



“All equal, all different, all achieving together”

# Complaints Procedure

Source documents :

<http://www.legislation.gov.uk/ukxi/2014/3283/schedule/made>

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/557407/Complain\\_about\\_an\\_academy.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/557407/Complain_about_an_academy.pdf)

<https://www.gov.uk/government/publications/setting-up-an-academies-complaints-procedure/putting-in-place-a-complaints-procedure>

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## Aims

At Learn@ MAT we place great importance on providing the highest standards of education and care to all of our young people. However, we know that sometimes we won't always get things absolutely right. In these circumstances we encourage our parents or carers to tell us about their complaint so that we have the opportunity to put things right quickly and, if appropriate, we will review our systems and procedures in light of the specific circumstances of the complaint.

Learn@ MAT aims to meet its statutory obligations when responding to complaints from parents of children and young people at our academies and provisions, and others.

When responding to complaints, the Trust aim to:

- be impartial and non-adversarial
- enable a full and fair investigation by an independent person or panel, where necessary
- tackle all the points at issue and provide an effective and prompt response
- respect complainants' desire for confidentiality
- treat complainants with respect and courtesy
- ensure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- keep complainants informed of the progress of the complaints process
- consider how the complaint can feed into the Trust and academy improvement evaluation processes.

We will endeavor to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

If you are the parent or carer of a child or young person at one of our Academies and your complaint is about that Academy, then the Academy will aim to give you, the complainant, the opportunity to complete the complaints procedures in full. To support this the Trust will ensure this policy is available on the Learn@ and Academy websites. Throughout the process, we will be sensitive to the needs of all parties involved making any reasonable adjustments required.

## Legislation and guidance

This document meets the requirements of section 29 of the [Education Act 2002](#), which states that schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides.

It is also based on [guidance for schools on complaints procedures](#) from the Department for Education (DfE), including the model procedure, and model procedure for dealing with unreasonable complaints.

## Definitions and scope

### 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 school will resolve concerns through day-to-day communication as far as possible

A **complaint** is defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

### Scope

The academies within Learn@ intend to resolve complaints informally where possible and, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

However, this policy does **not** cover complaints procedures relating to:

- admissions

- statutory assessments of special educational needs
- safeguarding concerns
- exclusion
- whistle-blowing
- staff grievances
- staff discipline.

Please refer to the Trust's separate policies for procedures relating to these types of complaints. Many of the children and young people who attend our academies have some identified special educational need. Arrangements for handling complaints from parents of children and young people with special educational are within the scope of this policy. Such complaints should, in the first instance, be made to the special educational needs lead or headteacher who will refer them to the complaints policy. Each academy within the Trust must publish a SEN information report which includes the rights of parents who have children with disabilities who believe the academy or provision has discriminated against their child.

## Roles and responsibilities

### The complainant

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

- follow these procedures
- co-operate with the academy throughout the process, and respond to deadlines and communication promptly
- treat all those involved with respect
- not publish details about the complaint on social media.

### The investigator

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

- interview all relevant parties, keeping notes that accurately reflect the conversations
- consider records and any written evidence and keep these securely
- prepare a comprehensive report to the headteacher or complaints committee which includes the facts and potential solutions.

### Clerk to the Board of Trustees

The clerk will:

- be the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints committee meetings
- arrange the complaints hearing
- record and circulate the minutes and outcome of the hearing.

### Complaints Committee chair

The committee chair will:

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

### Principles for investigation

When investigating a complaint, we will try to clarify:

- what has happened
- who was involved
- what the complainant feels would put things right.

## Timescales

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

We will consider exceptions to this 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.

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

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

- set new time limits with the complainant
- send the complainant details of the new deadline and explain the delay.

**Stages of complaint** (not complaints against the headteacher, CEO, Trustees or Academy Councillors)

## COMPLAINTS PROCEDURE

### Stage 1: Informal

As a Trust, we hope that most of your concerns and complaints can be sorted informally at this first stage of our complaints process. We encourage you to raise your concern with us as soon as possible. We will take your concerns seriously and make every effort to sort the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

You should raise the complaint as soon as possible with the relevant member of staff or the headteacher as appropriate, either in person or by letter, telephone or email. If you are unclear who to contact or how to contact them, please contact the office at the academy where there is the complaint.

The informal stage will involve a meeting between you and the headteacher (or designate) and/or the subject of the complaint, as appropriate.

If the complaint is not resolved informally, it will be escalated to a formal complaint.

