



THE ST. BART'S
ACADEMY
— TRUST —

Complaints Policy

Date of Policy: October 2016

Review Date: October 2019



Our Values Are At The **HEART** Of Everything We Do





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Complaints Procedure

St Bart's Multi-Academy Trust strives to ensure that its pupils are healthy, happy and safe, so they are able to achieve their full potential. We recognise that parents, guardians or carers play an important part in making this happen. Co-operation between parents, staff and Governors leads to a shared sense of purpose and a good atmosphere in the school.

Our aim is to deal with issues and problems before they become a 'complaint'. However, there is a clear protocol to follow if necessary and the steps to follow are outlined in this policy document.

Aims of the Policy

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

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

The Rules of Natural Justice

Simply put, the rules of natural justice relate to fairness. The Academy will ensure that all concerns, difficulties or complaint are dealt with in accordance with the following principles:

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

Equality Act 2010

The Academy will deal with concerns, difficulties and complaints in accordance with its duty under the Equality Act 2010 to have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and other conduct prohibited by the Equality Act 2010;
- Advance equality of opportunity between those who share a relevant protected characteristic and those who do not, by having regard to the need to:
- Remove or minimise disadvantages connected to a relevant protected characteristic; and
- Take steps to meet the different needs of those sharing a relevant protected characteristic; and encourage those who share a relevant protected characteristic to participate in Academy life and activities in which participation is disproportionately low;
- Foster good relations between those who share a relevant protected characteristic and those who do not, by having regard to the need to:
- tackle prejudice; and promote understanding;

“Relevant protected characteristics” includes sex, race, disability, religion or belief, sexual orientation, gender reassignment, pregnancy and maternity and (in the case of persons who are not students) age.

In addition, the Academy will comply with its duty to make the following reasonable adjustments for persons with a disability:

- Where a provision, criterion or practice places a disabled person at a substantial disadvantage compared to person who is not disabled, reasonable steps must be taken to avoid that disadvantage;
- Where a disabled person would, but for the provision of an auxiliary aid, be placed at a substantial disadvantage compared with a person who is not disabled, reasonable steps must be taken to provide the auxiliary aid.

General Principles

- This procedure is intended to allow you to raise a concern or complaint relating to the school, or the services that it provides.
- Each level of the procedure set out below offers the opportunity for concerns and complaints to be resolved as quickly as possible.
- An anonymous concern or complaints will not be investigated under this procedure, unless there are exceptional circumstances.
- To enable a proper investigation, concerns or complaints should be brought to the attention to the school as soon as possible. In general, we will be unable to consider and therefore investigate any matter raised more than three months after the event has taken place.
- If we receive complaints from people who are not parents of attending pupils, we will continue to use the complaints procedure as set out below.
- Vexatious Complaints - If, despite all stages of this policy being followed, the complainant remains dissatisfied they are not entitled to reopen the same issue. In such cases the Governing Body is able to inform them in writing that the process has been exhausted and the matter is now closed.

Investigating Complaints

The person investigating the complaint will:

- Establish what has happened so far and who has been involved.
- Clarify the nature of the complaint and what remains unresolved.
- Meet with the complainant or contact them if further information is required.
- Clarify what the complainant feels would put things right.
- Conduct any interviews with an open mind and be prepared to persist in the questioning.
- Complete all necessary notes.

Resolving Complaints

At each stage in the complaint schools and complainant will want to keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition it may be appropriate to offer one of the following:

- An apology;
- *An admission that the situation could have been handled differently or better;
- Assurance that the event that was the basis of the complaint will not recur;
- Explanation of the steps that have been taken to ensure it does not happen again (details of disciplinary procedures that have taken place as a result of the complaint will not be shared).
- An undertaking to review school policy or procedure in light of the complaint;
- An explanation that there is insufficient evidence and thus the complaint cannot be upheld;
- An explanation that there is insufficient evidence and thus the complaint cannot be upheld;

- An explanation that, following investigation, the evidence does not substantiate the concern.

** An admission that the school could have handled things better is not the same as an admission of negligence.*

Records of Complaints

A confidential written record will be kept of all complaints and any action taken by the academy as a result of the complaint, regardless of whether they were upheld, resolved at the preliminary stage or proceeded to a panel hearing. Correspondence, 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 Education and Skills Act requests access to them.

