints Policy helps underpin the mission statement of The Towers School & Sixth Form Centre. Its aim is to ensure that a concern, difficulty or complaint is managed sympathetically, efficiently and at the appropriate level and resolved as soon as possible. Doing so is good practice, fair to those concerned and helps to promote parents' and students' confidence in Towers School and Sixth Form Centre's ability to safeguard and promote welfare. Towers School will try to resolve every concern, difficulty or complaint in a positive way with the aim of putting right a matter which may have gone wrong and, where necessary, reviewing the Academy's systems and procedures in the light of the matters raised.

The Academy needs to know as soon as possible if there is any cause for dissatisfaction. They recognise that a concern or difficulty which is not resolved quickly and fairly can soon become a cause of resentment, which can be damaging to the relationship between the academy and the parent and student, and can also have a detrimental effect upon the academy's ethos and culture. Parents and students should never feel – or be made to feel – that raising a concern, difficulty or complaint will adversely affect the student's future at Towers School, or place the student at a disadvantage in any way.

Application

Towers School & Sixth Form Centre is governed by the Education (Independent School Standards) (England) Regulations 2010 (as amended) ("the Regulations"). This Complaints Policy has been formulated to comply with Schedule 1, Part 7 of the Regulations, as well as equality legislation and the rules of natural justice. In the case of any variance between the procedure outlined in this Complaints Policy and the Regulations, the procedure outlined in the Regulations will apply.

This Complaints Policy applies to all concerns and complaints of the parents of students at the academy, other than those involving child protection issues, or relating to admissions, exclusions and SEND, for which there are separate statutory procedures. Where a complaint is made against a member of staff, depending upon the nature and seriousness of the complaint, the matter may be dealt with under separate HR procedures which are strictly confidential, rather than under this Complaints Policy.

This Complaints Policy distinguishes between a concern or difficulty, which can

usually be resolved informally, and a formal complaint which will require further investigation.

The Rules of Natural Justice

Simply put, the rules of natural justice relate to fairness. The Towers School and Sixth Form Centre will ensure that all concerns, difficulties or complaints are dealt with in accordance with the following principles:

- All parties will be provided with all information and documentation pertinent to the matters raised;
- All parties will be given the opportunity to prepare and present their case and respond to the other parties involved;
- All persons investigating and making decisions in relation to the matters raised will be impartial and will do so without bias (or apparent bias) to any party involved;
- All decisions will be made on a balanced and considered assessment of the information before the investigator only;
- All decisions will be based upon logical conclusions, and not on mere speculation or suspicion;
- All decisions will be supported by detailed reasons which will be disclosed to all parties involved.

Terms Used

For the purpose of this Complaints Policy, a “parent” includes the natural or adoptive parent of a student, irrespective of whether they are or ever have been married, whether they are separated or divorced, whether the student lives with them, whether they have parental responsibility for the student or whether they have contact with the student.

A “parent” will also include a non-parent who has parental responsibility for a student, an adult non- parent with whom the student lives, and an adult who is involved in the day-to-day care of the student (for example, collecting or dropping off the student from school).

Any reference to a “student” will also include a prospective or former student of Towers School.

Complaints Policy.

Procedure

Towers School’s complaints procedure consists of four stages:

- Stage 1 – Concerns and difficulties, dealt with informally;
- Stage 2 – Complaints formally investigated by the Principal (or designate);
- Stage 3 – Complaints formally reviewed by the Chair of Trustees (or designate);
- Stage 4 – Complaint Panel Hearing.

Time Limits

The academy aims to resolve concerns, difficulties and complaints in a timely manner. Time limits for each stage of the procedure are set out under each individual stage. For the purposes of this Complaints Policy, a "academy day" is defined as a weekday during term time, when the academy is open to children. The definition of "academy day" excludes weekends, school holidays, bank holidays and staff training days. For the avoidance of doubt, term dates are published on the academy's website, and information about term dates is made available to parents and students periodically.

