



Mossbourne
Federation

Complaints Policy

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Complaints Policy

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1. Policy

- 1.1 The Federation aims to ensure that all complaints are dealt with efficiently, fairly, sympathetically, and at the appropriate level.
- 1.2 The Federation aims to ensure that complainants understand that complaints are dealt with professionally and that making a complaint will in no way impact any student at the academy.
- 1.3 The Federation will resolve all complaints in a transparent manner.
- 1.4 The Federation expects that most complaints can be resolved informally but guarantees to treat all complaints seriously and confidentially, whether raised informally or formally.
- 1.5 The Federation will make parents and carers aware of the existence of this Complaints Policy through publication on the websites of academies within the Federation. A hard copy may be requested from Reception of each academy within the Federation.

2. Legislation

- 2.1 This policy is written in line with Section 29 (1) of the Education Act 2002.
- 2.2 This Policy is compliant with Schedule 1, Part 7 of the Education (Independent School Standards) (England) Regulations 2014.

3. Scope

- 3.1 This Policy applies to all complaints other than the following, where separate procedures apply:
 - Admissions
 - Statutory assessments of Special Educational Needs
 - Safeguarding matters
 - Suspensions and permanent exclusions
 - Staff disciplinary matters
 - Concerns relating to the curriculum or to its religious education
 - Whistle blowing
 - Complaints about services provided by another supplier who may use federation premises or facilities
- 3.2 As this Complaints Policy complies with Part 7 of the Education (Independent School Standards) Regulations 2014, it only applies to complaints from parents or carers of pupils and students on roll at the federation, regarding their child, at the time of the complaint.
- 3.3 As a public body, and in line with the expectation of Secretary of State for Education, the federation will manage complaints from complainants who are not parents or carers of students or pupils on roll respectfully and expediently but is not obliged to follow the Complaints Policy.

4. Stage 1 - Informal Complaints

- 4.1 Most complaints, where a complainant seeks intervention, reconsideration, or some other action to be taken can be resolved informally. Examples might include dissatisfaction about some aspect of teaching, disciplinary matters (but not suspensions or permanent exclusions) and incidents outside the classroom. Parents or carers should raise the complaint initially with the class teacher, Head of Year or a member of the Senior Leadership Team. This should be raised via telephone, by arranging an appointment via reception or a note in the student planner. An informal resolution will be sought through a meeting between the complainant and an appropriate member of staff.



- 4.2 Unresolved complaints: a complaint which has not been resolved by informal means should be submitted as a formal complaint in accordance with the Stage 2 process as detailed below.
- 4.3 Timescales: complaints should be raised within 10 school days of the matter concerned. The Federation aims for this Informal Stage to be completed within 10 school days. Any complaint received during a school holiday or within 10 school days of the end of term or half term may take longer to resolve.
- 4.4 Record of complaints: In the case of complaints raised under Stage 1, the only record of the complaint and its resolution may be filed notes by the person dealing with the complaint and/or filed correspondence between the person raising the concern and the respondent. There is no expectation that a written record of a complaint which is raised at Stage 1 is kept.
- 4.5 If a meeting is requested by the complainant and is not attended by the complainant, and the complainant does not provide notice of non-attendance, the matter will be considered based on the evidence presented by the complainant. The academy reserves the right to offer no more than two meetings regarding the matter prior to considering the matter resolved.

5. Stage 2 - Formal Complaints – Referral to the Principal or Designated Senior Member of Staff

- 5.1 Notification: an unresolved Stage 1 Complaint which needs investigation, or a more serious dissatisfaction with some aspect of the Federation's policies, procedures, management or administration, should be set out in writing using the Complaints Form (Appendix 1). This must include full details and be sent, with all relevant documents and full contact details, to the PA to the Principal of the relevant academy.
- 5.2 Acknowledgement: a Stage 2 Complaint will be acknowledged in writing, normally within five school days of receipt, by the PA to the Principal during term time. When a complaint is submitted outside of term time, it will be responded to as if received on the first day of the next term. The acknowledgement will indicate the action that is being taken and the likely timescale for resolution, in accordance with this policy as set out below.
- 5.3 Stage 2 Complaints will normally be investigated, or reviewed, by a senior member of staff designated by the Principal.
- 5.4 Investigation and resolution: the Principal or a senior staff member designated by the Principal (or in case of complaints relating to the Federation as a whole, the Chief Executive Officer) will determine who has responsibility for responding to a formal Stage 2 Complaint, including the decision about his/her own involvement. Subject to this, the Chief Executive Officer/Principal may deal with the matter personally or delegate a senior member of staff to act as Investigating Officer. The Investigating Officer may request additional information from the complainant and will fully investigate the issue. The Investigating Officer may meet or speak with the complainant to discuss the matter. Unless unavoidable, members of the relevant Governing Body should not become involved at this stage to avoid prejudicing their possible future involvement.
- 5.5 The resolution to a complaint raised at Stage 2 will usually be put writing to the complainant.
- 5.6 It is usual for a meeting to be arranged by the Investigating Officer to investigate the complaint or feedback regarding the resolution of a Stage 2 Complaint. If a meeting is requested by the complainant and is not attended by the complainant, and the complainant does not provide notice of non-attendance, the matter will be considered based on the evidence presented by the complainant. The academy reserves the right to offer no more than two meetings regarding the



