

## 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

# 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.

<b>Exceptions to this policy</b>	<b>Who to contact</b>
<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>	Concerns about admissions, statutory assessments of Special Educational Needs, or school reorganisation proposals should be raised with Devon County Council.
<ul style="list-style-type: none"><li>● Matters likely to require a Child Protection Investigation</li></ul>	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.  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).

<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 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 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 Trusts 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 Trusts 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 expect 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:

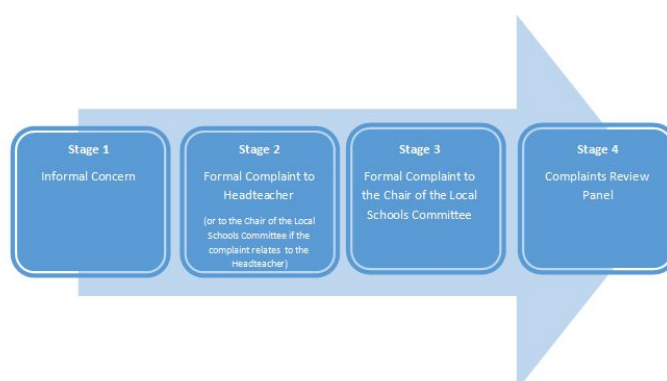
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that we will try to ensure the event complained of will not recur;
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication 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, it will be escalated to a formal complaint (see Stage Two).

### **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). 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. 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.
6. If it is not possible to meet the timescales the complainant will be informed.
7. The Headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome.

### **Stage 3: Formal - inform the Chair of the LSC in writing:**

- 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 five school days of the conclusion meeting held at stage two.
- This letter should set out the details of the complaint including evidence as set out above.
- The complainant should also specify how they feel the previous stage of the procedure has not addressed their complaint and what they feel would resolve their complaint sufficiently.
- A meeting to clarify conclusions of the investigation will be called with the complainant and minuted by the Clerk or a School Administrator.
- Minutes taken will be reviewed within the meeting and all parties will be asked to agree to the written record and sign accordingly.
- The written conclusion of the investigation undertaken will be sent to the complainant by the Chair of the LSC within five school days following the meeting.
- If this timescale is not possible, the complainant will be informed.
- If the complainant feels the complaint has been investigated fairly, and a satisfactory conclusion found, they are asked to respond formally to conclude this.
- If the complainant wishes to proceed to the next stage of the procedure (stage four) they should inform the Chair of the LSC in writing within ten school days of the conclusion meeting held at stage three.

### **Stage 4: Submit the complaint to the review panel:**

- The review panel consists of a minimum of three current LSC members or Trust Board members, as appropriate. These individuals will have access to the existing record of the complaint.
- The complainant must have reasonable notice of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather than that of the complainant.
- The review panel should convene within ten school days from receipt of the complainant notifying the Chair of the LSC of their wish to proceed to this stage.
- At the review panel meeting, the complainant and representatives from the school, as considered appropriate by the Panel Chair, will be present.
- The complainant should be allowed to attend the panel hearing.
- 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 school representative will be given the chance to ask and



respond to questions. Once the complainant and school representatives have completed presenting their cases, they will be asked to leave, and evidence will then be considered.

- The panel must then put together its findings and recommendations from the case.
- The panel will also provide a copy of 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 panel will inform those involved of the decision in writing within ten school days of the panel meeting.

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

Complaints made against the Headteacher should be directed to the Chair of the LSC via the school office. Where a complaint is against the Chair of the LSC, or any member 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 any such scenario, the four-stage process detailed above would be adhered to.

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 four 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 Academy did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the Academy'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/complainabout-school>.

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

The Headteachers, LSCs and the Board 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.

## Complaint Form

**Your name:**

**Pupil's name (if relevant):**

**Your relationship to the pupil (if relevant):**

**Address:**

**Postcode:**

**Day time telephone number:**

**Evening telephone number:**

**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 whom:**

**Complaint referred to:**

**Date:**