Review of Complaints

The local governing body 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. The Principal will report any official complaints in the Principal's Report to Governors and to the Multi-Academy Trust Board of Trustees. As well as addressing an individual's complaint, the process of listening to and resolving complaints will contribute to academy improvement. When individual complaints are heard the local governing body may identify underlying issues that need to be addressed. The monitoring and review of complaints by the academy and the local governing body will be a useful tool in evaluating the academy's performance.

Acceptable Behaviour

Whilst the Academy recognises that the process of raising a concern or complaint can be very stressful St Bart's Multi-Academy Trust will not tolerate aggressive, violent, abusive or anti-social behaviour towards anyone on the academy site. Parents and members of the public are required to behave in a polite and courteous manner. Academy staff are expected to behave in a courteous and professional manner when dealing with parents and member of the public at all times.

Raising a Concern or Complaint

Stage 1 – Dealing with Concerns and complaints Informally

Parents, carers or guardians should, in the first instance, make an appointment to speak to the class teacher or staff member about the concern. This appointment can be made by telephone via the school office, in person or by writing a request in your child's planner direct to the class teacher. Many concerns can be resolved by simple clarification or the provision of information and most concerns or complaints are normally resolved at this point. If necessary, members of the school's Senior Leadership Team may be involved at this stage.

If the complaint has not been resolved by this stage, parents should ask for an appointment to meet with the Key Stage Leader, Assistant Principal or Vice Principal. Prior to the meeting, discussions may take place with the class teacher to gain background information. In some circumstances where it is deemed appropriate and necessary, the class teacher may also be present in the meeting.

If the member of staff first contacted cannot resolve the matter immediately, they should make a clear note of the date, name, contact address, phone number and brief details of the concern/complaint. This information will be passed to the Principal at the earliest opportunity.

Stage 2 – Formal Referral to the Principal

If your concern or complaint is not resolved at the informal stages outlined above, you may choose to put the complaint in writing by filling in a complaints form (Appendix A) and pass it to the Principal. You should include relevant details within the letter, such as times, dates, potential witnesses and if appropriate, copies of relevant documents. It is very important that you include a clear statement of the actions that you would like the school to take to resolve your complaint. Please enclose your letter in a sealed envelope, addressed to the Principal and hand to a member of the administration team at the school office. The Principal (or chair – see below*) may invite you to a meeting to clarify your concerns and to explore the possibility of an informal resolution.

It is possible that your complaint will be resolved through a meeting with the Principal (or Chair – see below*). If not, arrangements will be made for the matter to be fully investigated by the Principal and/or members of the Senior Leadership Team and any members of staff involved in the initial complaint. In any case you should learn in writing, usually within 5 days of the school receiving your formal complaint, of how the school intends to proceed. This notification should include an indication of the anticipated timescale. Any investigation will begin as soon as possible and when it has been concluded, you will be informed in writing of the conclusion. If you then wish to make a further appointment with the Principal to discuss the conclusion and resolve the initial complaint, you can make this appointment via the school office.

The written response will include:

- Details of the agreed subject matter of the complaint
- Details of who was contacted in connection with the subject matter of the complaint (and in brief) the evidence that was obtained
- A full explanation of the decision reached and the reasons for it
- Where applicable, what action the academy will take to address the complaint and prevent recurrence
- What to do if the complainant is not satisfied, information on how to request a review by the governing body and the timescale

* However, if the complaint is about the Principal, your complaint should be passed to the school office, to then be passed to the Chair of Governors. This will be acknowledged by the Chair within 5 working days of receiving the complaint. Please note this refers to a complaint specifically about the Principal and not about the decision that the Principal has made regarding your initial concern. If you feel that your complaint has not been resolved, then you should proceed to Stage 3, outlined below.

Stage 3 – Formal Referral to the Local Governing Body Complaints Panel

If you are not satisfied with the manner in which the process has been followed, you may request that the governing body reviews the process followed by the school, in handling the complaint. Any such request must be made in writing to the Chair of Governors, within 10 working days of receiving your notice of the outcome from the Principal. You must include a statement within this letter, specifying any perceived failures to follow the procedure and giving the reasons for requesting a review. Your letter should be enclosed in a sealed envelope, addressed to the Chair of Governors and handed to a member of the administration team in the school office.

Once your letter has been received by the Chair of Governors, a review will be conducted by a panel of three member of the governing body. It is important that the Complaints Panel hearing is independent and impartial. No governor may sit on the panel if they have had a prior involvement in the complaint or the circumstances surrounding it. This will usually take place within 10 working days of receipt of your request via your letter to the Chair.

