

# COMPLAINTS POLICY & PROCEDURE





**PONTRFRACT**  
ACADEMIES TRUST

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# PURPOSE OF POLICY, GUIDING PRINCIPLES AND LINKS WITH OTHER POLICIES OR LEGISLATION

## Welcome

The purpose of our Complaints Policy and Procedure is to resolve complaints and concerns in line with the guiding principles of the Trust, and to focus on learning to prevent recurrence. We will review the outcome of any complaint to make improvements to the quality of our education provision. Our Complaints Policy and Procedure applies to any stakeholder who receives or provides a service from the Trust or a School. The vast majority of our stakeholders are pupils, parents and carers, and therefore this policy and procedure aims to assist a parent/carers (you) with the process of raising a concern with your child's school and the procedure relating to raising a complaint.

## Links with other policies or legislation

- The Trust/School is required by the Education Act 2002 to have a complaints procedure. Guidance on school complaints procedures can be found on the Department of Education website.
- The Trust/School is required to comply with their obligations under the Equality Act 2010, Data Protection Act and Freedom of Information Act.
- If you feel you need additional support to access fairly the stages within this Complaints Policy and Procedure you should inform the Complaints Co-ordinator at any stage that this is relevant. The School will inform you who this person is.

**We aim to resolve complaints at the earliest possible stage, this is in line with our guiding principle of “Our Pupils Come First”. We will do this through:**

- publishing this policy and procedure on our websites,
- discussing your concerns as soon as possible (informal stage),
- ensuring this policy and procedure is simple to understand, we will explain each stage if you request,
- working alongside you to achieve the best possible outcome for your child and the School,
- being clear about timescales and how we will keep you informed of progress,
- ensuring a full and fair investigation with independence, where necessary,
- respecting your confidentiality and that of your child's. We also expect you to deal with your concern in a confidential manner, especially if your concern involves another pupil or member of staff,
- addressing your concern to provide you with an adequate response. Where improvements and changes are required we aim to implement these as soon as possible both within the School and, where applicable, throughout other schools within the Trust,
- our Executive Leadership Team, School Performance Review Board (SPRB) and the Board of Trustees are kept informed about the operation of this policy and procedure. They will review the outcome of your complaint to ensure any lessons learnt have been identified and necessary improvements made.



There are separate procedures for complaints about:

- the provision of religious education and collective worship,
- the Local Authority's special needs assessments,
- financial improprieties,
- alleged criminal activities,
- employment issues,
- exclusions and admission processes.

Appendix 4 details exceptions to this Complaints Policy and Procedure for which there are separate procedures.





# RAISING A CONCERN: GUIDELINES FOR DEALING WITH CONCERNS AND COMPLAINTS INFORMALLY

Most concerns can be resolved through speaking to your child's class teacher or another appropriate member of staff. This is most likely to be the member of staff who is the closest to your concern. It is important you speak to the member of staff most directly involved with your concern rather than the Headteacher or another senior leader in case you decide to progress the concern into a complaint. This will ensure there are adequate staff within the School to review and investigate your complaint impartially at the formal stages of this procedure.

You should feel comfortable with raising a concern in person, writing/email or telephone. We will ask you how you believe your concern can be resolved to the satisfaction of both yourself and the School.

## What we will do:

- We will provide a response by the end of the next school day. If this is not possible we will explain to you the reason for the delay. One reason for this may be because we wish to speak with you to find out more information.
- We will keep a record of your concern and the steps we took to resolve it.

## What you can do if you are not satisfied by the actions we took to resolve your concern:

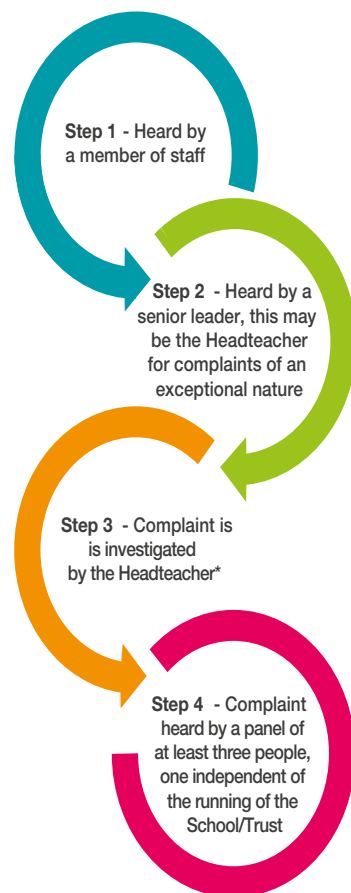
You can write to the Complaints Co-ordinator at the School. At this stage we would deal with your concern under the formal stages of the Complaints Policy and Procedure. You should put your concern in writing and submit it in person or by post or email to the Complaints Co-ordinator at the admin email address which can be found on the School/Trust website.





