

HORIZONS EDUCATION TRUST

Complaints Policy

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TABLE OF CONTENTS

1.0	AIMS	4
2.0	LEGISLATION & GUIDANCE.....	4
3.0	SCOPE	4
4.0	ROLES & RESPONSIBILITIES	5
4.1	The Complainant.....	5
4.2	The Investigator	5
4.3	The Clerk	5
4.4	Complaints Panel Chair	6
5.0	DEFINITIONS.....	6
6.0	PRINCIPLES FOR INVESTIGATION.....	7
6.2	Timescales	7
6.3	Complaints About Our Fulfilment of Early Years Requirements	7
6.4	Determining the Appropriate Stage	7
7.0	STAGES OF COMPLAINT	8
7.1	Stage 1: Informal Resolution	8
7.2	Stage 2: Formal Investigation	9
7.3	How to Escalate a Concern or Complaint:	9
7.4	Stage 3: Review Panel	10
7.4.1	At the meeting:	10
7.4.2	The Outcome:	11
8.0	COMPLAINTS AGAINST SENIOR LEADERS OR A MEMBER OF THE GOVERNING BODY 11	
8.1	Stage 1: Informal Resolution	12
8.2	Stage 2: Formal Investigation	12
8.3	How to Escalate a Complaint:.....	13
8.4	Stage 3: Review Panel	13
9.0	REFERRING COMPLAINTS ON COMPLETION OF THE	13
	COMPLAINTS PROCEDURE.....	13
10.0	UNREASONABLE & PERSISTENT COMPLAINTS.....	14
10.1	Serial/Persistent Complaints.....	15
10.2	Duplicate Complaints.....	16
10.3	Complaint Campaigns	16
11.0	RECORD KEEPING & CONFIDENTIALITY	16
12.0	LEARNING LESSONS	17
13.0	MONITORING ARRANGEMENTS.....	17

1.0 AIMS

- 1.1 Horizons Education Trust (HEdT) aims to meet its statutory obligations when responding to complaints from parents of pupils at the academy, and others.
- 1.2 When responding to complaints, we aim to:
 - Be impartial and non-adversarial
 - Facilitate a full and fair investigation by an independent person or panel, where necessary
 - Address all the points at issue and provide an effective and prompt response
 - Respect complainants' desire for confidentiality
 - Treat complainants with respect and courtesy
 - Make sure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
 - Keep complainants informed of the progress of the complaints process
 - Consider how the complaint can feed into academy improvement evaluation processes
- 1.3 We try to resolve complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.
- 1.4 Trust academies will aim to give the complainant the opportunity to complete the complaints procedure in full.
- 1.5 To support this, we will make sure we publicise the existence of this policy and make it available on the academy website.
 - Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

2.0 LEGISLATION & GUIDANCE

- 2.1 This document meets the requirements set out in part 7 of the schedule to the Education (Independent School Standards) Regulations 2014, which states that we must have and make available a written procedure to deal with complaints from parents of pupils at academies within the trust.
- 2.2 It is also based on [best practice guidance for academies complaints procedures](#) published by the Education and Skills Funding Agency (ESFA).
- 2.3 This policy complies with our funding agreement and articles of association.
- 2.4 In addition, it addresses duties set out in the [Early Years Foundation Stage statutory framework](#) with regards to dealing with complaints about the academy's fulfilment of Early Years Foundation Stage (EYFS) requirements.

3.0 SCOPE

- 3.1 This policy does **not** cover complaints procedures relating to:
 - Admissions
 - Statutory assessments of special educational needs (SEN)
 - Safeguarding matters

- Suspension and permanent exclusion
 - Whistle-blowing
 - Staff grievances
 - Staff discipline
 - Withdrawal from the curriculum. (Parents can withdraw their child from any aspect of religious education, including the daily act of collective worship. They do not have to explain why.)
- 3.2 Please see our separate policies for procedures relating to these types of complaint.
- 3.3 Complaints about services provided by other providers who use trust premises or facilities should be directed to the provider concerned.
- 3.4 We will not normally investigate anonymous complaints. However, the headteacher, or CEO, will determine whether a complaint received anonymously warrants investigation.

