



Complaints policy

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This is a model policy/procedure which reflects legislation, any relevant statutory and non-statutory guidance and best practice. The responsibility for setting policy and procedure resides with the Robus Multi Academy Board of Trustees and as such the relevant Board must be satisfied that the content of the policy/procedure suits their requirements prior to its formal adoption.



Contents

Introduction	3
Serial, Persistent or Vexatious Complainants	3
Withdrawal of a complaint.....	4
Anonymous complaints	4
Stage 1 – Informal Resolution.....	4
Stage 2 – Formal Resolution (Investigation by a nominated individual).....	4
Stage 3 – Formal Resolution (Panel Hearing).....	5
Attendance at a Complaints Panel Hearing	6
Recording Keeping	6
Confidentiality	6
Education and Skills Funding Agency (ESFA)	7
Complaints relating to fulfillment of the EYFS requirements.....	7
Appendix A – Serial, Persistent or Vexatious Complainants	8
Appendix B – Complaint Form	9
Appendix C – Roles and Responsibilities	11
Flowchart of procedure for handing general complaints.....	14

Introduction

This policy applies to any matter which has been raised with the Multi-Academy Trust as a matter of concern, but which has not been capable of resolution informally and which the complainant or the Multi-Academy Trust considers should be dealt with on a formal basis. This complaints procedure is not limited to parents or carers of children that are registered at the Multi-Academy Trust. Any person, including members of the public, may make a complaint to the Multi-Academy Trust about any provision of facilities or services that we provide.

A concern or complaint can be made in person, in writing (including email) or by telephone. For ease of use, a template complaint form is included at Appendix B. In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure; i.e., providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

The Multi-Academy Trust expects that complaints will be made as soon as possible after an incident arises and no later than 3 months afterwards. The Multi-Academy Trust will consider exceptions to this time-frame 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.

Complaints received outside of term time will be considered to have been received on the first school day after the holiday period.

NB: usually matters relating to admissions and exclusions, statutory SEN assessments, matters involving child protection involvement, will not be considered under this policy as they have their own appeal or complaint processes. Where necessary the Academy will exercise its discretion. Whistleblowing and staff grievances and discipline matters will not be considered under this policy.

Serial, persistent or vexatious complainants

The Multi-Academy Trust is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who have cause to complain.

We do not normally limit the contact that complainants have with the Academies; however unacceptable behaviour towards staff, including that which is abusive, offensive or threatening will not be tolerated.

The Multi-Academy Trust defines serial or persistent complainants as *those who, because of the frequency or nature of their contacts with the Academies, hinder our consideration of their or other people's complaints (Appendix A).*

All Multi-Academy Trust staff are trained to respond appropriately to complainants, but it is recognised that there are times when there is nothing further that can reasonably be done to rectify a real or perceived problem.

If a complainant attempts to reopen an issue or a closely related issue that has already been dealt with under this complaints' procedure, the Chair of Governors/Trust Board may write to the complainant to inform him/her that the procedure has been exhausted and the matter closed, and that continued correspondence is vexatious and that the Academy/Trust Board will not respond to any further correspondence on this issue or a closely related issue.

This policy must be made available to parents/carers of pupils and the wider community.

Complainants should first attempt to address their complaint to the individual Academy informally. Only if this fails to resolve the situation should the complaint be submitted in writing (including email) to the Academy Headteacher, the academy's nominated Complaints Governor, or to the Chair of Governors (if the complaint is about the Headteacher specifically). The Academy Headteacher and/or nominated Complaints Governor/Chair of Governors (as appropriate) will acknowledge receipt of the complaint before considering it and issuing a final written response.

Withdrawal of a complaint

If a complainant wants to withdraw their complaint, a request will be made for this to be confirmed in writing.

Anonymous complaints

Anonymous complaints will not normally be investigated. However, the academy Headteacher or Chair of Governors/Trust Board, will use discretion to determine whether the complaint warrants an investigation

Stage 1 – Informal Resolution

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 and the Multi-Academy Trust takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

It is expected that where a matter of concern relates to a pupil it will have been raised with the pupil's class teacher or Academy Headteacher before a request is made to deal with it under this policy.