Although every effort will be made by the academy to comply with the time limits specified under each stage of the procedure, it may not always be possible to do so, for example due to the complexity or number of matters raised, or due to the unavailability of the Complainant to attend a meeting, if offered. In all cases, where a time limit cannot be complied with, the academy will write to the Complainant within the specified time limit, setting out the reasons why the time limit cannot be complied with, and confirming the new time limit which will apply.

Complaints against the Principal

If a complaint is about the conduct of the Principal, the Chair of Trustees will investigate the complaint under Stage 2 of this Complaints Policy instead of the Principal. The Vice-Chair of Trustees will review the complaint under Stage 3 of this Complaints Policy instead of the Chair of Trustees.

Complaints against the Chair of Trustees

If a complaint is about the conduct of the Chair of Trustees, the Principal will consider the complaint under Stage 2 of this Complaints Policy as normal, and the Vice-Chair of Trustees will review the complaint under Stage 3 of this Complaints Policy instead of the Chair of Trustees.

Late Complaints

Where a complaint is submitted more than six months after the incident or event (or where the complaint relates to a series of incidents or events, more than six months from the date of the latest incident or event), the academy reserves the right to refuse to investigate the complaint under this Complaints Policy if it appears reasonable and fair to do so, having regard to the circumstances surrounding the complaint.

Where the academy decides that a complaint which was submitted late will not be investigated, the academy will write to the Complainant notifying them of the decision within five school days of the complaint being received.

If the Complainant is unhappy with the decision not to investigate a complaint which was submitted late, the Complainant may write to the Chair of Trustees at The Towers School and Sixth Form centre asking for the decision to be reviewed. The Chair of Trustees will be provided with all documentation relating to the complaint,

together with the letter from the academy to the Complainant, and will review the decision not to investigate the complaint. The Chair of Trustees will not investigate the complaint itself during this review.

The Chair of Trustees will write to the Complainant with the outcome of the review within ten school days of the date that the letter from the Complainant seeking the review was received, and provide the academy with a copy of the letter.

If the Chair of Trustees quashes the decision not to investigate the complaint, it will be referred to the academy to be dealt with under this Complaints Policy in the usual way.

If the Chair of Trustees upholds the decision not to investigate the complaint, the Complainant may refer the concern or complaint to the DfE using the procedure stated towards the end of this Complaints Policy.

In exceptional circumstances, the Chair of Trustees can delegate the responsibility for the review to the Vice-Chair of Trustees.

Vexatious or Repeated Complaints

There may be occasions when, despite a complaint being considered under all stages in this Complaints Policy, the Complainant persists in making the same complaint to the academy. There may also be occasions when a Complainant raises unreasonable persistent complaints or raises complaints about matters which do not affect them. There may also be occasions when a complaint is made about a matter which is clearly so trivial that it would be a waste of the school's resources to deal with it under the formal stages of the procedure.

In all of these cases, The Towers School and Sixth Form Centre reserves the right to regard the complaint as vexatious and/or repeated and to refuse to investigate it under the procedure in this Complaints Policy, if it appears reasonable and fair to do so, having regard to the circumstances surrounding the complaint.

Where the academy decides that a complaint is vexatious and/or repeated and will not be investigated, they will write to the Complainant within five school days of the complaint being raised to notify them of the decision.

If the Complainant is unhappy with the decision not to investigate a vexatious and/or repeated complaint, they may write to the Chair of Trustees to ask for the decision to be reviewed. The Chair of Trustees will be provided with all documentation relating to the current complaint and any previous complaints which were relevant to the decision, together with the letter from the academy to the Complainant, and will review the decision not to investigate the complaint. The Chair of Trustees will not investigate the complaint itself during this review.

The Chair of Trustees will write to the Complainant with the outcome of the review within ten school days of the date that the letter from the Complainant seeking the review was received.

If the Chair of Trustees quashes the decision not to investigate the concern or complaint, it will be referred to the academy to be dealt with under the procedure in this Complaints Policy in the usual way.