If you write to us about your concerns at Stage 1, we will acknowledge receipt of your letter/email within **five school days** during term time and as soon as practical during the holidays.

All verbal and written concerns/complaints received and any actions taken at Stage 1 will be logged by the relevant member of staff for review by the Academy Council and, if appropriate, by the Trust Board.

If it is not possible to resolve your concern satisfactorily within **10 school days** by informal means, it will be escalated to a formal complaint.

### Stage 2: Formal

If you are unhappy with the response to your complaint at Stage 1, then you should clearly and concisely set out in writing why you remain unhappy. You can either write a letter or complete the Academy's Stage 2 complaints form available on the Academy's website, and send them, together with any relevant documents and what you feel would resolve the complaint along with your full contact details to the Academy office.

The Academy will acknowledge your formal written complaint in writing by email or letter within **two school days** during term time, and as soon as practicable during the holidays.

The headteacher will normally investigate your complaint unless it is more appropriate for the Academy Council to deal with it. For example, where the complaint is about the headteacher.

The Stage 2 investigation may be conducted by a senior member of staff (acting on behalf of the headteacher). You may be accompanied to this meeting, and you should inform the academy of the identity of your companion in advance.

The Academy/Academy Council will keep written records of all meetings and interviews held in relation to the complaint. The investigator(s) will prepare a report on the investigation for the headteacher and/or the Academy Council.

The written conclusion of this investigation will be sent to you, as the complainant, within 20 school days. If there are exceptional circumstances resulting in a delay, you will be notified of this and informed of the new timescales as soon as possible. However, if your complaint is about the headteacher then the chair of the Academy Council will respond to it.

### How to escalate a complaint

The Trust aim to resolve your complaint quickly and successfully. However, complaints can be escalated by contacting the clerk to the board of Trustees by:

- letter or email to [Louise.shepherd@learnmat.uk](mailto:Louise.shepherd@learnmat.uk)
- over the phone: central team main line 0117 456 6513
- in person
- through a third party acting on behalf of you, the complainant

The clerk will need the details of the complaint as set out above. In addition, the clerk will need details from you on how you feel the previous stage of the procedures has not tackled their complaint well enough and what they feel would resolve the complaint. If you wish to proceed to stage 3 you should inform the clerk to the trustees in writing within **10 school days**.

Requests received outside of this time frame will be considered in exceptional circumstances. The clerk will acknowledge receipt of the request within **10 school days**.

### Stage 3: submit the complaint to the review panel

If you are dissatisfied with the response at stage 2 you can request a review hearing to consider your complaint further.

A request for a review hearing will only be considered if you have completed stages 1 and 2 of the complaints procedure.

A review panel hearing will not consider any new areas of complaint, which were not previously raised at stage 1 and 2 of the complaints procedure.

The panel will be made up of at **least three people** who were not directly involved in the matters detailed in the complaint. One person will be a member of the academy council and one or more will be Trustees. One panel member will be independent and will have had no role in the management or running of the academy.

You should request a review panel hearing within **10 school days** of the date on which you received the stage 2 response. It must be made in writing to the chair of the trust board, via the clerk ([louise.shepherd@learnmat.uk](mailto:louise.shepherd@learnmat.uk), or by post to Louise Shepherd, clerk to the board of trustees, Learn@ MAT, c/o Knowle DGE Academy, Leinster Avenue, Bristol, BS4 1NN). The clerk will ensure the academy, academy council and trust board are informed of the request for a review panel within **five school days** of its receipt.

You do not have to attend the panel review. However, if you choose to do so you also have the right to be accompanied by a friend, relative or a legal representative. When you request a panel review you need to let us know whether you wish to attend yourself and if someone will attend with you.

Your written request should include:

- your name and contact details
- the nature of your complaint and the outcome you desire
- copies of all relevant documents that will help the panel to assess your complaint
- whether you propose to attend the hearing and, if so, whether you also intend to bring someone with you, for example a relative, teacher or friend
- whether you need any special assistance, for example because of a disability, we can then make appropriate arrangements for you.

The clerk to the trust board will:

- acknowledge your request for a panel hearing in writing within **five school days** of receipt during term time and as soon as practicable during the holidays
- try and convene a panel hearing to take place within **15 school days** of receipt of your request. However, please be aware that the panel would not normally sit during half terms or school holidays
- send out full written details of the date, time and place of the review panel hearing, as soon as reasonably practicable, and no later than **10 school days** before the scheduled hearing date
- circulate a copy of all the documents to be considered by the panel to all parties at least three school days before the review hearing.