A clerk will be appointed to the panel. The Clerk will usually convene the Complaints Panel hearing within **15 academy days** of receipt of the review request. The Clerk will:

- set the meeting date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- where possible give a minimum of 5 academy days' notice of the hearing;
- collate any written material and send it to the parties in advance of the hearing; (consisting of the record of the Stage 1 informal procedure (if applicable), the original letter of complaint or Complaint Form, any documentation provided by the Complainant with their complaint, all investigation records under Stage 2 with the letter of outcome, and the Complainant's letter requesting a Complaint Panel Hearing and accompanying documents) to the Complainant, the Academy's Representative and the three Complaint Panel members.
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings and notify all parties of the panel's decision;

The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the academy and the complainant. The panel chair will ensure that the proceedings are as welcoming as possible. The complaint may bring a friend or representative to the meeting, if they wish. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.

The Complaints Panel is the last academy based stage of the complaints process. Individual complaints would not be heard by the whole governing body at any stage as this would compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

The Complaints Panel 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;
- Recommend changes to the academy' systems or procedures to ensure that problems of a similar nature do not recur.

The Complaint Panel will convene in private, either immediately after the Complaint Panel Hearing or on a subsequent date, and will consider all of the documentation and everything that they have heard at the Complainant Panel Hearing. You will receive notification in writing from the Chair of Governors, once they have completed the review within five working days and provide you with information on their findings and what would be the next course of action.

In the event that the complainant believes that the academy has failed to comply with its own complaints procedure or that the academy's complaints procedures does not comply with statutory requirements the complainant may complain to the Multi-Academy Trust.

Stage 4 - Formal Referral to the Multi-Academy Trust

Where the academy-based complaints procedures have been completed and the complainant does not feel their complaint has been dealt with to their satisfaction by the academy they may contact the Multi-Academy Trust in writing to request a review of the complaint investigation.

Generally the Multi-Academy Trust will only look into complaint about academies that fall into the following two areas.

a) The academy did not comply with its own complaints procedure when considering a complaint or the academy's complaints procedure does not comply with statutory requirements.

The Multi-Academy Trust cannot review or overturn an academy's decisions about complaints but will look at whether the academy considered the complaint appropriately. The Multi-Academy Trust will generally only do this after a complaint has been through the academy's own procedure but may investigate sooner if there is evidence of undue delays by the academy. If the Multi-Academy Trust finds that an academy did not deal with a complaint appropriately it will request that the complaint is reconsidered. Similarly, if the academy's complaints procedure does not meet statutory requirements then the Multi-Academy Trust will ensure this is put right.

b) The academy has failed to comply with a duty imposed under its funding agreement with the Secretary of State.

The Multi-Academy Trust will seek to resolve any concerns regarding potential or actual breaches of the funding agreement with the academy. The Multi-Academy Trust will also consider evidence that an academy has failed to comply with any other legal obligation placed on it.

Investigations will not usually take place 12 months or more after the decisions or action taken by the academy unless the complainant has good reason for the delay in making the complaint.

The Multi-Academy Trust reserve the right not to investigate complaints considered to be vexatious or malicious or where the Multi-Academy Trust is satisfied with the action that the academy has already taken or proposes to take to resolve the complaint.

Stage 5 - Further Representation

If, following a review of the complaint process by the Multi-Academy Trust the complainant is still not satisfied they have the right to complain to the Education Funding Agency, using an online complaints form, using the link below:

https://form.education.gov.uk/submitform.php?self=1&form_id=cCCNJ1xSfBE&type=form&ShowMsg=1&form_name=Contact+the+Department+for+Education&noRegister=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1

Or go to the website (link below) and follow the link to the complaints form.

<https://www.gov.uk/complain-about-school>

The Education Funding Agency will ensure that the complaint has been dealt with properly by the academy and will consider complaints about the academies that fall into any of the following three areas:

- Where there is an undue delay or the academy did not comply with its own complaints procedure when considering the complaint
- where the academy is in breach of its funding agreement with the Secretary of State
- Where an academy has failed to comply with any other legal obligation.

3. The EFA will not overturn an academy's decision about a complaint. However if the EFA find an academy did not deal with a complaint properly they may request that the complaint is looked at again and procedures are changed to meet the requirements set out in the Regulations.

