



# Multi Academy Trust Complaints Policy



## The Stour Federation

Adopted from The Department for Education Model complaints procedure: academy in a Multi Academy Trust

## 1. WHO CAN MAKE A COMPLAINT?

This complaints procedure can be used by any person, including parents, carers, and members of the public, to raise a complaint about any provision of facilities or services by any school within The Stour Federation or by the central Trust team.

This policy will be used unless the complaint is dealt with under a separate statutory procedure, such as admissions, exclusions, or safeguarding.

## 2. THE DIFFERENCE BETWEEN A CONCERN AND A COMPLAINT

It is important to distinguish between a concern and a complaint, as resolving issues at the earliest stage is in everyone's best interest.

- A **concern** is 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'. Many concerns can be resolved quickly and informally.
- A **complaint** is 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

Our schools and the Trust take all concerns seriously and will always try to resolve them informally first. However, we recognise that formal complaints are sometimes necessary, and this policy outlines the procedure for this.

If you have difficulty discussing an issue with a specific staff member, you will be referred to another staff member who can consider the matter impartially.

## 3. HOW TO RAISE A CONCERN OR COMPLAINT

A concern or complaint can be made in person, by telephone, or in writing. A third party may also make a complaint on your behalf, provided they have your consent.

- **Informal Concerns:** Should initially be raised with the class teacher or the relevant member of staff. If unresolved, please speak to the Headteacher.
- **Formal Complaints about school staff (excluding the Headteacher):** Should be made to the Headteacher via the school office, marked 'Private and Confidential'.
- **Formal Complaints about a Headteacher:** Should be made to the Chair of the Local Academy Council via the school office, marked 'Private and Confidential'.
- **Formal Complaints about central Trust staff (e.g., Trust SENDCO, EAL Specialist):** Should be made to the Chief Executive Officer (CEO) via the Trust office, marked 'Private and Confidential'.
- **Formal Complaints about the CEO or a Trust Board Director:** Should be made to the Chair of the Trust Board via the Trust office, marked 'Private and Confidential'.

- Formal Complaints about the Chair of a Local Academy Council, an individual governor, or the whole Local Academy Council: Should be addressed to the Governance Professional via the school office.

A complaint form is available at the end of this policy to assist you. We will make reasonable adjustments, in line with equality law, to help you access this procedure.

#### 4. KEY PRINCIPLES AND TIMESCALES

- **Time Limit for Complaints:** You must raise a complaint within three months of the incident (or the last in a series of incidents). We may consider complaints outside this timeframe in exceptional circumstances.
- **Anonymous Complaints:** We do not normally investigate anonymous complaints, but the Headteacher, CEO or Local Academy Council Chair/Trust Board Chair may decide an investigation is warranted.
- **Complaints outside Term Time:** Complaints received during school holidays will be considered as received on the first school day of the new term.
- **Withdrawal of a Complaint:** If you wish to withdraw your complaint, please confirm this in writing.
- **Confidentiality:** All correspondence and records relating to complaints will be kept confidential, except where disclosure is required by law (e.g., to the Secretary of State).

#### 5. SCOPE OF THIS COMPLAINTS PROCEDURE

This procedure covers all complaints about facilities or services provided by our schools and the Trust, except for those with separate statutory procedures. These exceptions include:

Exceptions	Who to contact
Admissions to schools	Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority.
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> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or Family Connect</p> <p>LADO - 01926 743433 <a href="mailto:lado@warwickshire.gov.uk">lado@warwickshire.gov.uk</a>            Children &amp; Families Front Door - 01926 414144</p>

Suspension or Permanent Exclusion of children from school*	<p>Further information about raising concerns about exclusion can be found at:</p> <p><a href="https://www.gov.uk/government/publications/school-exclusion">https://www.gov.uk/government/publications/school-exclusion</a></p>
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 whistle-blowers in education who do not want to raise matters directly with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain directly to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p>
Staff Grievances	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>
Staff conduct and Disciplinary Procedures	<p>Complaints about staff will be dealt with under the school's internal 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>

If other bodies (e.g., the police or local authority safeguarding teams) are investigating aspects of your complaint, our procedure may be suspended, and we will inform you of a new timescale.

## 6. THE COMPLAINTS PROCESS

### Stage 1: Informal Resolution

We hope most concerns can be resolved informally. Please raise your concern with the relevant staff member (e.g., class teacher) or the Headteacher. You should not approach individual governors at this stage, as it may compromise their impartiality later. The staff member investigating will provide an informal written response within **five school days**. If you are not satisfied, you can proceed to Stage 2.

### Stage 2: Formal Investigation

Formal complaints should be made in writing to the appropriate person (see Section 3).