If the Chair of Trustees upholds the decision not to investigate the concern or complaint, the Complainant may refer the concern or complaint to the DfE using the

procedure stated towards the end of this Complaints Policy.

In exceptional circumstances, the Chair of Trustees can delegate the responsibility for the review to the Vice-Chair of Trustees.

Anonymous Complaints

Towers School and Sixth Form Centre will not investigate anonymous complaints under the procedure in this Complaints Policy. Anonymous complaints will be referred to The Principal who will decide what, if any, action should be taken.

Data Protection Act 1998 and Freedom of Information Act 2000

Complaints sometimes include requests for information or documentation. Such requests will either be a “subject access request” under the Data Protection Act 1998 (where the information requested relates to an identifiable individual) or a request for disclosure of information under the Freedom of Information Act 2000 (where the information is general and not related to an identifiable individual).

Subject access requests under the Data Protection Act 1998 must be responded to within one calendar month, and requests under the Freedom of Information Act 2000 must be responded to within twenty working days, however the academy will aim to provide this information as soon as practicable (where the request is valid and the Complainant is lawfully entitled to the information or documentation) in accordance with the rules of natural justice.

Complainants should be aware that the academy may decide to charge a fee in accordance with legislation where complying with the request will involve a substantial cost to the academy in terms of time and expenses.

Further details can be found in the Towers Schools Data Protection Policy and Freedom of Information Policy.

Resolution Principles

It is in everyone’s interest that concerns, difficulties and complaints are resolved to the satisfaction of all parties at the earliest possible stage. The way in which the concern, difficulty or complaint is dealt with after the matter is first raised by the Complainant can be crucial in determining whether the complaint will escalate. To that end, members of staff will be periodically made aware of the procedure in this Complaints Policy, so that they will know what to do when a concern or difficulty is raised with them.

At each stage of the complaints procedure, the investigator will consider how the complaint may be resolved. In considering how a complaint may be resolved, the investigator will give due regard to the seriousness of the complaint. It may be appropriate in order to bring the complaint to a resolution for the investigator to offer:

- An explanation;
- An apology;
- Reassurance that steps have been taken to prevent a recurrence of events which led to the complaint;

- Reassurance that the academy will undertake a review of its policies and procedures in light of the complaint.

None of the above will constitute an admission of negligence or an acceptance of liability on behalf of Towers School & Sixth Form Centre.

Outcome Principles

Examples of outcomes include:

- There was insufficient evidence to reach a conclusion, so the complaint cannot be upheld;
- The investigation did not substantiate the matters raised, so the complaint cannot be upheld;
- The complaint was substantiated in part or full. A description should be given of the remedial action being taken by the academy as a consequence of the complaint. Details of any disciplinary action or sanctions to be taken against a member of staff are strictly confidential and cannot be disclosed.
- The matter has been fully investigated and, as a consequence, further confidential procedures are being pursued. Details of any disciplinary action or sanctions to be taken against a member of staff are strictly confidential and cannot be disclosed.

Retention of Records

Records will be maintained at the academy as per the data retention policy.

Confidentiality

All correspondence, statements and records relating to individual complaints will be kept confidential except where access is requested by the Secretary of State, a school inspector, or under another legal authority.

Publication

This Complaints Policy has been ratified by the Governing Body, and will be reviewed annually. It will be published on the academy's website and provided to parents and students on request to the academy's office. A copy of this Complaints Policy will be provided to a Complainant when a concern, difficulty or complaint is first raised.

Stage 1: Concerns and Difficulties

Concerns:

The academy expects that most concerns and difficulties, where a parent or student seeks intervention, reconsideration or some other action to be taken, can be resolved informally. Examples might include dissatisfaction about some aspect of teaching or pastoral care, allocation of privileges or responsibilities, a timetable clash, an issue with the Towers School and Sixth Form Centre systems or equipment, or a billing error.

