

## Complaints Policy

Signed

*Tim Bridger*

Chair of the Board of Directors

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### Version History

Version	Date Issued	Brief Summary of Change	Owners Name
0.1	01.09.2020	New Policy	Wendy Ainscough
1.1	15.06.2021	Policy updated to include Stage 3 procedures	Wendy Ainscough
2.1	07.09.2021	Annual Policy Review	Wendy Ainscough

## Alumnis Multi Academy Trust

### Complaints Policy and Procedure

#### Rationale:

Alumnis Multi Academy Trust prides itself on excellent parental and community relationships built upon mutual respect and understanding. In circumstances where there is a need to express a concern or complaint, the Trust is committed to addressing such concerns positively and constructively. An effective complaints procedure can promote good relationships, serve to reassure complainants and inform the identification of areas for improvement within the Trust's procedures or policies.

#### Aims:

Our Trust schools aim to meet statutory obligations when responding to complaints. When responding to complaints, we aim to:

- Be impartial and non-adversarial;
- Address all the points at issue and provide an effective and prompt response;
- Respect complainants' desire for confidentiality;
- Treat complainants with respect;
- Keep complainants informed of the progress of the complaints process.

We aim to resolve concerns or complaints by informal means wherever possible. Where this is not possible, the formal procedure will be followed as detailed within this policy. The Trust will aim to give the complainant the opportunity to access the complaints procedure in full.

#### Legislation and Guidance:

All Academy Trusts must have a complaints procedure. This must meet the standards set out in the [Education \(Independent School Standards \(England\) Regulations 2014](#) Schedule 1, Part 7

This policy is also based on **best practice guidance** on setting up complaints procedures from the Department for Education (DfE).

#### Definitions:

The DfE guidance explains the difference between a concern and a complaint.

- **A concern is defined as "an expression of worry or doubt over an issue considered to be important for which reassurances are sought."**

The schools of the Alumnis Multi Academy Trust will resolve concerns through day-to-day communication as far as possible e.g. informal meetings, telephone calls, e-mails.

- A **complaint** is defined as "an expression of dissatisfaction about actions taken or a lack of action."

The Trust intends to resolve complaints informally where possible, at the earliest possible stage. This policy

will be followed where informal resolutions are not successful.

**Scope of this policy:**

Arrangements for handling complaints from parents of children with special educational needs about the Trust schools’ support are within the scope of this policy. Any such complaints should first be made to the SENDCo. They will then be referred to this Complaints Policy. Our SEND Policy includes information about the rights of parents of pupils with disabilities who believe that our schools have discriminated against their child.

This procedure covers all complaints other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions to this policy	Who to contact
<ul style="list-style-type: none"> <li>● Admissions to schools</li> <li>● Statutory assessments of Special Educational Needs</li> <li>● School reorganisation proposals</li> </ul>	<p>Concerns about admissions, statutory assessments of Special Educational Needs, or school reorganisation proposals should be raised with Devon County Council.</p>
<ul style="list-style-type: none"> <li>● Matters likely to require a Child Protection Investigation</li> </ul>	<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 the Multi-Agency Safeguarding Hub (MASH).</p>
<ul style="list-style-type: none"> <li>● Exclusion of children from school*</li> </ul>	<p>Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>.</p> <p>*complaints about the application of the schools Behaviour Policy, copies of which can be found on the school website, can be made through the school’s Complaints Procedure.</p>

<ul style="list-style-type: none"> <li>Whistleblowing</li> </ul>	<p>We have an internal Whistleblowing Policy 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 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>
<ul style="list-style-type: none"> <li>Staff grievances</li> </ul>	<p>Complaints from staff will be dealt with under the Trust's internal grievance procedures.</p>
<ul style="list-style-type: none"> <li>Staff conduct</li> </ul>	<p>Complaints about staff will be dealt with under the Trust'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>
<ul style="list-style-type: none"> <li>Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them directly.</p>
<ul style="list-style-type: none"> <li>National Curriculum - content</li> </ul>	<p>Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a></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 against the Trust or a Trust school 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.

Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

## **Principles for Investigation:**

When investigating a complaint, we work with the complainant to clarify:

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

We intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage.

When and if further investigation is necessary, new time limits will be set and the complainant will be sent details of the new deadline with an explanation for the delay.