The panel hearing will be conducted in an informal manner. All attendees will have the opportunity to ask questions and make comments in an appropriate manner.

The panel will consider all the documentation provided by both parties along with any verbal representations made at the panel hearing. The panel will consider any refusal to provide information in its determination, including considering whether it is able to reach a decision.

### The outcome

The panel will retire to review the evidence and to establish the facts surrounding the complaint before reaching its decision. The panel can:

- uphold the complaint, in whole or in part
- dismiss the complaint, in whole or in part

If the complaint is upheld, the panel will:

- decide the appropriate action to resolve the complaint
- where appropriate, recommend changes to the academy's systems or procedures to prevent similar issues in the future

The panel will inform you of its decision in writing within **five school days** of the date of the panel hearing.

### Confidentiality

The academy, academy council, trust board and you, the complainant will not publish material provided as part of an investigation into a complaint; disclose such material to third parties (including the media) except as is reasonably necessary in order to engage in the complaints process; or otherwise use it except for the purposes of engaging with the complaint.

The trust will keep a written record of all complaints, and of whether they were resolved informally at Stage 1, following a formal procedure at Stage 2, or proceeded to a review panel hearing. The records will also record any action taken by the Academy as a result of a complaint, regardless of whether it was upheld or not.

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

In accordance with data protection principles, details of individual complaints will be kept only for as long as is considered to be reasonably necessary in the circumstances.

This complaints procedure details how we handle complaints from parents of children or young people attending Learn@ MAT Academies. It has been drawn up to comply with the Education (Independent Schools Standards) (England) Regulations 2014 Schedule 1, Part 7 updated 27th January 2015.

The complaints procedure is available online on the Learn@ MAT website. A hard copy is kept on file in all our academies and provisions. A paper copy can also be sent out to parents/carers on receipt of a verbal or written request.

## Complaints against the headteacher, a member of the academy council, trustee or the CEO

### Stage 1: informal

Complaints made against the headteacher or any member of the academy council, board of trustees or CEO should be directed to the clerk to the trustees in the first instance.

If the complaint is about the headteacher or one member of the academy council, trustee (including the chair or vice-chair), a suitably-skilled and impartial councilor or trustee will carry out the steps at Stage 1 (set out above).

### Stage 2: formal

If the complaint is jointly about the chair and vice-chair, the entire academy council or the majority of the academy council or majority of the board of trustees, an independent investigator will carry out the steps in Stage 2 (set out above). They will be appointed by the Board of Trustees, and will write a formal response at the end of their investigation.

### Stage 3: review panel

If the complaint is jointly about the chair and vice-chair, the entire academy council or the majority of the academy council, a committee of independent trustees will hear the complaint.

## Persistent complaints

### Unreasonably persistent complaints

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

- has made the same complaint before, and it's already been resolved by following the school's complaints procedure
- makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- knowingly provides false information
- insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure
- pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refused to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the time frames it sets out
- changes the basis of the complaint as the investigation goes on



- makes a complaint designed to cause disruption, annoyance or excessive demands on school time
- seeks unrealistic outcomes, or a solution that lacks any serious purpose or value.

### Steps we will take

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

If the complainant continues to contact the academy in a disruptive way, we may put communications strategies in place. We may:

- give the complainant a single point of contact via an email address
- limit the number of times the complainant can make contact, such as a fixed number per term
- ask the complainant to engage a third party to act on their behalf, such as Citizens Advice
- put any other strategy in place as necessary
- stop responding.

We may stop responding to the complainant when all of these factors are met:

- we believe we have taken all reasonable steps to help address their concerns
- we have provided a clear statement of our position and their options
- the complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience
- where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make
- 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 the academy site.

### Monitoring arrangements

The Trustees will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled effectively. The Trustees will track the number and nature of complaints, and review underlying issues.

The complaints records are logged and managed by the headteacher of each academy within the trust. Each academy will submit to the trustees the number of complaints received each academic year.

This policy will be reviewed by the board of trustees every 3 years.

At each review, the policy will be approved by board of trustees

### Links with other policies

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Exclusions policy

- Staff grievance procedures
- Staff disciplinary procedures
- SEN policy and information report
- Privacy notices

### Duplicate complaints

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

If we are satisfied that there are no new aspects, we will:

Tell the new complainant that we have already investigated and responded to this issue, and the local process is complete

Direct them to the DfE if they are dissatisfied with our original handling of the complaint. If there are new aspects, we will follow this procedure again.