Notification:

The concern or difficulty should be raised as follows:

- Education issues – if the matter relates to the classroom, the curriculum or special educational needs, the Complainant should speak to the Curriculum Lead, Faculty Lead, SENCO or member of the Senior Leadership Team (SLT), as appropriate
- Pastoral care – for concerns relating to matters outside the classroom, the Complainant should speak to the Year team or member of the Senior Leadership Team (SLT), as appropriate
- Disciplinary matters – a problem over any disciplinary action taken or a sanction imposed should be raised with the member of staff who imposed it in the first instance. If not resolved, the Complainant should speak to the relevant Curriculum Lead, Faculty Lead, Year team or member of the Senior Leadership Team (SLT), as appropriate.
- Financial and administrative matters – a query relating to fees, extras or other administrative matters should be raised by the Complainant with the Finance Office or the Academy Finance Director.
- An issue with a specific member of staff – often, the best way to resolve an issue with a specific member of staff is to raise it with that member of staff directly, so that they are given the opportunity to address and resolve the concern or difficulty before it becomes a formal complaint. If the Complainant feels uncomfortable doing this, however, the issue should be raised with the appropriate Faculty Lead or member of SLT.

Should a concern or difficulty be raised with a member of staff who feels that they are not the best person to be dealing with it, they will refer it to the Faculty Lead, member of the Senior Leadership Team (SLT) or other designated member of staff as appropriate.

If a concern or difficulty is raised with a member of staff who feels that it raises serious issues which should be dealt with as a formal complaint immediately, the member of staff will tell the Complainant that they should put their complaint in writing to the Principal under Stage 2 of this Complaints Policy. If the Complainant would prefer to complete a form instead of writing a letter, the Complainant can complete the Complaint Form contained in Appendix 1 of this Complaints Policy to submit their complaint formally.

Unresolved Concerns and Difficulties

The academy will aim to resolve a concern or difficulty within fifteen school days of the date that it was raised (this will be the date that the letter is received by the academy.) Where a concern or difficulty has not been resolved by informal means within this time limit from the date that it was raised, the complainant can submit the matters raised as a formal complaint under Stage 2 of this Complaints Policy.

Record of Concerns and Difficulties

The member of staff dealing with a concern or difficulty will make a written record of the issues raised, the action taken and, if applicable, the resolution reached, which will be retained in a central record. Further information in relation to the retention of records can be found earlier on in this Complaints Policy.

Stage 2: Formal Complaint to the Principal

Notification

A concern or difficulty raised under Stage 1 of this Complaints Policy which remains unresolved after fifteen school days, or a serious matter which requires formal investigation from the outset, should be set out in writing and sent to the Principal at The Towers School and Sixth Form Centre. Should a formal written complaint be received by another member of the academy's staff, they will immediately pass it on to the Principal.

The Complainant should clearly set out the matters in dispute, the relevant dates and the full names of the persons involved and what the Complainant believes the academy should do to resolve the complaint. Any documentation relied upon by the Complainant should be attached to the formal complaint.

Acknowledgement

The formal complaint will be acknowledged in writing within five school days of receipt. The acknowledgement letter will confirm the date that the formal complaint was received, the action to be taken and the specified time limit.

Investigation

The Principal will be provided with the records of the Stage 1 informal procedure (if applicable) within five school days of receipt of the formal complaint, and will then proceed to investigate the complaint or nominate a senior member of the team to investigate on his behalf. This will involve obtaining and considering all documentation held by the academy which is relevant to the complaint. If further information is required from the Complainant, this may be requested from them over the telephone or in writing.

The Principal or their nominated representative, will speak to the persons who were involved in the matters raised by the Complainant. Students will only be spoken to with an independent member of staff present to support them. Where there is an issue about the conduct of a member of staff, that member of staff will be offered the option of having another member of staff present. Other members of staff will be spoken to alone. A written record of the conversation will be made, and the student or member of staff spoken to will be asked to read, sign and date the written record to confirm that it is accurate. In the case of students, the accompanying independent member of staff will also be asked to sign and date the record of the conversation.

