

Pontefract Academies Trust

Together - Inspire - Achieve

Complaints Procedures

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1. Introduction, Purpose and Scope

1.0 Introduction

- 1.01 Pontefract Academies Trust (the Trust) views complaints as an opportunity to learn and improve for the future, as well as a chance to put things right for the person or organisation that has made the complaint.

The Trust takes any concern or complaint seriously, and, is committed to providing effective response and appropriate redress where necessary.

1.1 Purpose

- 1.1.1 To ensure that everyone in the Trust understands that informal concerns or complaints are to be taken seriously and every effort made to resolve matters as quickly as possible, without the need to invoke formal procedures
- 1.1.2 To provide a fair complaints procedure which is clear and easy to use for anyone wishing to make a complaint
- 1.1.3 To publicise the existence of our complaints procedure so that people know how to contact us to make a complaint
- 1.1.4 To ensure that everyone at the Trust knows what to do if a complaint is received
- 1.1.5 To ensure that all complaints are fully and fairly investigated, in an impartial and timely way.
- 1.1.6 To make sure that all complaints are, wherever possible, resolved and that relationships are repaired
- 1.1.7 To gather information which helps us to improve what we do

1.2 Scope

- 1.2.1 A concern is an expression of worry or doubt over an issue considered to be important for which reassurances are sought.
- 1.2.2 A complaint is an expression of dissatisfaction however made, about actions taken or a lack of action by the Trust which includes any of its schools-
- 1.2.3 This procedure deals with such concerns or complaints made by any person, including members of the general public, unless separate statutory procedures apply (such as exclusions, admissions, statutory assessments of Special Educational Needs (SEN), matters likely to require a Child Protection Investigation).
- 1.2.4 There are also separate procedures to deal with a complaint raised by or on behalf of a member of staff:
- Grievance Procedure – complaint by an employee of unfair treatment
 - Disciplinary Procedure – complaint by an employee about the conduct of

1. Introduction, Purpose and Scope

another member of staff

- Harassment Procedure – complaint by an employee who believes they are being subject to bullying or intimidation
- Whistleblowing Policy – any unresolved allegation of institutional malpractice

1.2.5 Third party providers offering community facilities or services through school premises, or using school facilities, will be required to have their own complaints procedure in place. They should therefore be contacted directly with concerns or complaints.

1.3 **Equality Act 2010**

1.3.1 Alternative methods of contact will be provided to support individuals who may have communication preferences due to a disability or learning difficulties.

1.4 **Records**

1.4.1 The CEO, Executive Headteacher, Headteacher or their nominated Manager will acknowledge receipt of a complaint within three working days.

1.4.2 The CEO, Executive Headteacher, Headteacher, or their nominated Manager is responsible for ensuring that accurate records of telephone calls, meetings, and responses are maintained in a central location within each School/Central Trust Office.

1.4.3 The complainant will be informed of the outcome in writing, together with their entitlement to appeal to the outcome. Where the complaint is upheld, any action to be taken by the Trust/School in response will also be recorded.

1.4.4 Complainants have a right to copies of these records in accordance with the provisions of the Freedom of Information and Data Protection Acts.

1.4.5 Records should be retained in a secure and confidential manner for 6 years following the date of resolution.

1.5 **Confidentiality**

1.5.1 The wishes of the complainant for confidentiality shall be respected whenever possible, however, in some circumstances, the investigation process may need to reveal who raised the concern or complaint.

2. Principles

- 2.1 The Trust believes that most concerns or complaints can be resolved satisfactorily by informal discussion, either over the telephone, or through a meeting involving the key people involved.
- 2.2 Informal queries, concerns, or complaints should be taken up directly with the relevant member of staff either verbally, or in writing. Formal complaints should be addressed to the:
- Executive Headteacher or Headteacher in writing where it relates to an individual school;
 - the Chief Executive Officer where it relates to an Executive Headteacher or Headteacher;
 - Chair of the Trust Board where it relates to the Chief Executive Officer or Central Trust.
- 2.3 All complaints will be dealt with as quickly and efficiently as possible. The length of the period will vary with the gravity and complexity of the complaint and the urgency with which it needs to be settled. However, the intention is that all complaints should be settled within a period which is reasonable in the circumstances.
- 2.4 All formal complaints will be investigated fully, fairly and carefully and complainants will be kept informed of progress.
- 2.5 The aim is always to secure the resolution of the complaint to the satisfaction of the complainant if possible.
- 2.6 The Trust Board (or relevant committee of the Trust Board) will review causes of formal complaints periodically to identify any trends which may indicate a need to take further action.
- 2.7 There is an expectation that all persons involved in the complaints process will behave in a non-adversarial, calm and respectful manner and refrain from unacceptable language/abuse, or any physical contact.