### Complaint Campaigns

Where an academy receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the academy, the academy may respond to these complaints by:

- publishing a single response on the school website
- sending a template response to all of the complainants.

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

### Complaint to the education funding agency

If you are dissatisfied with the decision at Stage 3 of the Complaints Procedure then you can contact the Education Funding Agency (EFA). Part of the EFA's role is to make sure Academies like ours comply with the terms of our funding agreement, which is a contract between the Secretary of State and us. The EFA's Procedure for dealing with complaints can be read here:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/557407/Complain-about-an-academy.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/557407/Complain-about-an-academy.pdf)

You should note that the EFA cannot change any decision we have made about your complaint. Their role is to look at whether we properly handled your complaint at all three stages of our complaints procedure in line with the requirements of the law.

If you wish to refer your complaint to the EFA where possible you should put your complaint in writing and send it:

via the Department for Education's schools complaints form available here

<https://www.gov.uk/government/publications/complain-about-an-academy.pdf>

or

by post to Ministerial and Public Communications Division, Department for Education, Piccadilly Gate, Store Street, Manchester M1 2WD

The EFA looks at complaints about academies that fall into the following areas:

- undue delay or non-compliance with an Academy's own complaints procedure
- an academy's failure to comply with a duty imposed on it under its funding agreement with the Secretary of State

- an academy's failure to comply with any other legal obligation, unless there is another organisation better placed to consider the matter.

The EFA will not investigate complaints that are:

- about the quality of education or leadership, or concerns affecting the Academy as a whole. These should be raised with Ofsted
- about discrimination, these should be raised with the Equality Advisory Support Service
- about data protection, these should be raised with the Information Commissioner's Office
- about exam malpractice or maladministration, these should be raised with the Office of Qualifications and Examinations Regulation (Ofqual) and relevant awarding body
- about criminal behaviour, these should be raised with the police
- about any matter, which is, or has been, subject to legal action
- about employment matters. These should be raised through the academy's grievance procedure, or taken to an Employment Tribunal
- about child protection. These should be taken up with the relevant local authority designated officer (LADO) and/or the Director of Children's Services
- about a child or young person's education health care plan where there is another route of appeal, for example the First Tier Tribunal (Special Educational Needs and Disability) Service formerly the Special Educational Needs and Disability Tribunal (SENDIST).

## Record keeping

- The academy will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.
- This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the review 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 through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a school inspection.
- Where the Trustees or Academy Council is aware of the substance of the complaint before the review panel stage, the academy will (where reasonably practicable) arrange for an independent panel to hear the complaint.
- Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the Trustees, who will not unreasonably withhold consent.

## Learning lessons

- The Trust will review any underlying issues raised by complaints with the headteacher/senior leadership team. We will determine whether there are any improvements the academy can make to its practice to help prevent similar events happening again.

## Monitoring arrangements

- The Trustees and Academy Councils will monitor the effectiveness of the complaints procedures to ensure that complaints are handled effectively. The Trustees will track complaints and analyse the nature of complaints to identify and act upon any underlying issues.

### Learn@ MAT Complaints Procedure Flowchart

Target audience: Staff/Parents/Carers/Other Adults

All complaints from Stage 1 onwards are recorded by the appropriate Academy and monitored by the Board of Trustees

#### **ACTION TO TAKE**

##### **Pre-Stage 1**

Education Concern: Class teacher/tutor

Residential Care Issue: Key

Worker/Team Leader

Disciplinary matter/general: Deputy

Head/Assistant Head/Deputy Head of

Care

##### **RESPONSE**

We aim to help resolve concerns and complaints quacking and positively at this stage in direct communication with yourself

##### **Stage 1**

Clear verbal statement written email or letter to Deputy Head or Headteacher

(or if the concern is about the Headteacher then Chair of Academy Council) Written response to

acknowledge receipt of your complaint within give school days.

Meeting and/or written response with

you to help resolve the issue within ten school days

##### **Stage 2**

Written letter or Trust Stage 2

Complaints Form with your full details

and relevant information to the

Headteacher (or if the concern is about

the Headteacher then Chair of Academy Council)

Internal investigation by the

appropriate lead person followed by a

formal response from the Headteacher

(or if the concern is

about the Headteacher then Chair of Academy Council)

##### **Stage 3**

A Panel Hearing can be requested if you are not satisfied with the Step 2 outcome/process. You must request this within ten school days of the receiving the Stage 2 response.