matter prior to considering the matter resolved.

5.7 Unresolved Complaints: complainants may seek to refer unresolved Stage 2 Complaints to Stage 3 (see below).

5.8 Timescales: complainants seeking to refer unresolved Stage 2 complaints to Stage 3 should do so within 10 working days of the conclusion of the Stage 2 process. The Federation aims to inform complainants of the outcome of an investigation and the resolution to the complaint within 30 school days from receipt of the complaint. When a complaint is submitted outside of term time, it will be responded to as if received on the first day of the next term.

6. Stage 3 – Complaint Heard by the Chief Executive Officer (CEO) or Designated Senior Member of Federation Staff

6.1 Request: a request for a complaint to be heard by the Chief Executive Officer must be made in writing within 10 school days of the conclusion of the Stage 2 Complaint process. This request should be made to the PA to the Principal of the relevant academy including a copy of the original written complaint. The request must also indicate which matters remain unresolved. No new or further complaint/s may be included. Upon receipt, the complaint will be forwarded to the Chief Executive Officer.

6.2 Acknowledgement: A Stage 3 Complaint will be acknowledged in writing by the Assistant to the CEO who will inform the complainant of the steps involved in the process. The Assistant to the CEO will be the contact point for the complainant throughout the duration of this stage.

6.3 Investigation and Resolution: the CEO (Chief Executive Officer) may deal with the matter personally or delegate a Federation senior member of staff to act as Investigating Officer. The Investigating Officer may request additional information from the complainant and will fully investigate the issue. The Investigating Officer may meet or speak with the complainant to discuss the matter. Unless unavoidable, members of the relevant Governing Body should not become involved at this stage to avoid prejudicing their possible future involvement.

6.4 The CEO or the Investigating Officer will meet with the complainant and, depending on the nature of the complaint, may

- review the investigation carried out at Stage 2 by the Principal or Investigating Officer.
- offer mediation between the complainant and academy.
- reinvestigate the complaint.

6.5 The CEO or the Investigating Officer in liaison with the CEO can

- dismiss the complaint in whole or in part.
- uphold the complaint in whole or in part.
- decide on the appropriate action to be taken to resolve the complaint and/or
- recommend changes to the Federation's systems or procedures to ensure that problems of a similar nature do not recur.

6.6 The CEO or Investigating Officer will aim to meet with the complainant as soon as possible, normally no later than 15 school days after receipt of the Stage 3 Complaint. The final decision will normally be communicated no later than 15 school days after the meeting has taken place. The time between the submission of a Stage 3 Complaint and communication of the Stage 3 Complaint finding is normally no more than 30 school days.



6.7 If the Stage 3 Complaint meeting is not attended by the complainant, and a request to reschedule the meeting is not received in advance of the meeting, the matter will be considered based on the evidence available. The Federation reserves the right to arrange no more than two meetings to investigate a complaint or feedback the resolution of the complaint.

7. Stage 4 – Complaint Heard by Governing Body Complaints Panel

7.1 Request: a request for a Stage 4 Complaint (an appeal) to be heard by the relevant Governing Body Complaints Panel, hereafter referred to as the GBCP, must be made in writing within 10 school days of the date of the CEO's decision made at Stage 3. This request should be made to the Principal (by letter) including a copy of the original written complaint. The request must also indicate which matters remain unresolved. No new or further complaint may be included. Upon receipt of the Stage 4 Complaint it will be forwarded to the relevant members of the Governing Body.