If the Principal deems it to be appropriate in relation to the matters raised, the Complainant will be offered a meeting to discuss the issues raised. This may take place at the beginning of the investigation to clarify any matters which are unclear, or after the investigation has taken place with the aim of reaching an amicable resolution.

Outcome

The Principal will write to the Complainant confirming the outcome of the investigation within twenty school days from the date that the complaint was received. The letter will set out the individual matters raised by the Complainant, the findings made by the Principal during the course of the investigation, and the conclusion reached.

The letter will inform the Complainant that, if they are unsatisfied with the outcome of the Stage 2 investigation, they should write to the Clerk to the Trustees within five school days of receipt of the letter asking for their complaint and the Stage 2 investigation to be reviewed by the Chair of Trustees under Stage 3 of this Complaints Policy.

Where the complaint was received during a school holiday or within twenty days from the end of a term or half term, the Principal will endeavour to expedite the investigation wherever possible.

Delegation

In appropriate cases, the Principal may delegate the complaint to a member of the Senior Leadership Team to deal with in accordance with the procedure outlined above.

Stage 3: Review by the Chair of Trustees

Notification

If the Complainant is unsatisfied with the outcome of the complaint under Stage 2 of this Complaints Policy, the Complainant may write to the Clerk to the Trustees asking for the complaint to be reviewed by the Chair of Trustees, within five school days of receiving the letter confirming the outcome following Stage 2.

The Complainant should not repeat the matters raised in their original letter or attach documentation already provided, but should clearly set out how and why the Complainant does not accept the findings made under Stage 2.

Acknowledgement

The Complainant's letter will be acknowledged within five school days of receipt. The acknowledgement letter will confirm the date that the formal complaint was received, the action to be taken and the specified time limit.

Review

The Chair of Trustees will be provided with all documentation relating to the complaint within five school days of receipt of the letter requesting a review under Stage 3, including the record of the Stage 1 informal procedure (if applicable), the original letter of complaint or Complaint Form, any documentation provided by the Complainant with their complaint, all investigation records under Stage 2, and the letter of outcome under Stage 2.

The Chair of Trustees will review all of the documentation received and consider the matters raised in complaint and the investigation carried out under Stage 2. The Chair of Trustees will only speak to the persons involved in the matters raised to clarify matters which were not confirmed during the Stage 2 investigation, if believed necessary. Where the Chair of Trustees does speak to a student or a member of staff whose conduct is in issue, they will be accompanied as outlined under Stage 2.

If the Chair of Trustees deems it to be appropriate in relation to the matters raised, the Complainant will be offered a meeting to discuss the issues raised. If a meeting is deemed appropriate, it will usually take place after the review has been completed with the aim of reaching a mutually acceptable resolution.

Outcome

The Chair of Trustees will write to the Complainant confirming the outcome of the review within twenty school days from the date that the request for a review was received. The letter will set out whether the Chair of Trustees agrees with the findings and conclusion under Stage 2, and give reasons, as well as responding to any criticisms of the Stage 2 investigation.

The letter will inform the Complainant that, if they are unsatisfied with the outcome of the Stage 3 review, they should write to the Clerk to the Trustees within five school days of receipt of the letter requesting a Complaint Panel Hearing under Stage 4 of this Complaints Policy.

Where the request for a review was received during a school holiday or within twenty days from the end of a term or half term, the Chair of Trustees will endeavour to expedite the review wherever possible.

Delegation

In appropriate cases, the Chair of Trustees may delegate the review to the Vice-Chair of Trustees to deal with in accordance with the procedure outlined above.

Stage 4: Complaint Panel Hearing

Notification

If the Complainant is unsatisfied with the outcome of the review under Stage 3 of this Complaints Policy, the Complainant may write to the Clerk to the Trustees requesting a Complaint Panel Hearing. The Complainant should write to the Clerk to the Trustees within five school days of receiving the letter confirming the outcome following Stage 3.