The Trust expects that complaints will be made as soon as possible after an incident arises and no later than three months afterwards. We will consider exceptions to this time frame in exceptional circumstances where there were valid reasons for not making a complaint at that time and where the complaint can still be investigated in a fair manner for all involved.

## **How to raise a concern or a make a complaint:**

Any person, including members of the public, may make a complaint to any of the Trust 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.

- Concerns should first be raised with either the Class Teacher or Headteacher. If the issue remains unresolved, the next step is to make a formal complaint.
- The complainant should not approach an LSC member or Trust Board member directly to raise a concern or complaint. It is not the place of LSC or Board members to act on an individual basis and this could prevent them from considering a complaint at Stage 3 of the procedure.
- Complaints against school staff (except the Headteacher) should be made to the Headteacher in writing via the school office. Please mark as Private and Confidential.
- Complaints that are about the Headteacher should be addressed to the CEO and sent to [clerk@alumnismat.org](mailto:clerk@alumnismat.org). Please mark as 'Private and Confidential'.
- Complaints about the Chair of the LSC, any individual LSC member or the whole LSC should be made in writing addressed to the Clerk at [clerk@alumnismat.org](mailto:clerk@alumnismat.org). Please mark as 'Private and Confidential'.
- 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 such as 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. This could include providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

### **Anonymous complaints:**

We will not normally investigate anonymous complaints. However, the Headteacher or Chair of the LSC, if appropriate, will determine whether the complaint warrants an investigation.

### **Complaints received outside of term time:**

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

### **Resolving complaints:**

At each stage in the procedure, the Trust wishes 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:

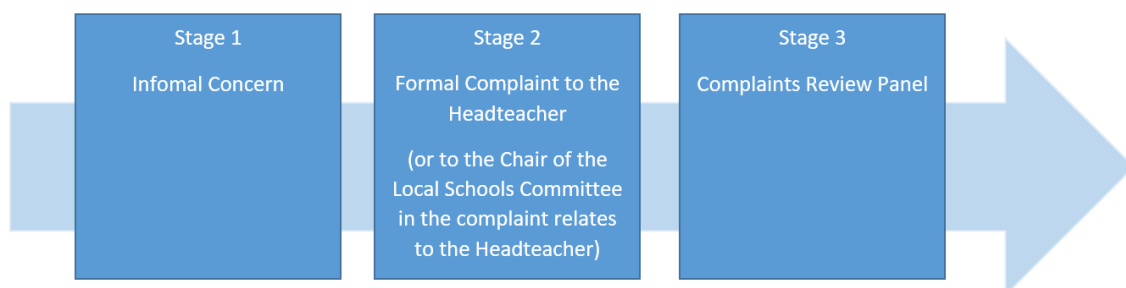
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that we will try to ensure the event complained of will not recur;
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication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

### **Withdrawal of a complaint:**

If a complainant wants to withdraw their complaint they may do so at any time. They will be asked to confirm this in writing.

### **Stages of complaint:**

The below pictorial demonstrates the four stages which may be undertaken.



## **Stage 1: Informal:**

Concerns ought to be raised informally in the first instance.

- The Trust schools will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.
- The complainant should raise the concern as soon as possible with the relevant member of staff, e.g. Class Teacher, or the Headteacher as appropriate, either in person, by letter, telephone or email. Class messaging apps e.g. ClassDojo, Seesaw or Tapestry are not considered appropriate methods of communicating a concern or complaint.
- The school will acknowledge informal concerns within five school days, and investigate and provide a response within ten school days.
- The informal stage will involve a meeting between the concerned adult, a Class Teacher and a member of the Senior Leadership Team or Headteacher, as appropriate.
- If the concern is not resolved informally, the next step is to make a formal complaint at Stage 2 of this Complaints Procedure. The request should be made in writing within ten school days of receipt of the response provided at the informal stage, explaining why the complainant remains dissatisfied and what s/he would like to happen. Complainants are encouraged to submit written complaints using the form at the end of this policy to ensure that all relevant information is provided to allow proper investigation and consideration of the matter).

## **Stage 2: Formal: (except for complaints against the Headteacher or an LSC member)**

Where an informal concern cannot be resolved, and/or it is felt that the concern is beyond the requirements of an informal concern, the complainant should inform the Headteacher.