It is a precondition to the operation of this policy that the complainant shall have made reasonable attempts to seek an informal resolution and shall have acted in relation to the matter in a reasonable and measured way consistent with the Academy's behaviour code adopted from time to time. The nominated Complaints Governor/Chair of Governors shall have discretion, which will be exercised reasonably, not to allow a complaint to be pursued where this precondition has not been met.

Where the matter is not resolved at the informal stage, the concern/complaint may be elevated to the formal stage.

Stage 2 – Formal Resolution (Investigation by a Nominated Individual)

1. The complainant must put the complaint in writing (including email), addressed to the Academy Headteacher, setting out briefly the facts and stating what it is that the

complainant considers should have been done or where the Academy has not met reasonable expectations. The Academy Headteacher will acknowledge receipt of the complaint in writing (including email) within 5 school days of the written complaint being received.

2. An investigation will be carried out by a nominated individual identified by the Headteacher as appropriate, who may offer the complainant a meeting and speak to others involved. Whenever reasonably possible, any meeting with the complainant will take place within 15 school days of the written complaint being received.
3. The investigator will put their findings in writing and will indicate what, if any, steps should be taken to resolve the matter. Whenever reasonably possible, this will be done within 15 school days of the meeting with the complainant and if no meeting is to take place within 25 school days of the complaint being received.

Any complaint relating to the Headteacher must be raised in the first instance with the Chair of Governors (or Vice-Chair in the absence of the Chair) who will, if an informal resolution cannot be reached, designate a governor to investigate in the same way as in the first stage of the formal process outlined above. Please mark them as "Private and Confidential".

If the complaint is against the Chair of Governors/Trust Board, then the complaint must be made to the Clerk to the Governing Body/Trust Board via the academy. Please mark them as "Private and Confidential". The Vice-Chair will investigate the complaint (or appoint another governor/trustee to do so) in the same way as in the first stage of the formal process outlined above.

Where a complaint is brought against a member of the Local Governing Body/Trust Board, the matter will be dealt with under the "Dealing with Complaints Against Governors and Trustees" policy.

Stage 3 – Formal Resolution (Panel Hearing)

1. If the complainant is not satisfied with the response of the investigator, they may request that the complaint be considered by the complaints panel of the Governing Body and Trust Board which will comprise at least three people who have not previously been directly involved in the matter including one person who is independent of the management and running of the Academy (this will be a governor from the local governing body of another ROBUS Academy). That request must be in writing, addressed to the Clerk to the Governors at the Academy, within 10 school days of the response being sent to the complainant and must set out briefly the reasons why the complainant is dissatisfied with the response.
2. The Clerk will invite the school to put in writing its response to the complainant's reasons. The Academy will do this within 15 school days of receiving the request and at the end of that period (whether or not the Academy has responded) the Clerk will convene a meeting of the complaints panel of the Governing Body. That meeting will be held on school premises as quickly as practicable given the need to find a date that is reasonably convenient for the complainant, the Academy and the members of the panel. Whenever possible, the meeting will be held within 15 school days of the end of the school's response

time. At any meeting, the complainant will be entitled to be accompanied by a friend, but legal or media representation will not be allowed.

3. The meeting is not a court case and will be as informal as circumstances allow. The complainant will have the opportunity to put forward their reasons for dissatisfaction and to enlarge on them but may not introduce reasons that were not previously put in writing. The Academy will have the opportunity to put its side of things and each side, as well as the panel members, will be able to ask questions. The complainant will have the opportunity to make final comments to the panel.
4. The panel may make findings and recommendations and a copy of those findings and recommendations will be
 - (i) sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about; and
 - (ii) available for inspection on the Academy premises by the Academy Trust and the Headteacher.
5. The panel will formulate its response as quickly as reasonably possible, aiming to do so within 10 school days, and the Clerk to the Governors will notify all concerned.