# FORMAL COMPLAINTS

The four stages of our formal complaints procedure:



\*If the complaint is against the Headteacher or the Headteacher has been involved at previous stages then a member of the Executive Leadership Team will investigate or allocate another Trust Headteacher.

## Stage 1 - Complaint heard by a member of staff

- We will try to resolve your concern in an informal manner if possible at Stage 1. You will have the opportunity to discuss your concern with an appropriate member of staff. It is possible that this is the person you originally raised your concern with. You will be asked to clarify the nature of your concern. The member of staff may be able to resolve your concern by explaining how the situation happened. You should be prepared to say what outcome you think would resolve your concern.
- On certain major issues, the Headteacher may decide to deal with concerns directly at this stage.
- If the concern relates to the Headteacher and is not resolved at this stage it will escalate to Stage 3 and the Executive Director of Primary/Secondary Education will be involved.
- The member of staff will make sure you are clear about what action (if any) or monitoring of the situation has been agreed by putting this in writing, only if this seems the best way of making things clear.
- Where no satisfactory solution has been found within 10 school days, you will be asked whether you would like your concern to be considered further and provided with information both orally and in writing on how to do this.



Each of our schools, and the central team, have a nominated Complaints Co-ordinator. Their job is to minute any formal meetings, record the outcomes of the complaint, keep you updated on progress and assist you on request with any special requirements you may have to access the process fairly.





# FORMAL COMPLAINTS

## Stage 2 - Complaint heard by a senior leader

- It is now apparent that your concern is a definite complaint. You should confirm this in writing to the Complaints Co-ordinator within 10 school days of the outcome at Stage 1 and request that your complaint is dealt with at Stage 2. The Headteacher will normally allocate a senior leader to respond to you, although they may choose to undertake this stage themselves. Other colleagues, such as Headteachers within the Trust, could be asked to undertake Stage 2. The Complaints Co-ordinator will monitor the situation and keep you informed.
- The process at Stage 2, with more information on who will be involved and timescales, is included in Appendix 1.
- If your complaint is against the action of a Deputy/ Assistant Head, the Headteacher\* will investigate. If your complaint is against the Headteacher the complaint will progress automatically to Stage 3.

\* If the complaint is against an Assistant Head in one of our secondary schools the Headteacher may ask a Deputy Headteacher to undertake Stage 2.

## Stage 3 - Complaint investigated by the Headteacher and the Executive Director of Primary/Secondary Education is made aware

- Your complaint has not been resolved by the senior leader. The Headteacher will now fully investigate the matter. They will also make the Executive Director of Primary/Secondary Education aware of the complaint.
- The process at Stage 3 with more information on who will be involved and timescales, is included in Appendix 2.
- If your complaint is against the Headteacher, the Executive Director of Secondary/Primary Education will lead the investigation.





# FORMAL COMPLAINTS

## Stage 4 - Complaint heard by Appeal Panel

- If you wish to appeal against the outcome of the investigation at Stage 3 you should write to the Complaints Co-ordinator within 10 school days. An Appeal Panel will be arranged within 20 school days comprising of at least three people who were not directly involved in the matters detailed in the complaint.
- It is important that this review is unprejudiced and impartial; therefore at least one member of the Appeal Panel must be an independent panel member. An independent panel member cannot be an employee, trustee or member of the School Performance Review Board. A member of another School Performance Review Board within the Trust, who has no conflict of interest or prior knowledge of your complaint, can act as an independent panel member.
- The process at Stage 4, with more information on who will be involved and timescales, is included in Appendix 3.