7.2 Acknowledgement: upon receipt of a complaint, a Clerk to the GBCP will be appointed who will acknowledge receipt of the complaint in writing and who will inform the complainant of the steps involved in the process. The Clerk will be the contact point for the complainant throughout the duration of this stage.

7.3 Panel Hearing: the Clerk will aim to convene a GBCP Hearing as soon as possible, normally no later than 20 school days after receipt of the Stage 4 complaint. The final decision should be communicated no later than 10 school days after the Hearing has taken place. The time between the submission of an appeal and communication of the GBCP's finding(s) is normally no more than 30 school days.

7.4 Panel Membership: The Panel will consist of two Governors of the Federation Governing Body, who have not previously been involved in the complaint, and of one member who is independent of the management and running of the academy. Governors will endeavour to ensure that the Panel consists of a cross-section of Governor roles and sensitive to the issues of race, gender, and religious orientation. The Panel will select its own Chair.

7.5 The GBCP can

- dismiss the complaint in whole or in part.
- uphold the complaint in whole or in part.
- decide on the appropriate action to be taken to resolve the complaint and/or
- recommend changes to the Federation's systems or procedures to ensure that problems of a similar nature do not recur.

7.6 Attendance: In addition to the Panel itself (see 7.5) the following are entitled to attend the Hearing, submit written evidence, and address the Panel:

- The complainant and/or one named representative
- The Principal and/or one named representative and
- Any other person whom the Panel considers having a reasonable and just interest in the appeal and whose contribution would assist the Panel in their decision-making.

7.7 Evidence: all parties will be given the opportunity to submit written evidence to the Panel in support of their position including:

- Documents
- Chronology and key dates
- Written statements setting out further detail of the issues

7.8 The Process: all written evidence must be received by the Clerk no later than five school days in advance of the GBCP Hearing. The Clerk will distribute the evidence to all parties no later than three school days in advance of the GBCP Hearing. The evidence will be considered by the Panel along with the initial complaint.



- 7.9 The aim of the Hearing, which will be held in private and on Federation premises, will always be to resolve the complaint and achieve reconciliation between the Federation and the complainant.
- 7.10 The Panel will reach a decision and make any recommendations within 10 school days of the hearing, as noted in 7.3 above. The decision reached is final.
- 7.11 The Panel's findings will be sent in writing to the Clerk and
- the findings will be provided to the complainant and, where relevant, the person complained about.
 - the findings will be available for inspection on the school premises by the Chief Executive Officer, the Chair of Governors and the Principal.
 - the findings will state the reasons for the decision reached and include any recommendations made by the Panel.
- 7.12 The Role of the Clerk: all Panels considering complaints must be clerked. The Clerk is the contact point for the complainant and is required
- to set the date, time and venue of the Hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible.
 - to collate any written material and send it to the parties in advance of the Hearing.
 - to meet and welcome the parties as they arrive at the Hearing.
 - to record the proceedings and notify all parties of the panel's decisions.
- 7.13 The Role of the Chair of the Governing Body or Nominated Governor:
- To check that the correct procedure has been followed
 - To decide if a Hearing is appropriate
 - When a Hearing is appropriate, to notify the Clerk to arrange the Panel
- 7.14 The Role of the Chair of the Panel: The Chair of the Panel has a key role, ensuring that
- the remit of the Panel is explained to the parties and each party has the opportunity to put their case forward without undue interruption or prejudice.
 - the offer of an interpreter is made, if appropriate.
 - the issues are addressed.
 - conjecture is challenged.
 - key findings of fact are made.
 - parents or carers, or others who may not be used to speaking at such a Hearing, are put at ease.
 - the Hearing is conducted with each party treating others with respect and courtesy.
 - the GBCP is open-minded and acts independently.
 - no member of the Panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure.
 - each side is given the opportunity to state their case and ask questions and written material is seen by all parties.
- 7.15 Record Keeping: The Federation will keep a record of all hearings, decisions, and recommendations of the GBCP. The record will include
- whether the complaint is resolved, following a formal procedure, or will proceed to a Panel Hearing.
 - action taken by the Federation as a result of those complaints (regardless of whether they are upheld).
 - action taken by the school as a result of those complaints (regardless of whether they are upheld).



- information detailing how correspondence provided, statements and records relating to individual complaints are kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act request access to them.

7.16 If a Hearing is not attended by the complainant, and a request to reschedule is not received in advance of the Hearing, the matter will be considered based on the evidence available. The Federation reserves the right to arrange no more than two Hearings to review the appeal.