4.0 ROLES & RESPONSIBILITIES

4.1 The Complainant

The complainant will get a more effective and timely response to their complaint if they:

- Follow these procedures
- Co-operate with the academy throughout the process, and respond to deadlines and communication promptly
- Ask for assistance as needed
- Treat all persons involved with respect
- Do not approach individual governors about the complaint
- Avoid publishing confidential or inflammatory material relating to the complaint on social media while the procedure is ongoing

4.2 The Investigator

An individual will be appointed as the 'Investigator' to look into the complaint and establish the facts. They will:

- Interview all relevant parties, keeping notes
- Consider records and any written evidence and keep these securely
- Prepare a comprehensive report to the headteacher, CEO or Complaints Panel, which includes the facts and potential solutions

4.3 The Clerk

The clerk will:

- Be the contact point for the complainant and the **Complaints Panel**, including circulating the relevant papers and evidence before committee meetings
- Arrange the complaints hearing
- Record and circulate the minutes and the outcome of the hearing
- In the event of an academy complaint, the nominated clerk will be an appropriate administrative officer.

- In the event of a complaint against the CEO, headteacher, central team or governor, the nominated clerk will usually be the Clerk to the Board of Trustees.

4.4 Complaints Panel Chair

The Complaints Panel Chair will:

- Chair the meeting, ensuring that everyone is treated with respect throughout
- Make sure all parties see the relevant information, understand the purpose of the panel, and are allowed to present their case

5.0 DEFINITIONS

5.1 Concern / Informal Complaint

A concern is an expression of dissatisfaction or worry which can usually be resolved quickly through discussion, clarification or informal action at academy level. Concerns may be raised verbally or in writing and are dealt with under Stage 1 of this procedure.

5.2 Formal Complaint

A formal complaint is an expression of dissatisfaction which has not been resolved through Stage 1, or which is sufficiently serious to require formal investigation from the outset. Formal complaints are managed under Stage 2 of this procedure and should normally be submitted in writing.

A matter becomes a formal complaint when:

- the complainant requests escalation to Stage 2; or
- the academy determines that informal resolution has not been successful; or
- the nature or seriousness of the matter requires formal investigation immediately.

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 complaints procedure. The Trust takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

For the purposes of this policy, a 'school day' is defined as a weekday during term time, when the academy is open. The definition of "school day" excludes weekends, Bank Holidays and school holidays.

When complaints are made out of term time, we will consider them to have been received on the first school day after the holiday period.

- 5.3 The word 'parent' is used throughout to refer to 'parent, carer or guardian.'
- 5.4 The word 'complainant' is used throughout to refer to both concern and complaint. Definitions are cited in section 5.0.

- 5.5 For the purposes of this policy, 'headteacher' includes headteacher, Head of School and Executive Headteacher."

6.0 PRINCIPLES FOR INVESTIGATION

6.1 When investigating a formal complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

6.2 Timescales

The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.

We will consider exceptions to this timeframe in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

If at any point we cannot meet the timescales we have set out in this policy, we will:

- Set new time limits with the complainant
- Send the complainant details of the new deadline and explain the delay

6.3 Complaints About Our Fulfilment of Early Years Requirements

We will investigate all written complaints relating to the academies fulfilment of the Early Years Foundation Stage (EYFS) requirements, and notify the complainant of the outcome within 28 days of receiving the complaint. The academy will keep a record of the complaint (see section 10) and make this available to Ofsted on request.

Parents can notify Ofsted if they believe that the academy is not meeting Early Years Foundation Stage requirements, by:

- Calling 0300 123 4666
- Emailing enquiries@ofsted.gov.uk
- Using the online contact form available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>

We will notify parents if we become aware that the academy is to be inspected by Ofsted. We will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis.

6.4 Determining the Appropriate Stage

The academy or Trust will determine whether a matter should be handled under Stage 1 (Informal Resolution) or Stage 2 (Formal Investigation), taking account of:

- the nature and seriousness of the complaint;

- whether the matter has previously been raised informally;
- the complexity of the issues raised;
- whether the complainant remains dissatisfied following informal discussions; and
- whether a formal investigation is considered proportionate and appropriate in the circumstances.

A complainant may request that a matter is considered under Stage 2; however, the decision as to the appropriate stage of the procedure rests with the academy or Trust.

The academy may determine that a complaint should proceed directly to Stage 2 where the matter:

- involves alleged misconduct;
- raises significant safeguarding concerns;
- relates to repeated or unresolved concerns;
- involves complex factual disputes; or
- otherwise warrants formal investigation.