The Complainant should not repeat the matters raised in their original letter or attach documentation already provided, but should clearly set out how and why the Complainant does not accept the findings made under Stages 2 and 3.

The Complaint Panel

The Complaint Panel will consist of three persons appointed by or on behalf of the Governing Body by the Clerk to the Trustees. None of the three Complaint Panel members will have been involved in the matters which gave rise to the complaint, have been involved in dealing with the complaint previously or have any detailed prior knowledge of the complaint. Two of the Complaint Panel members may (but do not have to) be Trustees. The third Complaint Panel member will be independent of the management and running of The Towers School and Sixth Form Centre, i.e. they will not be a member of staff or a Trustee, and will not be linked to The Towers School and Sixth Form Centre in another way, for example as a parent of a student at the academy. The independent Complaint Panel member will be the Chair of the Complaint Panel.

The Department for Education has issued guidance in relation to the appointment of the independent Complaint Panel member as follows:

Whilst we do not wish to be prescriptive about who academy's should appoint as an independent person, our general view is that people who have held a position of responsibility and who are used to analysing evidence and putting forward balanced arguments would be suitable. Examples of persons likely to be suitable are serving or retired business people, civil servants, heads or senior members of staff at other academy's, people with a legal background and retired members of the police force... Academy's will of course have their own views.

Attendance

The Complainant may attend the Complaint Panel Hearing, and may be accompanied by another person. For the avoidance of doubt, the Complainant's supporter will be present for moral support only and will not play any part in the proceedings, unless invited to do so by the Chair of the Complaint Panel, entirely at his or her discretion and for a good reason. The Complaint Panel Hearing is not a legal hearing and it is not appropriate for either the Complainant or the academy to be legally represented.

The academy will be represented at the Complaint Panel Hearing by the person who dealt with the complaint under Stage 3, which will usually be the Chair of Trustees. This person will be referred to as the "Academy's Representative" for the purposes

of Stage 4.

The Complaint Panel Hearing will be minuted by the Clerk to the Complaint Panel, who will usually be the Clerk to the Trustees

Convening the Complaint Panel Hearing

After selecting the Complaint Panel members, the Clerk to the Trustees will write to the Complainant within five school days acknowledging receipt of their request and informing them of the names of the Complaint Panel members. If the Complainant objects to any of the named persons being appointed to the Complaint Panel, they should notify the Clerk to the Trustees within three school days of receipt of the letter. Fair consideration will be given by the Clerk to any bona fide objection to a particular member of the Complaint Panel.

The Clerk to the Trustees will liaise with the Complaint Panel, the Complainant and the Academy's Representative to agree a mutually convenient date for the Complaint Panel Hearing, which will usually take place within twenty school days of receipt of the Complainant's request, unless there are exceptional circumstances.

The Clerk to the Trustees will write to the Complainant confirming the date of the Complaint Panel Hearing within five school days of the date that the acknowledgement letter was sent (or the date that the new Complaint Panel member was selected, if an objection was received and upheld). If the Complaint Panel Hearing will not take place within twenty school days of receipt of the Complainant's request, the letter will set out the exceptional circumstances involved.

Documentation

The Clerk to the Trustees will forward a copy of all paperwork relating to the complaint (consisting of the record of the Stage 1 informal procedure (if applicable), the original letter of complaint or Complaint Form, any documentation provided by the Complainant with their complaint, all investigation records under Stage 2 with the letter of outcome, all review records under Stage 3 with the letter of outcome, and the Complainant's letter requesting a Complaint Panel Hearing and accompanying documents) to the Complainant, the academy's Representative and the three Complaint Panel members.

The names of individuals other than the Complainant, the Complainant's family, members of the academy's staff and Trustees, will be redacted and replaced with a letter relevant to that particular individual (for example "Jane Brown" will be replaced with "A" throughout, "John Jones" will be replaced with B throughout) unless they have provided their written consent for their name to be disclosed.