8. Stage 5 – Referral to the Secretary of State

8.1 If the complainant remains dissatisfied following Stage 4, they have the right to raise the matter with the Secretary of State or the Department for Education through the routes described by the Education Skills Funding Agency.

9. Complaints against the Principal

9.1 In the first instance, the complainant should send the complaint to Federation Enquiries enquiries@mossbourne.org. This is Stage 1 of the procedure for complaints against the Principal.

9.2 The Chief Executive Officer or Designated Senior Member of Federation staff will normally arrange to meet with the complainant within 20 school days of receipt of the complaint.

9.3 Should, following that meeting, the complainant wish to pursue the complaint, the Chief Executive Officer will either investigate the matter themselves, or appoint an appropriate person to act as the Investigating Officer. After the investigation, the Chief Executive Officer will write to the complainant setting out their conclusions and the proposed course of action within 10 school days of the conclusion of the investigation.

9.4 If dissatisfied, the complainant should write to the Chair of the Governing Body within five school days, indicating their desire to complain further. This is Stage 2 of the procedure for complaints against the Principal.

9.5 The Chair of the Governing Body will endeavour to arrange to meet with the complainant within 20 school days.

9.6 Should, following that meeting, the complainant wish to pursue the complaint, the Chair of the Governing Body will write to the complainant setting out their conclusions and the proposed course of action within 10 school days of the meeting.

9.7 If dissatisfied, the complainant should write to the Chair of the Governing Body within five school days, referring the matter to Stage 3 of the process. When complaints are made against the Principal, Stage 3 is the final stage of this complaint procedure.

9.8 The Chair of the relevant Governing Body will then convene a GBCP, which must include no fewer than three Governors, excluding both the Chief Executive Officer and any Governors who have been involved in the process. It will be chaired by the Chair of the relevant Governing Body. The GBCP may meet, individually or jointly, with the Principal and the complainant as part of their discussions, at their discretion. This GBCP will endeavour to meet within 20 school days of the Chair of the Governing Body receiving the written complaint.

9.9 The GBCP will report back formally within 10 school days of hearing the complaint and the Chair of the Governing Body will write to the complainant directly. The decision reached by the GBCP is final.



- 9.10 If at any stage of the complaint a Hearing or meeting is not attended by the complainant and a request to reschedule the Hearing or meeting is not received, the matter will be considered based on the evidence available. The Federation reserves the right to arrange no more than two Hearings or meetings to review the complaint.

10. Complaints against the Chief Executive Officer

- 10.1 In the first instance, the complainant should send the complaint to Federation Enquiries enquiries@mossbourne.org. This is stage 1 of the procedure for complaints against the Chief Executive Officer.
- 10.2 The Chair of the Central Governing Body will endeavour to arrange to meet with the complainant within 20 school days.
- 10.3 Should, following that meeting, the complainant wish to pursue the complaint, the Chair of the Central Governing Body will write to the complainant setting out their conclusions and the proposed course of action within 10 school days of the meeting.
- 10.4 If still dissatisfied, the complainant should write to the Chair of the Governing Body within 10 school days, referring the matter to Stage 2 of the process. When a complaint is made against the Chief Executive Officer, Stage 2 is the final stage of this complaint procedure.
- 10.5 The Chair of the Central Governing Body will then convene a GBCP, which must include no fewer than three Governors, excluding any Governors who have been involved in the process. It will be chaired by the Chair of the Central Governing Body. The GBCP may meet, individually or jointly, with the Chief Executive Officer and the complainant as part of their discussions, at their discretion. The GBCP will meet within 20 school days of the Chair of the Governing Body receiving the written complaint.
- 10.6 The GBCP will report back formally within 10 school days of hearing the complaint and the Chair of the Governing Body will write to the complainant concerned directly. The decision reached by the GBCP is final.
- 10.7 If at any stage of the complaint a Hearing or meeting is not attended by the complainant and a request to reschedule the meeting is not received within two school days prior to the agreed Hearing or meeting time, the matter will be considered resolved. The Federation reserves the right to arrange no more than two Hearings or meetings to review the complaint.