## Complaints against other parties within the Trust

We will apply the same principles outlined above to a complaint received about other individuals/employees of the Trust. The table below explains how we will resolve your complaint, ensure impartiality and an independent review.





## FORMAL COMPLAINTS

Complaint against	Informal discussion	Stage 1	Stage 2	Stage 3	Stage 4
Central Team Employee	Speak directly to the Employee concerned	Speak to the Employee allocated by the Manager of the central team function	Line Manager	Member of the Executive Leadership Team responsible for the central team function	Appeal Panel of at least two members of the Executive Leadership Team and one person independent of the running of the Trust
CEO	Direct discussion with the CEO	Employee allocated by the Chair of the Trust	Stage omitted	Person allocated by the Chair of the Trust, either, the Clerk to the Trust Board, a Trustee or an appointed independent person	Appeal Panel of at least two Trustees and one person independent of the running of the Trust
SPRB member (Complaint to be made to the Clerk to the Trust Board)	The Clerk to the Trust Board will attempt to resolve the concern informally	Stage omitted	Stage omitted	Chair of the SPRB. A Trustee will undertake this stage if the complaint is against the Chair of the SPRB	Appeal Panel of at least two Trustees and one person independent of the running of the Trust
Entire SPRB (Complaint to be made to the Clerk to the Trust Board)	The Clerk to the Trust Board will attempt to resolve the concern informally	Stage omitted	Stage omitted	Vice Chair of the Trust Board	Appeal Panel of at least two Trustees and one person independent of the running of the Trust
Trustee (Complaint to be made to the Clerk to the Trust Board)	The Clerk to the Trust Board will attempt to resolve the concern informally	Stage omitted	Stage omitted	Vice Chair of the Trust Board or Trustee allocated by the Chair	Appeal Panel of at least two Trustees and one person independent of the running of the Trust



If the School/Trust becomes the focus of a campaign and receives a large number of complaints either about the same subject or from people unconnected to the School/Trust a template response will be provided or a single response on the website.



# SERIAL, PERSISTENT COMPLAINTS AND UNREASONABLE BEHAVIOUR

The majority of people pursue their complaints about the School in a way that is reasonable and constructive. This means that they treat others with courtesy and respect and, recognising the time constraints under which members of staff work, allow the School a reasonable time to respond to a complaint.

We will not normally limit the contact complainants have with the School. However, we do not expect our staff to tolerate unreasonable behaviour. We will take action to protect staff from such behaviour, including that which is rude, abusive, offensive or threatening.

Unreasonable behaviour is defined as that which hinders consideration of complaints because of the frequency or nature of the complainant's contact with the School/Trust such as, if the complainant:

- 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 investigation process including requesting meetings at unreasonable times outside of the school day,
- refuses to accept that certain issues are not within the scope of the Complaints Policy and Procedure,
- insists on the complaint being dealt with in ways which are incompatible with the Complaints Policy and Procedure or with good practice,
- introduces trivial or irrelevant information which they expect to be considered and commented on,
- 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 School's Complaints Policy and Procedure has been fully and properly implemented and completed including referral to the Department for Education,
- seeks an unrealistic outcome,
- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email or by telephone while the complaint is being dealt with,
- uses threats to intimidate,
- speaks to staff managing the complaint in an intimidating manner,
- uses abusive, offensive or discriminatory language or violence,
- knowingly provides falsified information,
- publishes unacceptable information on social media or other public forums,
- refuses to maintain confidentiality around other pupils and staff who may be cited in the complaint.

While the complaint is being progressed you should try to limit your communication with the School relating to your complaint. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.





# SERIAL, PERSISTENT COMPLAINTS AND UNREASONABLE BEHAVIOUR

We will not tolerate staff being verbally abused, intimidated or being spoken to in an inappropriate manner. If a member of staff is being communicated with in such a manner they will advise that the manner is inappropriate and will warn that the conversation will be terminated should the inappropriate manner continue. The member of staff will then be able to decide whether to terminate the discussion if the manner continues.

Whenever possible, the Headteacher or Executive Director of Primary/Secondary Education, will discuss any concerns with the individual informally before applying an 'unreasonable' marking.

If the behaviour continues, the Headteacher or Executive Director of Primary/Secondary Education will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. Where excessive contact is causing the School/Trust a significant level of disruption, we may specify methods of communication and limit the frequency of contacts in a communication plan. This will be reviewed after six months.