1. In the first instance the complainant should inform the Headteacher of their complaint in writing (preferably using the Complaints Form - Appendix 1). This should:
  - State that it is a complaint.
  - Provide details such as relevant dates, times, and the names of witnesses of events and copies of any relevant documents.
  - State what they feel would resolve the complaint.
2. The Headteacher (or other person appointed by the Headteacher for this purpose) will acknowledge receipt of the complaint in writing.
3. The Headteacher will arrange a meeting with the complainant within five school days of receipt of the complaint to clarify their concerns, and seek a resolution. A written record of the meeting will be made.
4. The Headteacher (or other person) will then conduct their own investigation.

5. If it is not possible to meet the timescales the complainant will be informed.
6. A formal response in the form of a letter, reiterating conclusions made will be sent to the complainant within five school days of the meeting.
7. The response will also advise that if the complainant remains dissatisfied with the outcome or the way the complaint has been handled, they can escalate the complaint to Stage 3, the final Stage of the Complaints Procedure, by writing to the Clerk to the Trust within ten school days of receipt of the Stage 2 response.

### **Stage 3: Formal - Complaint heard by the Local Schools Committee Complaints Appeal Panel**

- Where the complaint at Stage Two is considered by the complainant as unresolved, the complainant must inform the Chair of the LSC in writing via the Clerk within ten school days of the conclusion meeting held at Stage Two. (Note: Requests to escalate the complaint received outside of this timeframe will only be considered in exceptional circumstances). The Clerk will acknowledge the formal Stage 3 complaint in writing (either by letter or email) within five school days of receipt. The Clerk will inform the complainant, in writing, that the complaint will be heard as soon as possible by the Appeal Panel, and ideally within twenty school days of receiving the Stage 3 request. (If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed).
- The Appeal Panel should consist of three impartial members of the Trust Board / Local Schools Committee. At least one panel member will be independent of the management and running of the school.
- One of the members should act as Chair of the Appeals Panel. No member of the Appeals Panel should have had prior involvement or detailed knowledge of the complaint, nor should there be any conflict of interest relating to a member of the Appeals Panel. If there are fewer than three Local Schools Committee Members from the school available, the Clerk will source any additional, independent governors through other Trust Schools or another local school, in order to make up the panel. Alternatively, an entirely independent panel may be convened to hear the complaint at Stage 3.
- The complainant will be invited to attend the meeting regarding the complaint. The Clerk to the Appeals Panel will convene a meeting at an appropriate venue, having consulted with all parties on convenient times. The date, time and venue for the meeting will be confirmed to all parties at least ten school days in advance of the meeting. (Note: If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties).
- The complainant will also be informed of the right to submit any written information they wish, and that this must be made available to the Clerk no later than seven school days before the date of the Appeals Panel meeting.



- The letter will also set out:
  - The right for both parties to call witnesses to the meeting, subject to the approval of the Chair of the Appeals Panel;
  - The right of the complainant to bring someone along to provide support. This can be a relative or friend.
  - The fact that a Clerk will also attend the meeting to take minutes and advise the Appeals Panel on the process.
- The Clerk to the Appeals Panel will send a copy of the Stage 3 letter of complaint to the Head Teacher and/or Chair of Local Schools Committee and request a written response no later than seven school days before the date of the Appeals Panel meeting. The right to call witnesses, subject to the approval of the Chair, will also be explained. (Note that the parties are discouraged from bringing legal representation to the meeting. These meetings are not a form of legal proceedings. However, there may be occasions when representation is appropriate. For example, if a school employee is called as a witness in a complaint hearing, s/he may wish to be supported by union representation).
- The names of all parties and witnesses (if any) to attend the meeting and all relevant documents to be referred to at the meeting will also be provided by the Chair of the Appeal Panel to:
  - The complainant
  - The Chair of the Local Schools Committee and/or Head Teacher / Investigating Officer (as appropriate to the circumstances)
  - Each panel member.
- This will be provided as soon as possible and, in any event, at least five school days prior to the meeting.
- The meeting will be held following the procedures for hearing a complaint detailed in Appendix 2.
- The Appeal Panel will not review any new complaints at this stage or consider evidence unrelated to the initial complaint. New complaints must be dealt with from Stage 1 of the procedure.
- The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless there are communication difficulties and/or a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.
- The Appeals Panel will consider the complaint and all the evidence presented. The Appeals 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 Appeals Panel will:
  - decide on the appropriate action to be taken to resolve the complaint
  - where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.
- The panel will then put together its findings and recommendations from the case and respond within ten school days. They will provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the subject of the complaint, and make a copy of the findings and recommendations available for inspection by the Headteacher.
- The decision of the Appeals Panel represents the end of the school's complaint procedure and in the decision letter the complainant will be informed of the options that remain open to them should they remain dissatisfied. (see below for further details).