7.0 STAGES OF COMPLAINT

Excluding complaints against:

- CEO
- Headteacher
- Central / Executive Team
- Local Academy Governors
- Trustees
- Members

For complaints regarding the above staff or members of the governing body, please refer to [section 8.0](#).

We have adopted a 3-stage process for dealing with complaints:

- Stage 1: Informal Resolution
- Stage 2: Formal Investigation
- Stage 3: Review Panel

7.1 Stage 1: Informal Resolution

We make every effort to address any concerns or complaints early through informal measures.

The complainant should raise the concern or complaint as soon as possible within the timescales set out in '**6.2 Timescales**'.

This should be addressed to the relevant member of academy staff or the headteacher, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the academy office.

The academy will acknowledge informal complaints, in writing, within **five school days**, confirming how the academy intends to proceed, including an indication of the anticipated timescale.

The informal stage will involve a meeting between the complainant and a senior leader and the subject of the complaint, if appropriate. A written response will be provided by the academy within **five school days** following the informal meeting.

If the complaint is not resolved informally, it will be escalated to a **Formal Complaint (Stage 2)**.

7.2 Stage 2: Formal Investigation

The Formal Stage involves the complainant putting the complaint in writing (unless the complainant has a sufficient reason to request a reasonable adjustment be made to amend this). Their letter or form should provide details such as:

- Relevant dates and times
- The names of witnesses or events
- Copies of any relevant documents
- What the complainant feels would resolve the complaint

If complainants need assistance in raising a formal complaint, they can contact the academy office.

Complaints should be directed to the headteacher.

This section does not apply to complaints against senior trust leaders listed in [section 8.0](#).

The headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within **five school days**.

The headteacher (or other person appointed by the headteacher for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within **ten school days**.

7.3 How to Escalate a Concern or Complaint:

If the complainant wishes to proceed to the next stage of the procedure, they should inform the Clerk to the Board of Trustees in writing within **five school days**.

Requests received outside of this timeframe will be considered in exceptional circumstances.

Complaints should be escalated by contacting the Clerk to the Board of Trustees:

- By letter or email
- Through a third party acting on behalf of the complainant

The clerk will need the details of the complaint as set out above, as well as details from the complainant on how they feel the previous stage of the procedure has not addressed their complaint sufficiently, and what they feel would resolve the complaint.

The clerk will acknowledge receipt of the request within **five school days**.

7.4 Stage 3: Review Panel

Complaints will be escalated to **Stage 3: Review Panel Stage** if the complainant is not satisfied with the response to the complaint at **Stage 2: Formal Stage**. As above, Requests for escalation to Stage 3 must be made in writing within **five school days** of receipt of the Stage 2 outcome.

The purpose of the Review Panel is not to re-investigate the complaint, but to review whether the complaint was handled appropriately and reasonably in accordance with the procedure.

The Review Panel will be appointed by, or on behalf of, the Board of Trustees and must consist of:

- at least three people who were not directly involved in the matters detailed in the complaint and who have had no involvement in Stages 1 or 2;
- At least one panel member must be independent of the management and running of the trust and academy.

The panel will select a Chair from among its members.

The panel will have access to the existing record of the complaint's progress.

The complainant must have reasonable notice of the date of the Review Panel.

The clerk will aim, where reasonably practical, to find a date within **five school days** of the request, where possible.

If the complainant rejects the offer of three proposed dates without good reason, the clerk will set a date. The hearing will go ahead using written submissions from both parties.

Any written material will be circulated to all parties at least **five school days** before the date of the meeting.

The Chair of the Review panel will ensure that the hearing is properly minuted.

7.4.1 At the meeting:

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless required as part of reasonable adjustments. Prior knowledge and consent of all parties attending will be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

At the Review Panel meeting, the complainant and representatives from the academy and/or trust, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied if they wish. We don't encourage either party to bring legal representation, but will consider it on a case-by-case basis. For instance, if an academy employee is called as a witness in a complaint meeting, they may wish to be supported by their union.

Representatives from the media are **not** permitted to attend.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called, as appropriate, to present their evidence.

The panel, the complainant and the academy representative(s) will be given the chance to ask and reply to questions. Once the complainant and academy representative(s) have presented their cases, they will be asked to leave and evidence will then be considered.