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

If you remain dissatisfied with the outcome to your complaint despite all stages of the Complaints Policy being followed and try to re-open the complaint this will be considered a serial complaint and you will be advised that the matter is now closed.

We will act reasonably and consider new concerns and complaints, however, we expect you to act appropriately. If the behaviour listed on this page continues we may ask a third party, for example the Citizens Advice Bureau, to act on your behalf.

Where behaviour persists to the point of harassment we will seek legal advice. Measures imposed could include injunctions and court orders preventing direct contact with the School.





# ROLES AND RESPONSIBILITIES

## The role of the Headteacher

- The Headteacher will ensure that staff are familiar with this policy and receive appropriate training in complaint handling and ensure the smooth running of the procedure.
- The Headteacher will assign a senior leader or administrator to coordinate the Complaints Policy (Complaints Co-ordinator).
- The Headteacher will ensure that you are kept fully updated at each stage of the procedure.

## The role of the School Performance Review Board

- The SPRB will monitor complaints (nature and level) to review any improvements to current school processes or systems.
- The Chair of the SPRB will sit on the Appeal Panel of a complaint against the Headteacher.
- SPRB members may be asked to take the role of an independent member of an Appeal Panel for a school they have no association with or conflict of interest.

## The role of the Executive Leadership Team

- The Executive Leadership Team will convene and chair an Appeal Panel for complaints under Stage 4 of the Policy.
- The Chair of the Appeal Panel will ensure you and other people at the hearing are treated with respect and courtesy.
- The Chair of the Appeal Panel will ensure that at least one member of the Appeal Panel is independent from the School and has no conflict of interest, this could be a member of a different SPRB within the Trust.

## The role of the employee/other staff:

- All staff should deal with complaints, queries or concerns in a professional manner and in line with the time scales of this policy. They will record information at any stage they are managing.
- All staff will seek to resolve the concern/complaint at the earliest possible stage.
- The senior leader appointed to investigate your complaint will provide a comprehensive, transparent and fair consideration of the complaint.
- The investigator will hold professional interviews, keep accurate records and keep an open mind when analysing information and responding to you.
- The Complaints Co-ordinator will keep a complaints log to record formal complaints kept confidentially.
- The Complaints Co-ordinator will keep you informed of the progress of your complaint.
- The Complaints Co-ordinator will communicate information to all parties at Stage 4 of the process.





# MONITORING AND EVALUATION

## How will we monitor complaints?

The SPRB will monitor the level and nature of complaints, and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes, where necessary. Complaints information shared with the whole SPRB will not name individuals.

The Audit and Risk Committee of the Trust Board will review the complaints profile of the Trust and undertake an annual review of complaints.

## How will we evaluate complaints?

The process of listening to and resolving complaints will contribute to school improvement. When individual complaints are heard, the School may identify underlying issues that need to be addressed. The monitoring and review of complaints is undertaken at both school and Trust level.

The SPRB will consider the nature, frequency and outcome of complaints when evaluating the School's performance.





## APPENDIX 1 - PROCEDURE AT STAGE 2

1. The Complaints Co-ordinator will acknowledge your complaint in writing within three school days of receiving your request. They will also provide you with a copy of the Complaints Policy and Procedure, the name of the senior leader or the Headteacher that has been allocated to investigate your complaint, and a target date for providing a response. We aim to finish Stage 2 within 10 school days. If this proves not possible the Complaints Co-ordinator will explain the delay and give a revised date for a response. If your complaint is about the Headteacher your complaint will proceed directly to Stage 3.
2. The senior leader will contact you in writing to provide an opportunity for you to meet and/or provide any additional information you feel is relevant to your complaint. You may be accompanied to any meeting by a friend, relative, representative, or advocate who can speak on your behalf with your permission. You should make the senior leader aware if you have any additional requirements, for example, a disability we should consider prior to the meeting. Interpreting facilities are available if needed.
3. The senior leader will decide which other people need to be interviewed to build up a clear picture of the circumstances leading to your complaint. If your complaint involves another pupil then an interview will be carried out with this pupil. We will interview other pupils in the presence of a parent/carer unless the pupil does not wish this to happen. There are rare occasions where the complaint is of a serious nature and it is not possible to interview pupils in the presence of a parent/carer in a timely manner. In both of these cases a member of staff will be present for the interview.
4. The senior leader will keep written records of meetings, telephone conversations and other documentation. You will be given a copy of the record of your meeting/discussion. Once all relevant facts have been established, the senior leader will produce a written response to you to explain/resolve your complaint. This may be by letter or email.
5. A written response will include a full explanation of the decision and the reasons for it. Where appropriate, this includes what action the School will take to resolve your complaint. We hope this thorough investigation will resolve your complaint. If you are still not satisfied you will be advised in the outcome letter that you can take the complaint to Stage 3. To do this you should write to the Complaints Co-ordinator within 10 school days of receiving the Stage 2 written response.