The person receiving a complaint by telephone who is subjected to unacceptable language/abuse will explain to the complainant that their behaviour is unacceptable and that they will be ending the call and will make a record to this effect.

Any complainants making physical contact with any employee/Local Governor/Trustee will be removed from Trust premises with immediate effect with potential involvement of the Police.

3. Roles and Responsibilities

3.1 The Complainant

The complainant is the person who makes a complaint. To support the Trust in dealing with their complaint and providing a more effective response the complainant will be required to:

- Co-operate with the Trust/School in seeking a solution to the complaint;
- Express the complaint in full as early as possible;
- Respond promptly to requests for information or meetings or in agreeing the details of the complaint;
- Ask for assistance as needed;
- Treat all those involved in the complaint with respect

3.2 CEO, Executive Headteacher, or Headteacher

The CEO, Executive Headteacher, or Headteacher will:

- Ensure that the complainant is fully updated at each stage of the procedure
- Ensure that all people involved in the complaint procedure are aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000;
- Liaise with staff members, Local Governors, and Trustees as appropriate to ensure the smooth running of the complaints procedure;
- Keep secure and accurate records;
- Be aware of issues regarding:
 - the sharing of third party information;
 - additional support which may be needed by complainants when making a complaint including interpretation support.

3.3 The Investigator

The CEO, Executive Headteacher, Headteacher, Chair of the Trust Board, or Chair of the Local Governing Body may delegate responsibility for conducting an investigation to another member of staff. This role may include:

- Providing a comprehensive, open, transparent and fair consideration of the complaint through:-
 - Sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved;
 - Consideration of records and other relevant information;
 - Interviewing staff and children/young people (along with appropriate responsible adult) and other people relevant to the complaint;
 - Analysing information
 - Effectively liaising with the complainant and the CEO, Executive Headteacher, Headteacher, or Chair of the Trust Board as appropriate to clarify what the complainant feels would put things right;
 - Identifying solutions and recommending courses of action to resolve problems;

3. Roles and Responsibilities

- Being mindful of the timescales to response; and
- Responding to the complainant in plain and clear language.

- Conducting interviews with an open mind and persistent questioning where necessary;

- Keeping notes of interviews or arranging for an independent note taker to record minutes of the meeting.

3.2 Representation

The complainant may be accompanied by a friend, colleague or other representative. In this case, the complainant should make their own arrangements for such representation. The representative may ask questions, confer with the complainant and make summary statements but may not answer questions on behalf of the complainant.

4. Stage One: Informal Complaints or Concerns

- 4.1 Informal complaints or concerns should be raised with the relevant member of staff, such as class teacher, Head of Department/Year or senior staff. Where an informal complaint is raised with the Executive Headteacher/Headteacher, they may deal with it in person, or pass it to the most appropriate member of staff to deal with it informally.

If the complainant indicates that they would have difficulty discussing the complaint with that member of staff, the Executive Headteacher/Headteacher may direct them to another member of staff.

If the member of staff, indicates that they would have difficulty dealing with the complaint objectively, the Executive Headteacher/Headteacher may direct the complainant to another member of staff.

- 4.2 Informal complaints to the Chair of the Local Governing Body, or the Chair of the Trust Board will be referred to the Executive Headteacher/Headteacher of the relevant school in the first instance. However, if the complaint has already been taken up with the Executive Headteacher/Headteacher without being resolved, the complaint must be made in writing to the Chair of the Local Governing Body, or if the complaint concerns the Executive Headteacher/Headteacher the complaint must be made in writing to the Chief Executive Officer.

- 4.3 In some cases, matters affecting general school policy may be judged by the Executive Headteacher/Headteacher, in consultation with the Chair of the Local Governing Body, to be an appropriate area for discussion at Local Governing Body level or referred upwards to the Trust Board, in order to resolve the complaint. In these circumstances care will be taken to ensure that the identity of the complainant and the individual complained of are not disclosed in case a formal complaint is made subsequently.

- 4.4 Recording of Complaints received by telephone or in person will be recorded in a central complaints log held in each school. The person who receives the phone call or in person complaint will:

- Write down the facts of the complaint
- Take the complainant's name, address and telephone number
- Note down the relationship of the complaint to the Trust/School (eg. Parent of a pupil/student)
- Inform the complainant about the complaints procedure and where it can be found on the web-site
- Inform the complainant what will happen next and how long it will take
- Where appropriate, request that the complainant send a written account by post or by email so that the complaint is recorded in the complainants own words and can be treated as a formal complaint. If the complainant has a disability or learning difficulties provide alternative communication options.