1. **Acknowledgement:** The investigator (usually the Headteacher or CEO) will acknowledge your complaint in writing within **five school days** and clarify the nature of the complaint and your desired outcome. They may suggest a meeting.
2. **Investigation:** The investigator will interview those involved, review evidence, and keep written records of all meetings. The investigation may be delegated, but not the final decision.
3. **Response:** The investigator will provide a formal written response within **fifteen school days of receiving the complaint**. This is a more realistic timescale than the previous five days, as advised by our legal counsel. If this deadline cannot be met, you will be informed of the delay and given a revised date. The response will explain the decision, the reasons for it, and any actions to be taken. It will also advise you on how to escalate your complaint to Stage 3 if you remain dissatisfied.
4. If the complaint is about the **Headteacher or a governor**, a suitably skilled governor will conduct the Stage 2 investigation.
5. If the complaint is about the **CEO or a Trust Board Director**, the Chair of the Trust Board will investigate.

### Stage 3: Panel Hearing

If you are dissatisfied with the Stage 2 outcome, you can request a Panel Hearing. This is the final stage of the Trust's procedure.

1. **Request:** You must request a Stage 3 hearing within **five school days** of receiving the Stage 2 response. This request should be made to the Governance Professional.
2. **Arrangements:** The Governance Professional will acknowledge your request within five school days and aim to convene a panel meeting within **fifteen school days**.
3. **The Panel:** The panel will consist of at least three people who have not been involved in the complaint previously. At least one panel member will be **independent of the management and running of the school/Trust**.
4. **The Hearing:** You may bring a friend or relative for support. All written material will be circulated to all parties at least five school days before the meeting. The panel will not consider new complaints at this stage.
5. **Decision:** The panel can uphold or dismiss the complaint, in whole or in part. The Chair of the panel will provide a full written explanation of the decision to you and the school/Trust within **twenty school days** of the hearing. This letter will also include details of how to contact the Department for Education if you remain dissatisfied with the handling of your complaint.

The Trust does not have a 'Stage 4' appeal, aligning with the DfE model and common multi academy trust practice. The Stage 3 Panel Hearing is the final step. The previous Stage 4 appeal to the Trust Board is now removed. Instead, the Trust will monitor all complaints to ensure procedures are followed correctly and identify any learning for our schools.

## 7. MANAGING SERIAL, VEXATIOUS AND UNREASONABLE COMPLAINTS

The Stour Federation is committed to dealing with all complaints fairly and impartially. However, we will not tolerate unacceptable behaviour and will take action to protect our staff.

Unreasonable behaviour is that which hinders our consideration of a complaint. Examples include:

- Refusing to specify the grounds of the complaint despite offers of assistance.

- Making excessive demands on staff time through frequent and lengthy contact.
- Repeatedly making the same complaint after the procedure has been completed.
- Personal harassment, using abusive, threatening, or discriminatory language.
- Making complaints in public, including publishing unacceptable information on social media.

If we consider a complainant's behaviour to be unreasonable, the Headteacher or CEO will discuss this with them informally first. If the behaviour continues, we will write to them to explain why it is unreasonable and may implement a communication plan to manage contact. This plan will be reviewed after six months. In response to any serious incident of aggression or violence, we will inform the police immediately.

If the complainant behaves unreasonably as outlined above the Trust may write to the complainant explaining that the complaint has been through all the stages of the procedure, is now exhausted and the case is now closed.

## **8. NEXT STEPS**

If you have completed the Trust's complaints procedure and believe we did not handle your complaint in accordance with this policy, or that we acted unlawfully or unreasonably, you can contact the Department for Education. The DfE will not reinvestigate the substance of the complaint but will check whether we have followed statutory procedures.

# Complaint Form

Please complete and return to The Head of School/Headteacher/Executive Headteacher/CEO who will acknowledge receipt within 5 school days and explain what action will be taken.

<b>Your name:</b>
<b>Pupil's name (if relevant):</b>
<b>Your relationship to the pupil (if relevant):</b>
<b>Address:</b>
<b>Postcode:</b>
<b>Day time telephone number:</b>
<b>Evening telephone number:</b>
<b>Email address:</b>

**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:**

**Action taken:**

**Date:**

# 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.
- Cooperate 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

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 co-ordinator 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 head teacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.
- The head teacher or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

## Complaints Co-ordinator

(this could be the head teacher or CEO / designated complaints governor or trustee or other staff member providing administrative support)

The complaints co-ordinator should:

- Ensure that the complainant is fully updated at each stage of the procedure.

- Liaise with staff members, head teacher, CEO, Chair of Governors, Chair of Trust or the Governance Professional and 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.

## **Governance Professional to the Governing Body / Trust Board**

The Governance Professional is the contact point for the complainant and the committee and 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 committee's decision.

## **Committee Chair**

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

- Both parties are asked (via the Governance Professional) 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 committee 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 committee is open-minded and acts independently.
- No member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure.

- The meeting is minuted.
- They liaise with the Governance Professional (and complaints coordinator, if the school has one).

## **Committee Member**

Committee members should be aware that:

- The meeting must be independent and impartial, and should be seen to be so
- No governor / trustee may sit on the committee 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 committee 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 committee 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 committee 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 committee considers is not in the child/young person's best interests.

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