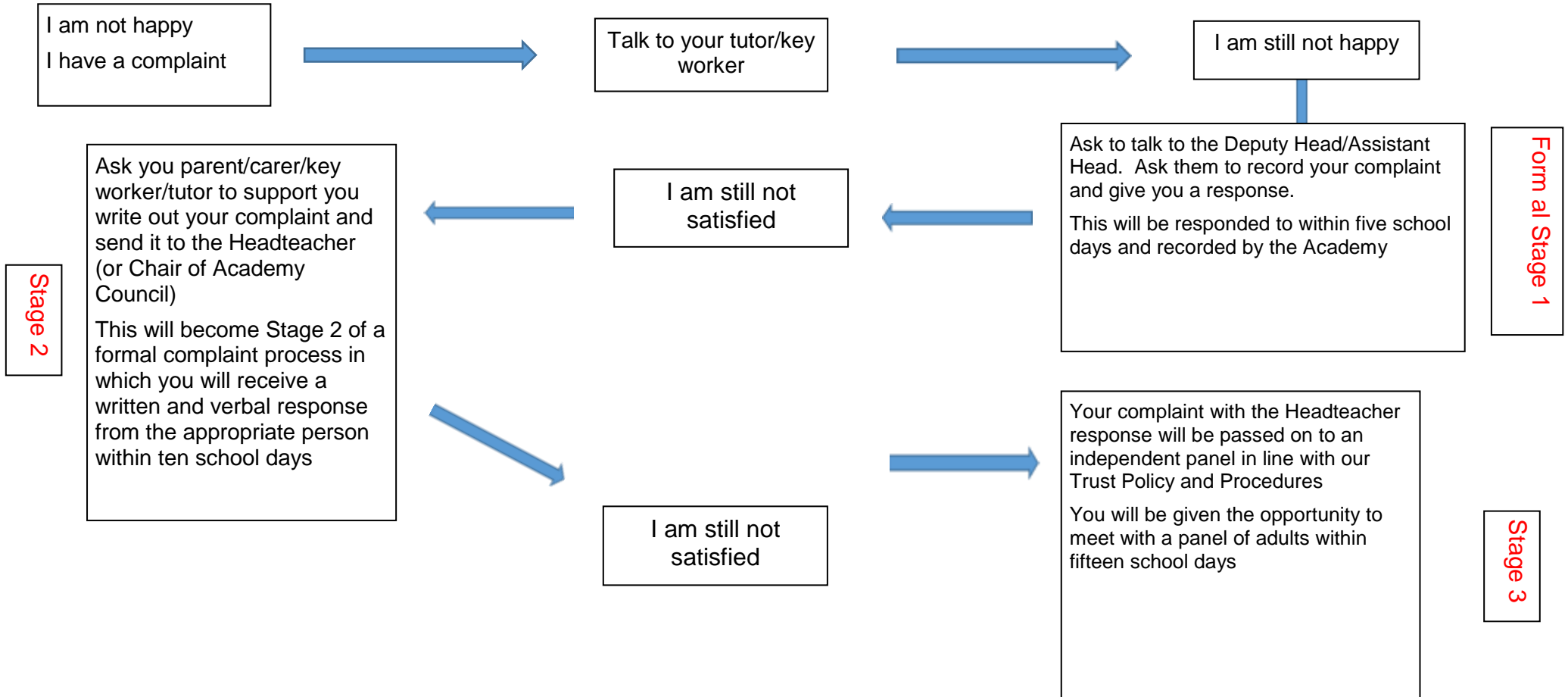
(At least three panel members from Academy Council, Trustees and independent representative)

Please refer to our policy on what needs to be included in your written request.

Panel Hearing to take place within fifteen school days of receiving the request where mutually possible. Panel decision is final and will be confirmed within ten days of the hearing.

## Learn@ MAT Complaints Procedure Flowchart

Target audience: Young people



<b>Author</b>	Jen Southall	<b>Date</b>	November 2021
<b>Review Date</b>	November 2021	<b>Status</b>	Statutory
<b>Review Cycle</b>	Two yearly or as required by legal amendments	<b>Review Body</b>	Quality and Standards Committee
<b>Authorised by</b>	Quality and Standards Committee	<b>Next Review Date</b>	November 2023