The panel will then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint, and make a copy available for inspection by the trust.

7.4.2 The Outcome:

The Review Panel can:

- Uphold the complaint, in whole or in part
- Dismiss the complaint, in whole or in part

If the complaint is **upheld**, the panel will:

- Decide the appropriate action to resolve the complaint.
- Where appropriate, recommend changes to the academy's systems or procedures to prevent similar issues in the future.
- The panel will inform those involved of the decision in writing within **five school days**.

The decision of the Review Panel is final and there is no further right of appeal under this procedure.

8.0 COMPLAINTS AGAINST SENIOR LEADERS OR A MEMBER OF THE GOVERNING BODY

This section refers to complaints made against:

- CEO
- Headteacher
- Central / Executive Team
- Local Academy Governors

- Trustees
- Members

Parties listed above will be referred to as senior trust leaders.

8.1 Stage 1: Informal Resolution

Concerns or complaints made against senior trust leaders should be directed to the Clerk to the Board of Trustees in the first instance. This should be addressed Clerk to the Board of Trustees by letter, telephone or email.

The below table cites who will carry out **Stage 1 of section 7**, relevant to the subject of the concern of complaint:

Subject of Concern or Complaint	Concern / Complaint Lead
A Member of the Governing Body (Governors, Trustees and/or Members)	Chair of Trustees
CEO	Trustee
Central or Executive Team	CEO
Headteacher	A member of the Executive Team

If the concern or complaint is not resolved informally, it will be escalated to Stage 2: Formal Investigation.

Complaints about the whole Local Governing Committee, or the Board of Trustees, will be resolved at Stage 2 below.

8.2 Stage 2: Formal Investigation

Complaints about senior trust leaders should be addressed to the clerk, marked as private and confidential. Formal complaints can be raised:

- By letter or email
- By a third party acting on behalf of the complainant

The direct line manager (or other delegated authority which may include external agencies) of the subject of the complaint will follow the steps outlined in **Stage 2 of section 7** above.

If the complaint is:

- Jointly about the chair and vice-chair or
- The entire Local Governance Committee or
- The entire Board of Trustees or
- The majority of either group

An independent investigator will carry out the steps in Stage 2 set out in section 7 above. They will be appointed by the trustees, and will write a formal response at the end of their investigation.

The written conclusion of this investigation will be sent to the complainant within **5 school days**.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the Clerk to the Board of Trustees in writing within **5 school days**.

Requests received outside of this timeframe will only be considered in exceptional circumstances.

The clerk will acknowledge receipt of the request within **5 school days**.

8.3 How to Escalate a Complaint:

Complaints can be escalated by contacting the Clerk to the Board of Trustees:

- By letter or email
- Through a third party acting on behalf of the complainant

The clerk will need the details of the complaint as set out above, as well as details from the complainant on how they feel the previous stage of the procedure has not addressed their complaint sufficiently, and what they feel would resolve the complaint.

8.4 Stage 3: Review Panel

If the complaint concerns senior trust leaders; the direct line manager (or other delegated authority which may include external agencies) of the subject of the complaint will follow the steps outlined in **Stage 3 of section 7** above.

If the complaint is:

- Jointly about the chair and vice-chair or
- The entire Local Governance Committee or
- The entire Board of Trustees or
- The majority of either group

A committee of independent panel members will hear the complaint. They will be sourced from local schools and/or the local authority or diocese and will carry out the steps at **Stage 3 (set out in section 7 above)**.

As above, the purpose of the Review Panel is not to re-investigate the complaint, but to review whether the complaint was handled appropriately and reasonably in accordance with the procedure.

The decision of the Review Panel is final and there is no further right of appeal under this procedure.

9.0 REFERRING COMPLAINTS ON COMPLETION OF THE COMPLAINTS PROCEDURE

If the complainant is unsatisfied with the outcome of the trust's complaints procedure, they can refer their complaint to the Education and Skills Funding Agency (ESFA). The ESFA will check whether the complaint has been dealt with

properly by the trust. The ESFA will not overturn a trust decision about a complaint, but will intervene if an academy has:

- Breached a clause in its funding agreement
- Failed to act in line with its duties under education law
- Acted (or is proposing to act) unreasonably when exercising its functions
- If the trust's complaints procedure is found to not meet regulations, the trust will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:
www.gov.uk/complain-about-school

We will include this information in the outcome letter to complainants.