## APPENDIX 2 - PROCEDURE AT STAGE 3

1. The Complaints Co-ordinator will acknowledge receipt of your Stage 3 written request within three school days. They will also advise on the likely timescale of the Headteacher's response to you. When an in depth, complex investigation is required and/or where external advice may be considered the agreed timescale is likely to be in excess of the target 15 school days. You will be kept informed by the Complaints Co-ordinator about the progress of your complaint and if the timescale is extended. Where the complaint is against the Headteacher a member of the Executive Leadership Team of the Trust, usually the Executive Director of Primary/Secondary Education will undertake Stage 3.
2. The Headteacher will arrange to meet with you. This will be confirmed in writing. You may be accompanied as previously and should make the Complaints Co-ordinator aware of any adjustments required.
3. In preparation for the meeting the Headteacher will look at the findings from Stage 2 and determine whether a thorough investigation has been conducted. If further evidence is deemed necessary the Headteacher will extend the investigation.
4. In the meeting with you the Headteacher will establish what outcome you wish to achieve, why you were dissatisfied with the outcome at Stage 2 and gather any relevant evidence that may be available from you.
5. The Headteacher will keep written records of meetings, telephone conversations and other documentation. Once all the relevant facts have been established, the Headteacher will provide you with an outcome letter which will explain/resolve your complaint. You will be provided with a copy of the written record of your meeting/discussion with the Stage 3 response.
6. The outcome letter will include a full explanation of the decision and the reasons for it. Where appropriate, this includes what action the School will take to resolve your complaint. You will be advised that should you remain dissatisfied you can request an independent review of your complaint at Stage 4. You should notify the Executive Director of Primary/Secondary Education (via the Complaints Co-ordinator) within 10 school days of receiving the Stage 3 outcome letter.





## APPENDIX 3 - PROCEDURE AT STAGE 4

1. The Complaints Co-ordinator will write to you within three school days to acknowledge receipt of your Stage 4 request. You will be advised that your complaint is to be heard within 20 school days of receipt of the request. The letter/email will also explain that you have the right to submit any further documents relevant to the appeal. These must be received in time for the documents to be read by the Appeal Panel members. Documents received within three days of the hearing will not be considered. You should notify the Complaints Co-ordinator of any witnesses you intend to invite at this stage.
2. The PA to the Executive Leadership Team will arrange to convene an Appeal Panel. The panel members should include at least one member of the Executive Leadership Team, the Chair of the SPRB (or SPRB member nominated by the Chair) and one panel member independent of the management and running of the School. This person cannot be an employee or Trustee but can be a member of another SPRB within the Trust, if there is no conflict of interest. All panel members should have had no prior involvement with the complaint. It must be made clear that sitting on an Appeal Panel for a previous complaint of yours will not deem a panel member ineligible. The most senior employee should chair the panel. The Headteacher cannot be a member of the Appeal Panel. The panel will also be sensitive to equality issues. Legal representatives of yours or the Trust will not be allowed to attend the Appeal Panel as it is not a form of legal proceeding.
3. The Chair of the Appeal Panel will ensure that the complaint is heard within 20 school days of receiving the letter. All relevant correspondence regarding the complaint should be given to each panel member when the composition of the panel is confirmed.
4. The Chair of the panel will write and inform you, the Headteacher, any relevant witnesses and members of the panel, at least five school days in advance, of the date, time and place of the meeting. The notification will advise you of your right to be accompanied to the meeting by a friend/advocate/interpreter. The letter will also explain how the meeting will be conducted.
5. The Chair of the panel will invite the Headteacher (or other senior leader who responded to the complaint at Stage 3) to attend the panel meeting and prepare a written report for the panel in response to the complaint, outlining the progress of the complaint. The Headteacher may also invite members of staff directly involved in matters raised by you to respond in writing, or in person, to you. Any relevant documents including the Headteacher's report should be received by all concerned, including you, at least five school days prior to the meeting.
6. The involvement of staff other than the Headteacher is subject to the discretion of the chair of the panel.
7. It is the responsibility of the Clerk to the panel, usually the Headteacher's PA or appropriate Office Manager, to ensure that the meeting is properly recorded. If the hearing is to be digitally recorded this must be made clear to the attendees and deleted once transcribed. No other recordings will be authorised. Attendees must not record the hearing covertly.
8. The aim of the hearing should be to resolve your complaint and achieve reconciliation between the School and yourself. However, you should recognise that sometimes it may only be possible to establish facts and make recommendations. If this is the outcome we hope you will have satisfaction that your complaint has been taken seriously.
9. The panel will be aware that you may not be familiar with attending formal meetings and may feel inhibited when speaking to them. They will be sensitive to your needs and will allow time for you to express yourself.
10. If either yourself or the School wishes to introduce previously undisclosed information or witnesses this should be given to the Complaints Co-ordinator at least three days prior to the Appeal Panel. If significant information is disclosed at the meeting the Chair of the Panel may adjourn the meeting so that the other side has time to consider and respond to the new evidence.