### **Complaints against the Headteacher or an LSC member:**

Complaints that are about the Headteacher should be addressed to the CEO and sent to [clerk@alumnismat.org](mailto:clerk@alumnismat.org). Please mark as 'Private and Confidential'.

Where a complaint is against the Chair of the LSC, or any of the Local School Committee, it should be made in writing to the Clerk in the first instance who will make an informed decision as to who is best to deal with the complaint.

In either case, the matter will be investigated and a written response provided.

If the complaint is:

- Jointly about the Chair and Vice--Chair or
- The entire Local School Committee or
- The majority of the Local School Committee.

Stage 3 will be heard by a Committee of independent Governors.

There may be occasions when it's necessary or reasonable to deviate from the published Complaints Procedure. This includes not doing something the procedure states you will, should or may do. Any deviation from the published procedure will be documented.

### **Referring complaints on completion of the Trust's procedure:**

If, after Stage 3 of the Complaints Procedure, 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 school concerned.

The ESFA will not overturn a school's decision about a complaint. However, it will look into:

- Whether there was undue delay, or the school did not comply with its own Complaints Procedure;
- Whether the school was in breach of its funding agreement with the Secretary of State;
- Whether the school has failed to comply with any other legal obligation.

If the School did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the School's Complaints Procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly. For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/government/organisations/education-and-skillsfunding-agency/about/complaints-procedure>

### **Records and Record Keeping**

- Any minutes of meetings attended by the complainant will be made available to him/her as soon as possible after the conclusion of that stage of the proceedings. It should be noted that minutes may be subject to redactions required under the Data Protection Act 2018 and the GDPR.
- Records of all conversations and meetings with complainants to resolve complaints will be kept. Records will be kept of 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. Record keeping will also include notes of conversations and/or meetings with complainants, as well as copies of letters and emails.
- This material will be treated as confidential and held centrally and will be viewed only by those involved in investigating the complaint or on the appeal panel.
- This is except where the Secretary of State (or someone acting on their behalf) or the complainant requests access to records of a complaint through a Freedom of Information (FOI) request or under the terms of the Data Protection Act, or where the material must be made available during a school inspection.
- Records of complaints will be kept for at least three years and, where it is concerning a pupil, for at least one year after the pupil leaves the school.
- The details of any complaint, including the names of individuals involved, will not be shared with the whole Local Schools Committee in case an Appeals Panel needs to be organised at a later point.

### **Persistent and Malicious Complaints:**

The Headteachers, LSCs and the Board of Directors are committed to the improvement of our schools. We welcome feedback from parents/carers and will always try to resolve any concerns as quickly as possible. There is a procedure for parents/carers to use if they wish to make an informal or formal complaint.

Parents or carers pursuing complaints or other issues must not treat staff and others in a way that is unacceptable and or behave in an unacceptable manner. We will not accept threatening, inappropriate or harassing behaviour. The Trust retains discretion to cease engagement through the Complaints Policy if complainants do not act reasonably and appropriately.

An unreasonable complainant may be anyone who engages in unreasonable behaviour when making a complaint. This will include parents and carers who pursue complaints in an unreasonable manner and those who do not act in an appropriate manner towards staff at the school. A malicious complaint is one that is made with the intention of causing harm.

Where a complainant tries to re-open the issue with the school after the Complaints Procedure has been fully exhausted and the school has done everything it reasonably can in response to the complaint, the Headteacher (or other appropriate person in the case of a complaint about the Headteacher) will inform the complainant that the matter is closed.