- 4.3 Complainants can expect that in following the procedure set out above, the person

4. Stage One: Informal Complaints or Concerns

receiving a verbal complaint will:

- Remain calm and respectful throughout the conversation
- Listen patiently and with interest at what is being said
- Obtain details about the complaint before any personal details
- Ask for clarification wherever necessary but will not debate the facts in the first instance
- Demonstrate that they have understood the complaint by reflecting back what they have noted
- Ask what the complainant would like done to resolve the issue

4.4 Under normal circumstances informal complaints should take no more than **5 working days** to complete any necessary investigation and attempt a resolution.

4.5 Every effort will be made to resolve the problem to the satisfaction of the complainant at this informal stage. Possible outcomes include:

- a) complaint resolved to the satisfaction of the complainant
- b) complaint not resolved to the satisfaction of the complainant
- c) complaint dealt with under another procedure

5. Stage Two: Formal Complaints

- 5.1 The Executive Headteacher/Headteacher will acknowledge receipt of a written complaint within **three working days**.
- 5.2 The Executive Headteacher/Headteacher, will ensure that the complaint is investigated fully. The Executive Headteacher/Headteacher may delegate responsibility for conducting the investigation to another member of staff.
- 5.3 Where the complaint concerns the Executive Headteacher/Headteacher, the Executive Headteacher/Headteacher will inform the complainant in writing that they should send a completed complaint form (Appendix A) to the Chief Executive Officer, who will then take the place of the Executive Headteacher/Headteacher throughout the formal procedure.
- If the complaint concerns the Chief Executive Officer or a central trust team employee then the Chair of the Trust Board will take the place of the Executive Headteacher/Headteacher throughout the formal procedure.
- 5.4 Once the investigation has been complete, the Executive Headteacher/Headteacher will review all the information and discuss the findings with the complainant with the aim of resolving the complaint to the complainant's satisfaction.
- 5.5 The Executive Headteacher/Headteacher will decide on the outcome and inform the complainant in writing of the decision, together with details of how to appeal against the decision if they remain dissatisfied. A meeting may also be arranged to convey the reasons for the decision.
- 5.6 On rare occasions, the decision may involve taking disciplinary action against an employee of the Trust. This will be dealt with through the Trust's disciplinary procedures and the complainant will be informed to this effect. The Trust's disciplinary procedures require that all details of proceedings remain confidential and consequently the complainant will not be informed of the outcome.
- 5.7 Under normal circumstances stage one formal complaints should take no more than **10 working days** to complete any necessary investigation and attempt a resolution.
- 5.8 Possible outcomes from this stage include:
- a) complaint withdrawn
 - b) complaint dismissed
 - c) complaint dealt with under another procedure
 - d) complaint upheld

6. Stage 3: Appeals and Appeal Hearing

6.1 Appeals

If the complainant remains dissatisfied, they should send a completed Complaint Appeal form (see Appendix B) to the Chair of the Local Governing Body. If the initial complaint related to the Executive Headteacher or Headteacher the Chair of the Trust Board takes the place of the Chair of the Local Governing Body for the rest of this procedure.

If the initial complaint related to the Chief Executive Officer or a central trust employee then the Chair of the Audit and Risk Committee will take the place of the Chair of the Local Governing Body for the rest of this procedure.

The Chair may be able to resolve the complaint informally, with the result that the complainant withdraws their appeal.

If this is not possible, the Chair will convene an appeal hearing by a Local Governing Body Appeals Committee. If the initial complaint related to the Executive Headteacher, Headteacher, Chief Executive Officer or central trust employee, the Trust Board Appeals Committee will take the place of the Local Governing Body for the remainder of this procedure.

6.2 Appeal Hearing

The Local Governing Body Appeal Committee will be convened within **15 working days** of the receipt of a written request for an Appeal Hearing. If no dates within this timescale are convenient to the complainant, the panel may meet outside this time period. Notice of the meeting will be made in writing at least 5 days in advance of the meeting date unless a shorter timescale is mutually agreeable.

The appeal will be heard by a Local Governing Body Appeal Committee comprising of at least three Governors, one of whom will act as Chair of the hearing. The Committee may not include the Chair of the Local Governing Body, an employee of the Trust (either centrally or in a school) or a Governor who has had a prior involvement in the complaint or in the incident to which the complaint refers. Importantly, the panel will always include a person who is independent of the management or running of the Trust / school (a member of the Local Governing Body or the Trust Board is not regarded as independent).

