



Complaints Policy

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| Approved by: | Trustees, Resources & Audit |
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1. Introduction

This policy is for all schools in Odyssey Collaborative Trust. The Trust is committed to ensuring the highest standards of integrity in the way that it operates. It will take seriously the complaints raised.

In line with the Trust's commitment to openness, probity and accountability, we encourage people to raise a complaint where they have serious concerns.

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to Odyssey Collaborative Trust, or one of its schools about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

2. Definitions and references

It is important to distinguish between a concern and a complaint. In this policy a **concern** is defined as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*. A **complaint** is defined as *'an expression of dissatisfaction, about actions taken or a lack of action'*.

The **Department for Education** advises that if a person needs to complain about a school or an academy trust, they should first approach the school/academy trust directly and complete their complaints procedure (as outlined in this policy for Odyssey Collaborative Trust). The Department for Education's complaint form is [here](#).

https://form.education.gov.uk/service/Contact_the_Department_for_Education

The DfE should not be contacted until the complainant has completed Stage 3 of the complaints policy outlined in this document.

Similarly, **OFSTED** expect complaints to be raised directly with the school or Trust first. If the issue remains unresolved, parents can submit their complaint to Ofsted. This can be done online through the [OFSTED complaints form](#)

<https://www.gov.uk/government/organisations/ofsted/about/complaints-procedure>.

There are other policies which may be applicable instead of the complaints policy. Staff who are unhappy with their treatment from others within the organisation should use the Trust's **grievance policy**. If someone working or volunteering within the Trust suspects activities which are illegal, unethical, or not correct, then the **whistleblowing policy** should be used. Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff **disciplinary procedures**, if appropriate, but outcomes will not be shared with them.

3. To whom should any concern or complaint be raised

Concerns should be raised informally with the member of staff who has been dealing with the issue or their line manager. If you there is any doubt who is the best person to contact, the headteacher or CEO can advise.

The process by which complaints should be raised is set out herein. The table below sets out to whom a complaint should be raised based upon which role the complaint relates to.

| Role/person to which a complaint relates | To whom the complaint should be raised |
|---|---|
| CEO | Board of Trustees (via Co-Chairs, see below) |
| Central team | CEO of the Trust |
| Headteachers | CEO of the Trust |
| School staff | Headteacher of the school concerned |

In all cases under this policy where an individual does not reasonably feel comfortable raising concerns or complaints to the Headteacher or CEO, the individual may directly address a concern to the CEO (instead of a Headteacher) or Board of Trustees (instead of the CEO) as set out below.

Ian Dewes (CEO)
The Odyssey Collaborative Trust
i.dewes@odysseyct.org.uk
07708475638

Jane Green and/or Phil Storer (Co-Chairs of the Trust Board)
The Odyssey Collaborative Trust
j.green@odysseyct.org.uk
p.storer@odysseyct.org.uk

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaint procedure. Odyssey Collaborative Trust takes concerns and complaints seriously and will make every effort to resolve the matter as quickly as possible.

4. How to raise a concern or make a complaint

A concern can be raised in person, in writing or by telephone. They may also be made by a third party acting on behalf on an individual, as long as they have appropriate consent to do so.

As set out above, concerns should be raised informally with the member of staff who has been dealing with the issue or their line manager. If you are unsure who is the best person to contact,

please discuss this with the headteacher or CEO. If the issue remains unresolved, the next step is to make a formal complaint.

Individuals should not approach individual governors or trustees to raise concerns or make complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 3 of the procedure.

Complaints should be made in writing, unless it is not possible for the complainant to do so, for example a disability. For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the school office. You can also ask third party organisations like the Citizens Advice to help you.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

5. Anonymous complaints

We will not normally investigate anonymous complaints. However, the person best placed to investigate (see section 3) will determine whether the complaint warrants an investigation.

6. Time scales

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three calendar months of the last of these incidents. We will consider complaints made outside of this time frame only if exceptional circumstances are shown to reasonably apply. Where time frames are outlined in section 9, days refer to school days, not weekends and holidays. Where adherence to such time frames prove impractical or unreasonable in the circumstances then the actions must be completed as soon as reasonably possible and without undue delay thereafter and all parties shall be kept informed of any such delay.

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

7. Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by Odyssey Collaborative Trust, other than complaints that are dealt with under other statutory procedures, including those listed below.

| Exceptions | Who to contact |
|---|---|
| <ul style="list-style-type: none"> Statutory assessments of Special Educational Needs School re-organisation proposals | <p>Concerns about statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Derby Local Authority.</p> |
| <ul style="list-style-type: none"> Matters likely to require a Child Protection Investigation | <p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> |
| <ul style="list-style-type: none"> Whistleblowing | <p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus.</p> |
| <ul style="list-style-type: none"> Staff grievances | <p>Complaints from staff will be dealt with under the Trust's grievance policy.</p> |
| <ul style="list-style-type: none"> Staff conduct | <p>Complaints about staff will be dealt with under the Trust disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p> |
| <ul style="list-style-type: none"> Complaints about services provided by other providers who may use school premises or facilities | <p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.</p> |

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

8. Record keeping

To prevent later challenge or disagreement over what was said in any in-person meetings or telephone conversations at any stage of the procedure, brief notes will be kept, and a copy of any written response will be added to the record of the complaint. Notes and paper copies of any complaints and/or responses are kept securely on the Trust's IT system.

Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it or with the prior knowledge and consent of all parties attending. Consent will be recorded in any minutes taken.

9. Resolving complaints

At each stage in the procedure, Odyssey Collaborative Trust wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review Trust policies in light of the complaint
- an apology.

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

9.1 Stage 1 – Informal complaints

It is to be hoped that most complaints can be expressed and resolved on an informal basis.