If the Complainant wishes the Complaint Panel to consider any additional

information, they should forward this documentation to the Clerk to the Trustees to arrive at least five school days before Academy's Representative and the Complaint Panel members.

Witnesses

The Chair of the Complaint Panel will decide, at his or her absolute discretion, which witnesses will be permitted to attend the Complaint Panel Hearing to give a verbal statement rather than relying on a written statement or record of meeting which have been signed by the witness.

If the Complainant wishes to rely on the account of a witness, they should ask the witness to write down, sign and date their account and forward it to the Clerk to the Trustees at least five school days before the Complaint Panel Hearing, to enable the Clerk to the Trustees to forward it to the Academy's Representative and the Complaint Panel members.

Witnesses under the age of eighteen other than the Complainant's own family will only be allowed to attend the Complaint Panel Hearing at the discretion of the Chair of the Complaint Panel, and then only if they are accompanied by one of their parents or carers. Any written accounts provided by the Complainant relating to witnesses under the age of eighteen must be signed and dated by the witness and one of the witness' parents or carers.

Members of staff of The Towers School and Sixth Form Centre involved in the matters which gave rise to the complaint will usually have provided a signed written account or have signed a note of a meeting during the previous stages, which will be forwarded to all parties with the other complaint documentation in the usual way. Members of staff will not usually be required to attend the Complaint Panel Hearing to give a verbal statement unless their conduct is in issue or their account is contentious and the rules of natural justice dictate that the Complainant should be allowed to ask that member of staff questions.

Procedure at the Complaint Panel Hearing

The Complaint Panel Hearing will be conducted as follows:

- The Clerk to the Complaint Panel will greet the Complainant, the Complainant's supporter and the Academy's Representative and welcome them into the room where the Complaint Panel has convened (any witnesses will remain outside of the room until they are called in to give their account);
- The Complainant will be invited by the Complaint Panel to give an account of their complaint;
- The Academy's Representative will be invited to ask the Complainant questions, if any;
- The Complaint Panel will ask the Complainant questions, if any;
- At the discretion of the Chair of the Complaint Panel, the Complainant's first witness will be invited into the room to give an account of what they saw or know;
- The Academy's Representative will be invited to ask the Complainant's

witness questions, if any;
- The Complaint Panel will ask the Complainant's witness questions, if any;
- The Complainant's witness will be asked to leave the room;
- If the Complainant has any further relevant witnesses, at the discretion of the Chair of the Complaint Panel, they will be invited into the room individually to provide their accounts and be questioned as outlined above;
- The Academy's Representative will be invited by the Complaint Panel to respond to the complaint and make representations on behalf of the academy;
- The Complainant will be invited to ask the Academy's Representative questions, if any;
- The Complaint Panel will ask the Academy's Representative questions, if any;
- At the discretion of the Chair of the Complaint Panel, the academy's relevant first witness will be invited into the room to give an account or what they saw or know;
- The Complainant will be invited to ask the academy's witness questions, if any;
- The Complaint Panel will ask the academy's witness questions, if any;
- The academy's witness will be asked to leave the room;
- If the academy has any further relevant witnesses, at the discretion of the Chair of the Complaint Panel, they will be invited into the room individually to provide their accounts and be questioned, as outlined above;
- The Complainant will be invited by the Complaint Panel to summarise their complaint;
- The Academy's Representative will be invited by the Complaint Panel to summarise their response to the complaint and the academy's stance;
- The Complaint Panel Hearing will conclude and the Complainant and the Academy's Representative will be asked to leave.

The Complaint Panel's Decision

The Complaint Panel will convene in private, either immediately after the Complaint Panel Hearing or on a subsequent date, and will consider all of the documentation and everything that they have heard at the Complainant Panel Hearing and make:

Findings of Fact

The Complaint Panel will decide which facts are established to be true, on a balance of probabilities (i.e. more likely than not). If a fact is not deemed relevant, the Complaint Panel will not consider it further. The Complaint Panel will make a written record of the facts that have been established, those which have not been established and those which are not relevant, with their reasons for making these findings.