6.4 The Appeal Committee will decide whether or not the outcome of the formal procedure was correct. Accordingly, the respondent will be the person who made that decision; that is either the Executive Headteacher, Headteacher, the Chair of the Local Governing Body, the Chair of the Trust Board, or the Chair of the Audit and Risk Committee.

6.5 The complainant may be accompanied by a friend, colleague or other representative.

6. Stage 3: Appeals and Appeal Hearing

In this case, the complainant should make their own arrangements for such representation. The representative may ask questions, confer with the complainant and make summary statements but may not answer questions on behalf of the complainant.

- 6.6 The Appeal Committee Chair will decide the procedure to be followed, ensuring that:
- a) The remit of the Committee is explained to the parties and each party has the opportunity of putting their case without undue interruption;
 - b) Members of the Committee are objective and open minded, and act independently;
 - c) The complainant and any others who may not be used to speaking at such a hearing are put at ease;
 - d) The hearing is conducted in an informal though clearly structured manner with each party treating the other with respect and courtesy;
 - e) Each side is given the opportunity to state their case and to ask questions;
 - f) Any written material is seen by all parties in advance of the meeting. If a new issue arises all parties should be given the opportunity to consider and comment on it;
 - g) Any witnesses are only required to attend for the part of the hearing in which they give their evidence;
 - h) The issues are addressed;
 - i) Key findings of fact are made.

- 6.7 The hearing should generally proceed as follows:
- a) Introductions and introductory comments from the Committee Chair;
 - b) The complainant explains the complaint, followed by questions from the Committee members
 - c) Any witnesses to support the complaint give evidence and are questioned
 - d) The respondent explains the outcome of the formal procedure and briefly describes the preceding informal procedure if applicable, followed by questions;
 - e) Any witnesses to support the respondent give evidence and are questioned
 - f) The complainant sums up
 - g) The respondent sums up
 - h) With the exception of the Committee members and any independent advisor they may have, all persons withdraw while the Committee reviews the evidence and decides the outcome;
 - i) The complainant and the respondent are informed of the decision

- 6.8 The Appeals Committee may:
- a) dismiss the complaint in whole or in part
 - b) uphold the complaint in whole or in part
 - c) decide on any further action to be taken
 - d) if appropriate, recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur

6. Stage 3: Appeals and Appeal Hearing

- 6.9 The complainant will be informed in writing within **five working days** of the outcome of the Appeal Hearing. Whether the complaint is upheld or not, the reply to the complainant will include a description of the actions taken to investigate the complaint, the conclusions from the investigation, and any action taken/planned as a result of the complaint. The decision taken at this stage is final.

7. Request for Complaint Review

- 7.1 Where a complainant is not satisfied that their complaint has been handled properly by the Local Governing Body it may request via the Chair of the Trust Board that it is reviewed by the Trust Board. The Trust Board will consider whether the Local Governing Body has complied with this procedure in considering the case. If they find the Local Governing Body did not deal with the complaint properly they will put in place measures for the complaint to be looked at again from the appropriate stage and incorporating a member of the Trust Board. The review process will take no more than 15 working days to complete.
- 7.2 Where a complainant is not satisfied that their complaint has been handled properly by the Trust following the review by the Trust Board it may progress to the Education Funding Agency through completion of their online form:

[Complaints to the Education Funding Agency](#)

or by post to:

Ministerial and Public Communications Division
Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD

The Education Funding Agency will not overturn the Trust's decision about a complaint. However, if they find the Trust did not deal with the complaint properly, they will request the complaint is looked at again from the appropriate stage, following a process which meets the requirements set out in the "The Education (Independent School Standards) (England) Regulations 2010 PART 7 Manner in which complaints are to be handled"

- 7.2 The Education Funding Agency will consider complaints which fall into any of the following three areas:
- Where there has been undue delay or the Trust did not comply with its own complaints procedure when considering a complaint
 - Where the Trust is in breach of its funding agreement with the Secretary of State
 - Where the Trust has failed to comply with any other legal obligation

8. Serial and Persistent Complainants

- 8.1 There will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied.

If a complainant tries to re-open the same issue the Chair of the Trust Board can inform them that the procedure has been completed and that the matter is now closed.

If the complainant contacts the Trust/School again on the same issue, then the correspondence may be viewed as 'serial' or persistent' and the Trust/School may choose not to respond. Care will be taken at all times to ensure that complaints are not marked as 'serial' before the complainant has completed all stages of this procedure.