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Procedures for Dealing with a Complaint

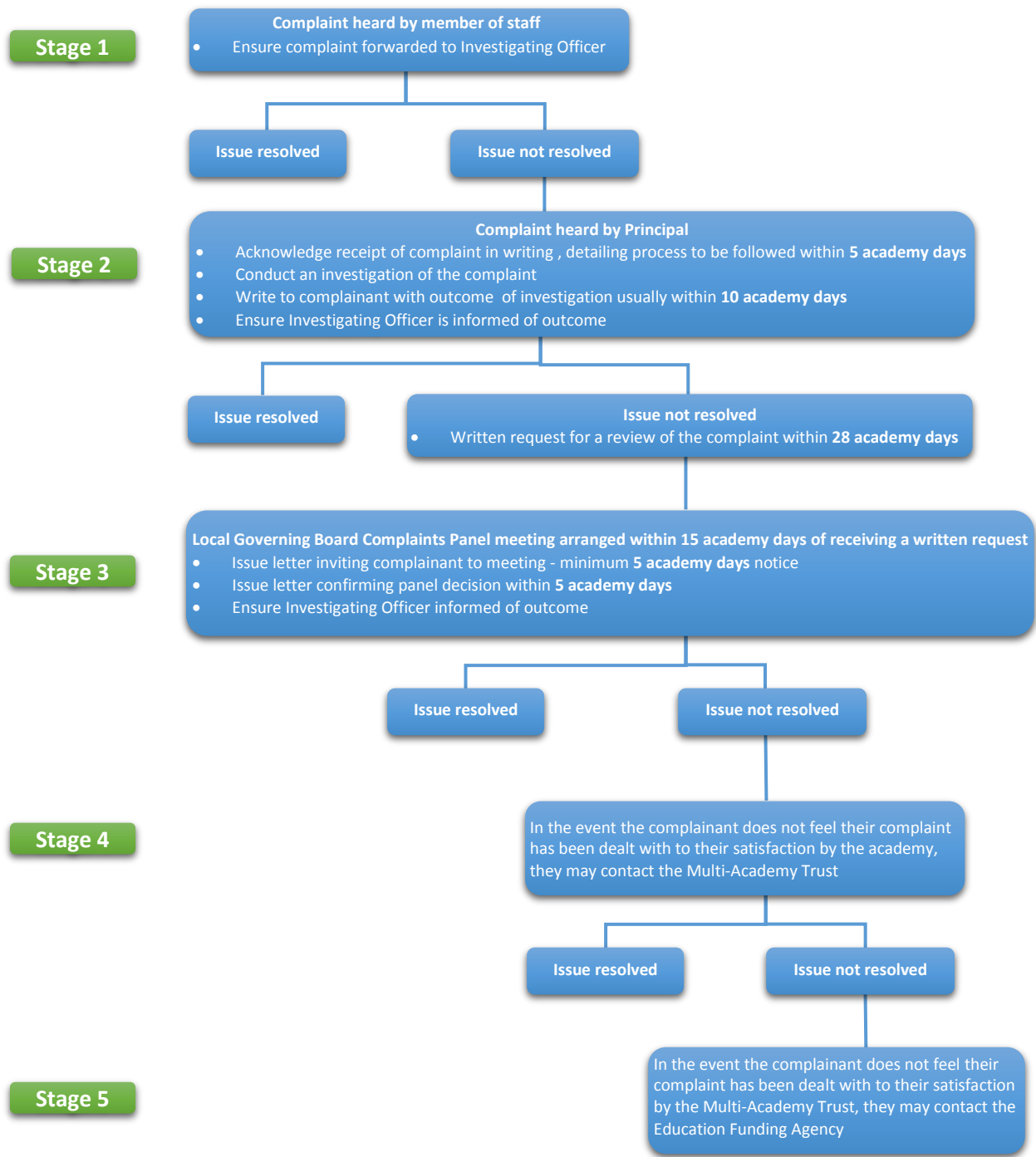
1. Written complaints will be acknowledged in writing within **5 academy days**. The complainant will be given the name of the Investigating Officer at the Multi-Academy Trust.
2. The complainant will be asked to submit a written summary of the complaint.
3. The academy will be asked to provide:
 - a copy of its complaints procedures and details of any other relevant policies or procedures;
 - an explanation of how each stage of its complaints procedures has been followed;
 - a response to the summary of the complaint, together with relevant documents and copies of correspondence with the complainant.
4. The academy will be asked to respond within **10 academy days**, notifying the Investigating Officer if there is any confidential information which may not be shared with the complainant such as data belonging to individuals not involved in the complaint.
5. The Investigating Officer will respond in writing to the complainant, usually within **15 academy days**. However, whilst every effort will be made to complete investigations promptly, in some cases, requiring detailed investigations, it will take longer to produce a written response. Where this is the case the complainant will be advised of any revised timescale for production of the written response.
6. Where appropriate the Multi-Academy Trust may direct the academy to review its decision on the complaint submitted to it or change its procedures for reaching the decision if they are non-compliant with statutory requirements

Appendix A – Formal Complaint Form

Please complete and return to the Academy who will acknowledge receipt and explain what action will be taken.