11. Complaints against the Governors

- 11.1 In the first instance, the complainant should write to the Clerk of the Central Governing Body. This is Stage 1 of this complaint procedure. The clerk will decide who is best placed to hear the complaint. This may be the Chair of the relevant Governing Body, the Chair of the Central Governing Body or one of the Federation Trustees. This person will be delegated as the Investigating Officer.
- 11.2 The Investigating Officer will arrange to meet with the complainant within 20 school days, unless there are exceptional reasons which require a more urgent meeting, or unless the Investigating Officer and the complainant agree that there are sensible reasons for a longer delay.
- 11.3 If dissatisfied, the complainant should write to the Clerk of the Governing Body within 10 school days, referring the matter to Stage 2. When a complaint is made against the Governors, Stage 2 is



the final stage of this complaint procedure.

- 11.4 The Clerk to the Central Governing Body will then convene a GBCP, which must include no fewer than three members, excluding any Governors who have been involved in the process. Depending on the nature of the complaint, the panel may include Federation Governors, Federation Trustees or members independent of the running and operation of the Federation – for example, Governors from another school. The Panel will select its own chair. The GBCP may meet, individually or jointly, with all relevant parties as part of their discussions, at their discretion. The GBCP will meet within 20 school days of the Clerk to the Governing Body receiving the written complaint.
- 11.5 The GBCP will report back formally within 10 school days of hearing the complaint and the Chair of the Complaints Panel will write to the complainant directly. The decision reached by the GBCP is final.

12. Vexatious or serial complaints

- 12.1 A vexatious complainant is defined as one who complains about issues, either formally or informally, or who frequently raises issues that they believe to be within the remit of the academy, and whose behaviour is unreasonable. Such behaviour may be characterised by one or more of the following:
- Actions which are obsessive, persistent, harassing, prolific, repetitious
 - Prolific correspondence or excessive e-mail or telephone contact about a concern or complaint
 - Requests for information which are excessive and unreasonable
 - An insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes
 - An insistence upon pursuing complaints in an unreasonable manner
 - Challenge to an outcome that is not satisfactory to the complainant, but which cannot be changed: for example, if the desired outcome is beyond the remit of the academy because it is unlawful.
- 12.2 The actions the academy will take under these circumstances are set out in its Policy for Dealing with Vexatious Complaints. A copy is available on request from the academy, is on each academy's website, and will be forwarded to any complainant at the point at which academy staff are concerned that a complainant is becoming vexatious.

13. References

- 13.1 [Best practice guidance for academies complaints procedures](#)



Appendix A - Complaints Form

Please complete and return to the PA to the Principal of the relevant academy who will acknowledge receipt and explain the complaints process.

Name	
Address	
Telephone number	
Name of student	
Relationship to the student (if relevant)	
Brief details of complaint	
Action taken, if any, to seek to resolve the complaint? (e.g. Who has been spoken to and what was the response?)	
Please note any possible actions that might in your opinion resolve the problem at this stage.	
Please list the title of any relevant further information that is attached. <u>Note:</u> Any evidence or information will be formally acknowledged.	
Signature (Complainant)	
Date	



Appendix B - Model Procedure for Conducting a Stage 3 Governing Body Complaints Panel (GBCP) Hearing

1. The Chair of the Panel should invite all parties (with the exception of any witnesses) into the room, introduce them and explain the role of each person.
2. The Chair should explain to all present that the purpose of the Hearing is to review the complaint and try to resolve it and achieve reconciliation between the Federation and the complainant. However, it may only be possible to establish the facts of a situation and make recommendations about future action.
3. The Chair should then ascertain whether the proposed procedure is acceptable. If so, the meeting will proceed along the following lines:
 - The complainant will describe her/his complaint and may call witnesses.
 - The Principal may seek clarification from the complainant and any witnesses.
 - The GBCP or its advisers may seek clarification from the complainant and any witnesses.
 - The Principal will respond to the complaint and may call witnesses.
 - The complainant may seek clarification from the Principal and any witnesses.
 - The GBCP (including any advisers) may seek clarification from the Principal and any witnesses.
 - The Principal will be given the opportunity to sum up.
 - The complainant will be given the opportunity to sum up.
 - Both parties will leave the room to allow the GBCP to deliberate but any advisers may remain to offer technical and procedural advice.
4. The GBCP should make a decision or judgement on:
 - The validity of the complaint.
 - The propriety of action taken by the Federation and/or complainant.

Where appropriate, the GBCP should also make recommendations on changes to the Federation's systems or procedures to ensure similar problems do not arise in the future.

5. The decision or judgement will be confirmed in writing within 10 working days.

N.B. If there is more than one complainant this procedure should be followed for each one in turn, unless the complainants agree to the complaints being held consecutively.