- 8.2 The Trust defines unreasonable complainants as those who, because of the frequency or nature of their contacts with the Trust/School, hinder consideration of their or other people's complaints.

- 8.3 A complaint may be regarded as unreasonable when the person making the complaint:-

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the Trust's complaint procedure has been fully and properly implemented and completed including referral to the Education Funding Agency;
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

8. Serial and Persistent Complainants

- 8.4 A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:-
- maliciously;
 - aggressively;
 - using threats, intimidation or violence;
 - using abusive, offensive or discriminatory language;
 - knowing it to be false;
 - using falsified information;
 - publishing unacceptable information in a variety of media such as in social media websites and newspapers.
- 8.5 Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.
- 8.6 Whenever possible, the Executive Headteacher/Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.
- 8.7 If the behaviour continues the Executive Headteacher/Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact an individual school or the Trust causing a significant level of disruption, the Trust may specify methods of communication and limit the number of contacts in a communication plan.

This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from Trust premises or an individual school(s).

9. Barring from School Premises

- 9.1 Although fulfilling a public function, schools are private places. The public has no automatic right of entry. The Trust and its individual schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

If a parent's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the Executive Headteacher/Headteacher or the Chief Executive Officer can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. The Trust and its schools will always give the parent the opportunity to formally express their views on the decision to bar in writing.

The decision to bar will then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent will be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the Executive Headteacher, Headteacher or Chair of Local Governing Body.

Complaints about barring cannot be escalated to the Department for Education or Education Funding Agency. Once the Trust's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

Annex 1 Schedule of Updates

Trust Board Approval		Implementation Date
2 July 2014	Complaints Policy	2 July 2014
31 August 2016	Complaints Procedures	1 September 2016

SCHEDULE OF CHANGES – from 2 July 2014 policy to revised version implemented 1 September 2016

Changes made to reflect updated guidance published by the DFE in January 2016

- Title of document changed from Complaints Policy to Complaints Procedures
- Definition of a concern and definition of a complaint added within the scope of the policy
- Section 1 Amended to Introduction, Purpose and Scope
- Include paragraph explaining complaints relating to third party providers within scope of the policy
- Include paragraph explaining support in accordance with the Equality Act 2010
- Include paragraph explaining responsibilities for maintaining records
- Include paragraph explaining confidentiality
- Include new section 3 Roles and Responsibilities
- Include new section 8 Serial and Persistent Complaints
- Include new section 9 Barring from School Premises
- Include new Annex 1 Schedule of Updates
- Clarify the hierarchy for escalation dependent on what the complaint is about in Appeals and Appeal Hearing and amendments to the flow chart attached as Appendix C
- Reference to Executive Headteachers to reflect the new roles established in the Trust

APPENDIX A: COMPLAINT FORM

Complainant Details:	
Name	
Address :	
Postcode:	
Telephone / Mobile No.	

Details of the Complaint (please include full details, including dates, times and names of those involved)			
Please continue on a separate sheet if necessary			
Signed:		Date:	
Print Name			

Once completed, send this form to the Executive Headteacher/Headteacher* who will arrange for the complaint to be investigated and a response within 10 working days

**complaints about Executive Headteacher/Headteacher – send the form to the CEO,*

**complaints about the CEO/Central Trust – send the form to the Chair of the Trust Board*

For office use only:

Date received by Executive Headteacher/Headteacher:

Date of Response to Complainant:

Tick response conclusion

Complaint Withdrawn	Complaint unfounded	Complaint dealt with under another procedure	Complaint upheld	
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APPENDIX B: COMPLAINT APPEAL FORM

Complainant Details:	
Name	
Address :	
Postcode:	
Telephone / Mobile No.	

I am dissatisfied with the response of the above complaint and would like an Appeal Hearing for the following reasons:

Please continue on a separate sheet if necessary			
Signed:		Date:	
Print Name			

Once completed, send this form to the Chair of the Local Governing Body who will arrange for an appeal panel to be convened within 15 working days of receipt of this request

**appeals about complaints in regards to Executive Headteacher/Headteacher – send the form to the Chair of the Trust Board,*

**appeals about complaints in regards to about the CEO/Central Trust – send the form to the Chair of the Audit and Risk Committee*

For office use only:

Date received by Chair of the Local Governing Body:

Date of Response to Complainant:

Tick response conclusion

Complaint Withdrawn	Progress to Appeal Hearing	
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APPENDIX C: Complaints Flowchart