Recommendations

The Complaint Panel will consider the facts which they have established and will make recommendations based upon them. These recommendations may be aimed at achieving reconciliation between the parties (for example, a written apology), improving procedures or preventing a recurrence in the future. The Complaint Panel will keep a written record of their recommendations, with reasons.

Notification of the Complaint Panel's Decision

The Clerk to the Trustees will write within ten academy days of the Complaint Panel Hearing to the:

- Complainant;
- the Academy's Representative;
- Any person complained about;

The letter will identify each of the issues complained about, summarise how the Complaint Panel Hearing proceeded, and confirm each of the Complaint Panel's findings of fact and recommendations, if any, with reasons. The letter will also confirm that, if the Complainant believes that this Complaints Policy does not comply with the Regulations, or that Towers School has not followed the procedure outlined in this Complaints Policy, the Complainant may refer their complaint to the DfE for further consideration.

The Clerk to the Trustees will also ensure that a copy of the Complaint Panel's findings and recommendations are made available on the academy's premises for inspection by the Trust, the Local Trustees Body and the Principal.

Factors for the Complaint Panel to Consider

- It is important that the Complaint Panel Hearing is independent and impartial, and that it is seen to be so. No person may sit on the Complaint Panel if they have had a prior involvement in the matters which gave rise to the complaint, in dealing with the complaint in the previous stages, or have a prior detailed knowledge of the complaint;
- The aim of the Complaint Panel Hearing, which must be held in private, will always be to resolve the complaint and achieve reconciliation between The Towers School and Sixth Form Centre and the Complainant. However, it has to be recognised that the Complainant may not be satisfied with the outcome if the Complaint Panel does not find wholly in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the Complainant that his or her complaint has been taken seriously;
- An effective Complaint Panel will acknowledge that many Complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The Chair of the Complaint Panel will ensure that the Complaint Panel

Hearing is as welcoming as possible, while ensuring that it is procedurally fair to all parties. The layout of the room will set the tone and care is needed to ensure the setting is informal and not substantially adversarial;

- Extra care needs to be taken when the Complainant is a child, or there are child witnesses present. Care should be taken to ensure that the child does not feel intimidated. The Complaint Panel should be aware of the views of the child and give them equal consideration to those of the adults present. Where the child's parent is the Complainant, it would be helpful to give the parent the opportunity to suggest which parts of the hearing, if any, the child should attend, with the Chair retaining discretion;
- The Complaint Panel should ensure that they are familiar with the complaints procedure in advance of the Complaint Panel Hearing.

The Chair of the Complaint Panel will play a key part at the Complaint Panel Hearing, ensuring that:

- The remit of the Complaint Panel is explained to the parties and each party has the opportunity of making representations without undue interruption;
- All of the issues raised in the complaint are addressed;
- Key findings of fact are made, on a balance of probabilities ;
- Each party treats the other with respect and courtesy;
- The Complaint Panel is open minded and acts independently of Towers School.
- No member of the Complaint Panel has a vested interest in the outcome of the proceedings;
- Each side is given the opportunity to state their case and ask questions;
- All written material is seen by all parties. If a new issue arises during the course of the Complaint Panel Hearing, it would be useful to give all parties the opportunity to consider and comment on it.

Referral to the DfE

Once a complaint has been through all the stages of this Complaints Policy, if the Complainant believes that this Complaints Policy does not comply with the Regulations, or that The Towers School and Sixth Form Centre has not followed the procedure in this Complaints Policy, the Complainant can refer the complaint to the DfE for consideration.

The Complainant can find further information about referring a complaint to the DfE by pasting this page into an Internet browser:

https://www.gov.uk/complain-to-dfe

The Complainant should be aware that the DfE will not usually investigate the complaint itself, or interfere with the findings of the Complaint Panel, unless the decision made was manifestly unreasonable.