10.0 UNREASONABLE & PERSISTENT COMPLAINTS

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- Refuses to co-operate with the complaints investigation process
- Refuses to accept that certain issues are not within the scope of the complaints procedure
- Insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- Introduces trivial or irrelevant information which they expect to be taken into account 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 trust's complaint procedure has been fully and properly implemented and completed, including referral to the ESFA
- Seeks an unrealistic outcome
- Makes excessive demands on academy time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- Uses threats to intimidate
- Uses abusive, offensive or discriminatory language or violence
- Knowingly provides falsified information
- Publishes unacceptable information on social media or other public forums

Please note: the above list is not intended to be exhaustive and is for guidance purposes only. It is at the discretion of the academy or trust what is deemed to be unreasonable.

Complainants should try to limit their communication with the academy or trust while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay

the outcome being reached.

Steps we will take:

We will take every reasonable step to address the complainant's comments, and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

Whenever possible, the headteacher or chair of governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking. If the behaviour continues, the headteacher will write to the complainant explaining that their behaviour is unreasonable, refer them to this policy and remind them to act in accordance with it.

For complainants who excessively contact the academy or trust causing a significant level of disruption, we may:

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third party to act on their behalf, such as [Citizens Advice](#)
- Put any other strategy in place as necessary
- 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 an individual from academy premises and ensuring appropriate measures of support are provided to staff where they are the subject of aggression and/or violence.

10.1 Serial/Persistent Complaints

If the complainant contacts the academy or trust again on the same issue, the correspondence may then be viewed as 'serial' or 'persistent'. We may stop responding to the complainant when the following conditions are met:

- We have taken every reasonable step to address the complainant's concerns
- The complainant has been given a clear statement of our position and their options
- The complainant contacts the academy or trust repeatedly, making substantially the same points each time
- The case to stop responding is stronger if:
 - The complainant's communications are often or always abusive or aggressive
 - The complainant makes insulting personal comments about or threats towards staff
- We have reason to believe the individual is contacting academy or trust with the intention of causing disruption or inconvenience

Where a decision is made to stop responding, the Investigator supported by the nominated clerk will inform the individual of the intention to do so.

New complaints made by the complainant will be considered provided the concerns raised are materially different to those raised previously and/or are

unconnected to the previous concern.

10.2 Duplicate Complaints

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, the Investigator supported by the nominated clerk will:

- Tell the new complainant that we have already investigated and responded to this issue, and that the local process is complete
- Direct them to the ESFA if they are dissatisfied with our original handling of the complaint
- If a duplicate complaint is raised which in the view of academy or trust warrants further consideration, the procedure outlined in **section 6 or 7 (as appropriate)** will be repeated.

10.3 Complaint Campaigns

Where the trust, or one of its academies, receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the academy, a response may be made by:

- Publishing a single response on the academy website
- Sending a template response to all of the complainants

If complainants are not satisfied with the response, or wish to pursue the complaint further, the normal procedures will apply.

11.0 RECORD KEEPING & CONFIDENTIALITY

The trust, will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and stored securely, and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where disclosure is required by the Secretary of State (or a representative acting on their behalf), under freedom of information or data protection legislation, or for the purposes of inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and record retention schedule.

The details of the complaint, including the names of individuals involved, will not be shared with the whole Board of Trustees in case a review panel needs to be

organised at a later point.

Where the Board of Trustees is aware of the substance of the complaint before the review panel stage, the academy will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the Board of Trustees, who will not unreasonably withhold consent.

12.0 LEARNING LESSONS

- 12.1 The trust will review any underlying issues raised by complaints with the appropriate staff member, and respecting confidentiality, to determine whether there are any improvements that the trust can make to its procedures or practice to help prevent similar events in the future.

13.0 MONITORING ARRANGEMENTS

- 13.1 The trust will monitor the effectiveness of the complaints procedure in making sure that complaints are handled properly. The trust will track the number and nature of complaints, and review underlying issues as stated in section 11.
- 13.2 The complaints records are logged and managed by the Clerk to the Board of Trustees.
- 13.3 This policy will be reviewed by the Director of Governance & Communications every 3 years, or as required.
- 13.4 At each review, the policy will be approved by the Board of Trustees.