Attendance at a Complaints Panel Hearing

The complaints panel will proceed *irrespective of whether or not* the complainant and/or their representative attend. If the complainant fails to attend on the day without compelling reasons, the complaints panel will *still proceed in their absence and the process will continue to its conclusion*. Any further attempt to re-open the matter will be considered as falling under the serial/persistent complaint section as defined in Appendix A.

Record Keeping

A written record will be kept of all complaints that were resolved at the formal stage of the complaints procedure. Records will contain details of whether the complaint was resolved at stage 2, or whether it proceeded to a stage 3 panel hearing. The action taken by the Academy as a result of a complaint (regardless of whether they are upheld) will also be recorded.

Confidentiality

Correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008 requests access to them.

Education and Skills Funding Agency (ESFA)

Once the complaints process is concluded (or a complaint has been terminated due to undue delay or failure to lodge a stage 3 request within the time stated in the policy) the matter is closed.

If the complainant is still not satisfied, then they may contact the ESFA. The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by the Multi-Academy Trust. They will consider whether the Multi-Academy Trust has adhered to education legislation and any statutory policies connected with the complaint and whether it has followed Part 7 of the Education (Independent School Standards) (England) Regulations 2014.

The complainant can refer their complaint online at www.education.gov.uk/contactus, by telephoning 0370 000 2288 or by writing to:

Academy Complaints and Customer Insight Unit
Education and Skills Funding Agency
Cheylesmore House
5 Quinton Road
Coventry
CV1 2WT

Complaints relating to fulfilment of the EYFS requirements

In order to comply with the statutory framework, written concerns or complaints relating to the fulfilment of the EYFS requirements will be dealt with in accordance with the following process:

- The written concern/complaint will be acknowledged within 5 days;
- The Headteacher will investigate the concern or complaint which may include meeting with the complainant. A written response notifying the complainant of the outcome of the investigation will be sent within 28 days of the complaint being received.
- Where the complainant remains dissatisfied, the Headteacher will ensure that a formal complaints panel will be convened in accordance with stage 3 of this policy

A record of the written complaints and their outcome will be maintained and made available to Ofsted on request.

Serial, Persistent or Vexatious Complainants

A complaint may be regarded as unreasonable when the person making the complaint:

- 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 while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on or raises large numbers of detailed but unimportant questions and insists that 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 unfounded or has been addressed;
- refuses to accept the findings of the investigation into that complaint where the Multi-Academy Trust's complaints procedure has been fully and properly implemented and completed, including referral to the Department for Education (DfE);
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone whilst the complaint is being dealt with

A complaint may also be considered to be unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing (including email) or electronically:

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers

Please complete and return to the Academy Headteacher/Chair to Governing Body/Trust Board/Clerk [please delete as appropriate] who will acknowledge receipt and explain what action is to be taken.

Your name:
Pupil's name (if relevant):
Your relationship to pupil (if relevant):
Address: Postcode: Daytime telephone number: Evening telephone number: Mobile telephone number: Email address:

Please give details of your complaint, including whether you have spoken to anyone at the academy/trust about it [please continue on a separate sheet if necessary]

<p>What actions do you feel might resolve the problem at this stage?</p>
<p>Are you attaching any paperwork? If so, please give details</p>
<p>Signature:</p> <p>Date:</p>
<p>FOR OFFICIAL USE ONLY</p> <p>Date acknowledgement sent:</p> <p>Acknowledgement sent by:</p> <p>Complaint referred to:</p>
<p>Action taken:</p> <p>Date:</p>

ROLES AND RESPONSIBILITIES

Complainant

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

- explain the complaint in full as early as possible
- co-operate with the academy/trust 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 the 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 the 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 headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems
- the headteacher 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 Headteacher or CEO/designated complaints governor/trustee or other staff member providing administrative support)

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, headteacher, CEO, Chair of Governors, Chair of Trust or the Clerk and 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 young person
- keep records

Clerk to the Governing Body/Trust Board

The Clerk 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 (e.g., stage 1 paperwork, academy/trust 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

Complaints' Committee Chair

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

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with courtesy and respect
- 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 that 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 academy/trust 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 Clerk (and the complaints co-ordinator, if there is one)

Complaints' 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 academy/trust and the complainant
(It is recognised that the complainant may 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 given them equal consideration to those of adults.