Your Name:	Student's Name
Your Relationship to Student:	Students DOB And Class:
Address and Postcode:	Daytime Telephone Number:
	Evening Telephone Number:
Full details of complaint (including the names of all persons involved and the dates of incidents referred to):	
What action, if any, have you already taken to try and resolve your complaint (for example, who did you speak to and what was the response)?	
What actions do you feel might resolve the problem at this stage?	
Are you attaching any paperwork? If so, please give details.	
Signature:	Date:
<i>For Official Use</i>	
<i>Date Acknowledgement Sent:</i>	
<i>Name of Person Complaint Referred To:</i>	
<i>Signature:</i>	<i>Date:</i>

Appendix B – Summary of Dealing with Complaints



Appendix C – Details of Complaint Panel Hearing Process

Documentation

The Clerk to the Local Governors will forward a copy of all paperwork relating to the complaint

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

If the Complainant wishes the Complaint Panel to consider any additional information, they should forward this documentation to the Clerk to the Local Governors to arrive at least five Academy days before the Complaint Panel Hearing, to enable the Clerk to forward it to the Academy's Representative and the Complaint Panel members.

Witnesses

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

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

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

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

Procedure at the Complaint Panel Hearing

The Complaint Panel Hearing will be conducted as follows:

The Clerk to the Complaint Panel will greet the Complainant, the Complainant's supporter and the Academy's Representative and welcome them into the room where the Complaint Panel has convened (any witnesses will remain outside of the room until they are called in to give their account);

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

Findings of Fact

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

Recommendations

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

Notification of the Complaint Panel's Decision

The Clerk to the Local Governors will write within 10 Academy days of the Complaint Panel Hearing to the:

- Complainant;
- The Academy's Representative;
- Any person/s complained about;

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

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

Factors for the Complaint Panel to Consider

- It is important that the Complaint Panel Hearing is independent and impartial, and that it is seen to be so. No person may sit on the Complaint Panel if they have had a prior involvement in the matters which gave rise to the complaint, in dealing with the complaint in the previous stages, or have a prior detailed knowledge of the complaint;
- The aim of the Complaint Panel Hearing, which must be held in private, will always be to resolve the complaint and achieve reconciliation between the Academy and the Complainant. However, it has to be recognised that the Complainant may not be satisfied with the outcome if the Complaint Panel does not find wholly in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the Complainant that his or her complaint has been taken seriously;
- An effective Complaint Panel will acknowledge that many Complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The Chair of the Complaint Panel will ensure that the Complaint Panel Hearing is as welcoming as possible, while ensuring that it is procedurally fair to all parties. The layout of the room will set the tone and care is needed to ensure the setting is informal and not substantially adversarial;
- Extra care needs to be taken when the Complainant is a child, or there are child witnesses present. Care should be taken to ensure that the child does not feel intimidated. The Complaint Panel should be aware of the views of the child and give them equal consideration to those of the adults present. Where the child's parent is the Complainant, it would be helpful to give the parent the opportunity to suggest which parts of the hearing, if any, the child should attend, with the Chair retaining discretion;
- The Complaint Panel should ensure that they are familiar with the complaints procedure in advance of the Complaint Panel Hearing. The Chair of the Complaint Panel will play a key part at the Complaint Panel Hearing, ensuring that:
 - The remit of the Complaint Panel is explained to the parties and each party has the opportunity of making representations without undue interruption;
 - All of the issues raised in the complaint are addressed;
 - Key findings of fact are made, on a balance of probabilities ;
 - Each party treats the other with respect and courtesy;
 - The Complaint Panel is open minded and acts independently of the Academy;
 - No member of the Complaint Panel has a vested interest in the outcome of the proceedings;
 - Each side is given the opportunity to state their case and ask questions;
 - All written material is seen by all parties. If a new issue arises during the course of the Complaint Panel Hearing, it would be useful to give all parties the opportunity to consider and comment on it.



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