Complaints should be raised initially with either the class teacher, or head teacher. Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 3 of the procedure.

At this initial communication stage of the complaint, the complainant will be asked about what they believe may resolve the issue about which the complaint has been made to avoid further escalation where possible

At the conclusion of their investigation, the appropriate person investigating the complaint will provide an informal written response within 10 school days of the date of receipt of the complaint.

If the issue remains unresolved, the next step is to make a formal complaint.

9.2 Stage 2 – Formal complaints

Formal complaints must be made to relevant person outlined in section 3.

The person receiving the complaint, known as the complaint manager, will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 2 days.

The complaint manager will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The complaint manager can consider whether a face-to-face meeting is the most appropriate way of doing this.

During any investigation of the complaint, the complaint manager will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the complaint manager will provide a formal written response within 15 school days of the date of receipt of the complaint.

If the complaint manager is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions that have/will be taken to resolve the complaint.

The complaint manager will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

9.3 Stage 3 – Panel hearing

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3 where a complaints panel will be formed of at least three people who were not directly involved in the matters detailed in the complaint or in the initial handling of the complaint, with at least one panel member who is independent of the management and running of the school concerned.

A request to escalate to Stage 3 must be made to the Clerk of the Board of Trustees (Clare.colmore@nottinghamcity.gov.uk) within 10 school days of receipt of the Stage 2 response.

The Clerk will record the date the stage 3 complaint is received and acknowledge receipt of the complaint in writing within 5 school days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk will write to the complainant to inform them of the date of the panel meeting. They will aim to convene a meeting within 15 school days of receipt of the Stage 3 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of two proposed dates, without good reason, the Clerk may decide when to hold the meeting. It may then proceed in the complainant's absence on the basis of written submissions from both parties.

The complaints panel will decide amongst themselves who will act as the Chair of the Complaints Panel. The panel will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.

If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. We do not allow any party to bring legal representatives to the panel meeting unless the Panel agrees that there are reasonable grounds to do so. If a school employee is called as a witness in a complaint meeting, they may wish to be supported by union representation. Representative from the media or general public are not permitted to attend.

At least 7 days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the panel at least 5 school days before the meeting.

Any written material will be circulated to all parties at least 5 school days before the date of the meeting. The panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The meeting will be held in private.

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

The panel will consider the complaint and all the evidence presented. The panel can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the panel will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the Trust's systems or procedures to prevent similar issues in the future.

The Chair of the Panel will provide the complainant and the relevant school/staff with a full explanation of their decision and the reason(s) for it, in writing, within 5 school days.

The letter to the complainant will include details of how to contact the Department for Education

if they are dissatisfied with the way their complaint has been handled.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the Trust will take to resolve the complaint.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about.

A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.

All correspondence statements and records relating to individual complaints will 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.

10. UK GDPR and DPA Complaints

The Complaints Manager is responsible for dealing with all complaints in line with this procedure.

The school complaints policy sets out the complaints process. This will be the basis for dealing with Data Protection Complaints and appeals. A written outcome will be provided.

If the school does not comply with a Subject Access Request within 1 month (subject to any extension), or refuses all or part of the request, written reasons will be provided, setting out the principles for the refusal.

If you feel that the school/trust have not dealt with your matter satisfactorily you can complaint to the Information Commissioner

By post:
Customer Contact
Information Commissioner's
Office Wycliffe House
Water
Lane
Wilmslow
SK9 5AF

11. Complaint Form

Please complete and return to the relevant person (see the table on pg. 2) who will acknowledge receipt and explain what action will be taken. An editable Word document is available [here](#). Please download the form before editing. If you would prefer a paper copy, please speak to the complaints manager, or investigator.

| |
|---|
| Your name: |
| Pupil's name (if relevant): |
| Your relationship to the pupil (if relevant): |
| Address: Postcode: Day time telephone number: Evening telephone number: |
| Please give details of your complaint, including whether you have spoken to anybody at the school about it. |

| |
|---|
| What actions do you feel might resolve the problem at this stage? |
|---|

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

12. Roles and Responsibilities

Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- 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
- refrain from publicising the details of their complaint on social media and respect confidentiality.

Investigator

(This person will usually also be the complaints manager – but may be an individual appointed by or acting on the behalf of the complaint manager or panel.)

The investigator's role is to establish the facts relevant to the complaint by:

- 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
 - interviewing staff and children/young people and other people relevant to the complaint
 - consideration of records and other relevant information
 - analysing information
- liaising with the complainant and the complaints manager as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the complaint manager or complaints panel that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The complaint manager or complaints panel will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

Complaints Manager

(This person may also be the investigator.) The complaints manager should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, headteacher, Chair of Governors, Clerk and LA (if appropriate) to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
 - sharing third party information
 - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.

Clerk to the Board of Trustees (stage 3 only)

The Clerk is the contact point for the complainant and the panel if the complaint reaches stage 3. The clerk should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example; stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the panel's decision.

Panel Chair (stage 3 only)

The panel's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the panel is explained to the complainant

- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.

If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting

- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the panel is open-minded and acts independently
- no member of the panel has any conflict of interest in the proceedings or their outcome or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk (and complaints manager).

Panel Member (stage 3 only)

Panel members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so

No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.

- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant

We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.

- many complainants will feel nervous and inhibited in a formal setting

Parents/carers often feel emotional when discussing an issue that affects their child.

- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting

Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.

The panel should respect the views of the child/young person and give them equal consideration to those of adults.

If the child/young person is the complainant, the panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the panel should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.

However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the panel considers is not in the child/young person's best interests to attend.

- the welfare of the child/young person is paramount.