## APPENDIX 3 - PROCEDURE AT STAGE 4 CONTINUED

### 11. The appeal hearing will allow for:

- you to explain your grounds for appeal,
- the Appeal Panel to ask you questions,
- the Headteacher to explain the school's response,
- the Appeal Panel to question the Headteacher and/or other members of staff about the School's response,
- both yourself and the School have the right to call witnesses (subject to the approval of the Chair),
- final statements by both yourself and the Headteacher,

It will be agreed with you whether you wish to attend the Appeal Panel in the presence of the Headteacher.

### 12. The Chair will explain that the Appeal Panel will now consider the evidence and a written decision will be sent to you and the Headteacher within 15 school days.

### 13. The Appeal Panel will then consider your grounds for appeal and all the evidence presented, and;

- reach a unanimous, or at least a majority, decision on the complaint,
- decide upon the appropriate action to be taken to resolve the complaint,
- where appropriate, suggest recommended changes to the School's systems or procedures to ensure that problems of a similar nature do not happen again,
- determine findings and recommendations which will be shared with the Complainant and, where relevant, the person the complaint is about.

### 14. A Stage 4 outcome letter outlining the decision of the panel will be sent to you and the Headteacher. The letter will explain whether a further external appeal can be made, and if so, to whom. The written record of the appeal hearing will be sent to you at the same time.

### 15. The School will ensure that a copy of all correspondence and notes are to be kept confidential, except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act, requests access to them. These records should be kept separately from the child's personal records, if applicable.





## APPENDIX 4 - EXCEPTIONS TO POLICY

This Complaints Policy covers all complaints about any provision of facilities or services that the School provides with the exceptions listed below, for which there are separate (statutory) procedures.

<b>Exceptions</b>	<ul style="list-style-type: none"> <li>• Admissions to schools</li> <li>• Statutory assessments of Special Educational Needs (SEN)</li> <li>• School re-organisation proposals</li> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	Exclusion of children from school	Whistleblowing	Staff grievances and disciplinary procedures	Complaints about services provided by other providers who may use school premises or facilities.
<b>Who to contact</b>	Concerns should be raised directly with local authorities (LAs). For school admissions, it will depend on who is the admission authority (either the School or the LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.	Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/schooldiscipline-exclusions/exclusions">www.gov.uk/schooldiscipline-exclusions/exclusions</a>	There is a whistleblowing procedure for employees and volunteers. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155 or via email at: <a href="mailto:whistleblowing@ofsted.gov.uk">whistleblowing@ofsted.gov.uk</a>	These matters will be dealt with under the Trust's employment policies.	Providers should have their own complaints procedure to deal with complaints about services. They should be contacted directly.