Unreasonable behaviour which is considered abusive, offensive or threatening may constitute an unreasonably persistent complaint. Once the school has decided that it is appropriate to stop responding, the complainant will be informed in writing.

The school will ensure that complainants making any new complaint are heard, and that the school acts reasonably.

The Alumnis Multi Academy Trust is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. We will not normally limit the contact complainants have with our school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Complainants should try to limit their communication with the school while the complaint is being progressed.

Whenever possible, the Headteacher 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 and ask them to change it. For complainants who excessively contact a Trust school causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a 'communication plan'. This will be reviewed after six months.

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

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 the Alumnis Multi Academy Trust, who will not unreasonably withhold consent.

### **Complaint Campaigns:**

Should a school within the Alumnis Multi Academy Trust receive large volumes of complaints all based on the same subject, the Trust will either:

- Issue an identical response to all complainants;
- publish a single response on the school/Trust website.

### **Monitoring Arrangements:**

The Alumnis Multi Academy Trust's Local School Committees will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The Local School Committees will track the number and nature of complaints, and review underlying issues. The complaints records are managed by the Headteacher.

A written record of all written complaints will be to be kept. This will include whether they are resolved following a formal procedure, or proceed to a panel hearing. They will also include any action taken by the school as a result of those complaints (regardless of whether they are upheld).

<p><b>Your name:</b></p>
<p><b>Pupil's name (if relevant):</b></p>
<p><b>Your relationship to the pupil (if relevant):</b></p>
<p><b>Address:</b></p>  <p><b>Postcode:</b></p> <p><b>Day time telephone number:</b></p> <p><b>Evening telephone number:</b></p>
<p><b>Please give details of your complaint, including whether you have spoken to anybody at the school about it.</b></p>
<p><b>What actions do you feel might resolve the problem at this stage?</b></p>

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

**Signature:**

**Date:**

**Official use**

**Date acknowledgement sent:**

**By whom:**

**Complaint referred to:**

**Date:**

### **Stage 3: Local Schools Committee Complaints Panel - Procedure for Hearing the Complaint**

#### **Introduction**

The aim of the meeting is to resolve the complaint and achieve reconciliation between the school and the complainant.

As set out in the main body of this Complaints Procedure, the meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless there are communication difficulties and/or a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The Chair of the Appeals Panel will ensure that the meeting is properly minuted.

Although the meeting will follow the structured order below, given potential sensitivities and anxieties, the Chair will endeavour to ensure that the proceedings are as informal as possible and that all parties are put at their ease.

The introduction of new information or witnesses, previously not notified to all parties, would be a reason to adjourn the meeting so that everyone has time to consider and respond to the new information.

#### **Order of the meeting**

The Chair welcomes the complainant and his/her companion and the Headteacher and/or the Chair of Local Schools Committee or Investigating Officer (where the complaint has either been addressed by the Chair of the Local Schools Committee at Stage 2, or another Investigator depending upon the circumstances of the complaint) and introduces the Appeal Panel.

1. The Chair explains the purpose of the meeting, the procedure, and confirms that all written evidence has been made available to all parties.
2. The complainant/companion explains the complaint, calling in witnesses if appropriate.
3. The Appeals Panel may question the complainant/companion and witnesses.
4. The Headteacher / Chair of the Local Schools Committee / Investigating Officer presents a response to the complaint, including action taken to address the complaint at stages 1 and 2 of the procedure and calling witnesses, if appropriate.
5. The Appeals Panel may question the Head Teacher/ Chair of the Local Schools Committee Investigating Officer and witnesses.
6. The Head Teacher, together with the Head Teacher / Chair of the Local Schools Committee Investigating Officer, where applicable, is invited to make a final statement.
7. The complainant/companion is invited to make a final statement.
8. The complainant/companion, Headteacher / Chair of the Local Schools Committee / Investigating



Officer and any witnesses leave the meeting.

9. The Appeal Panel considers the complaint and reaches a unanimous or majority decision. The Appeal Panel also decides what action (if any) to take to resolve the complaint and any organisational learning for the school.
10. The Appeal Panel will then put together its findings and recommendations from the case. They will provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the subject of the complaint, and make a copy of the findings and recommendations available for inspection by the Headteacher.
11. The records of the Appeal Panel meeting including a copy of the decision letter are retained in school along with all other records of the complaint.