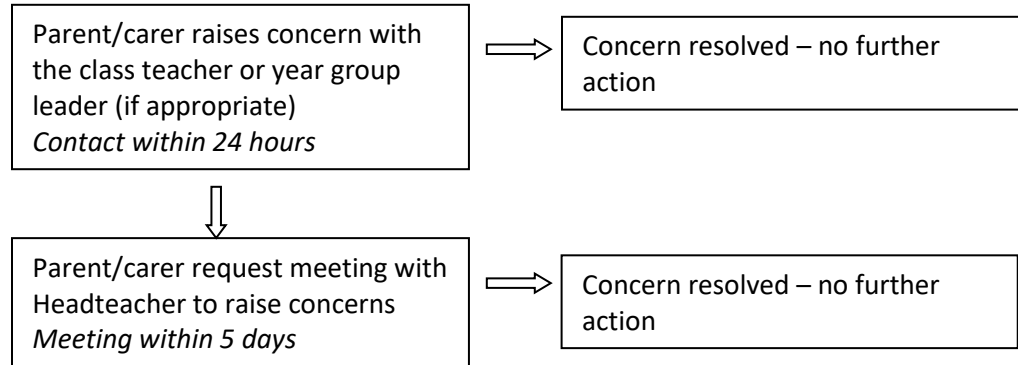
If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the 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 not to be in the child/young person's best interests

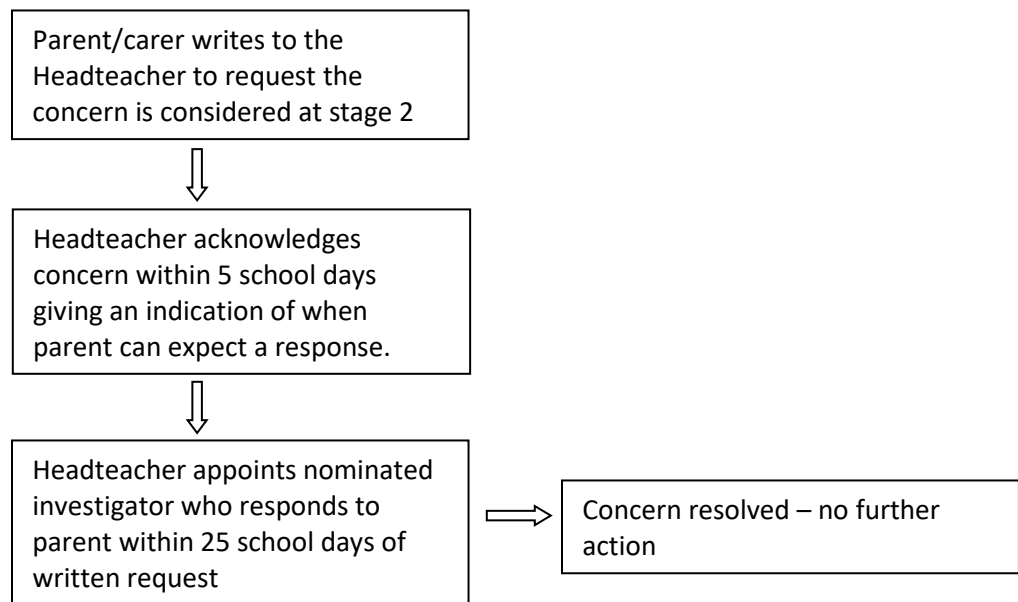
- the welfare of the child/young person is paramount

Flowchart of procedure for handling general complaints concerning a pupil or member of staff

Stage 1 – informal



Stage 2 – formal resolution



Stage 3 – Panel Hearing (Review by Governing Body/Trust Board)

