



ESTEEM MAT COMPLAINTS PROCEDURE SEPTEMBER 2019

**V1. Trust Board Approval
(Subject to Amendments):
01/May/19**

V2 issued: 02/Sept/19



Esteem Multi-Academy Trust Complaints Policy GUIDANCE AND RECOMMENDED PROCEDURES

September 2019

Background;

The attached Complaints Policy has been drafted in accordance with guidance from the ESFA and as set out in the EMAT's Funding Agreement.

All academies 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, which sets out how complaints procedures should be drawn up and used effectively to handle complaints from parents of pupils.

The Trust Board considered the content of the draft Complaints Policy on Wednesday 1st May 2019. This was approved as a central MAT policy subject to some agreed amendments which have been made. This policy should be adopted for use by all academies within EMAT.

The Policy will be reviewed every 3 years unless a legislative or organisational change necessitates an earlier review.

Esteem MAT Complaints Policy

1. Introduction

- 1.1 Esteem Multi-Academy Trust (EMAT) is committed to providing outstanding educational opportunities for all students. EMAT welcomes compliments from our learning community, from our stakeholders and from the public. Whilst we endeavour, as a trust, to consistently achieve positive outcomes we acknowledge that complaints may be raised from time to time. The following policy has been formulated in accordance with statutory requirements which all academies must adhere to. EMAT will pro-actively apply the policy and manage the complaints process positively improving services for our students and the wider community.
- 1.2 EMAT is committed to continuous improvement. We recognise that, occasionally, mistakes may be made, or the level of service offered will not meet an individual's requirements or expectation. This policy sets out how we, as education providers, will respond to, and manage, complaints. All complaints will be treated in a timely and consistent manner and any lessons learnt, as a result of a complaint, will be used as feedback to help monitor and improve our performance as a trust.
- 1.3 This policy sets out the procedure for anyone wishing to make a complaint about trust staff or practice, including parents and carers who wish to make a complaint about the EMAT academy attended by their child. We will treat every complaint with fairness, honesty and impartiality, to ensure that our pupils and students continue to experience outstanding teaching and learning.

2. Principles

- 2.1 This procedure exists to provide parents/carers, other stakeholders and external bodies or individuals with a formal structure to make a complaint about issues arising at trust or academy(school) level. EMAT seeks to ensure all concerns and complaints are dealt with efficiently, sensitively and, where possible, in confidence, at the appropriate level. All complaints are handled in a balanced and considered way.

3. The difference between a concern and a complaint

3.1 It is important that there is clear understanding of how different forms of feedback are considered.

3.2 All complaints can initially start as a concern, which can be defined as;

‘an expression of worry or doubt over an issue, considered to be important, for which reassurances are sought’.

For example, a parent might wish to be assured that his or her child is receiving appropriate support with communication or might ask a member of staff to clarify a comment that the child has made about something at the school. Concerns can turn into a complaint if the initial response is perceived as unreasonable or dismissive.

3.3 A complaint is defined as;

‘an expression of dissatisfaction, however made, about actions (or lack of actions) taken’.

A complaint includes an element of blame against an academy within EMAT or the trust.

4. Exceptions to the Complaints Procedure

4.1 This Complaints Procedure covers all complaints about any provision of facilities or services within the academies within EMAT. In the event of complaints about non-school based staff, please refer to page 12, ‘Complaints about the Academy Trust’. If there is any doubt about whether an issue should be dealt with as a complaint or through another formal procedure, guidance can be sought from the EMAT Governance Officer.

4.2 The exceptions listed below are not covered because separate procedures exist. In certain circumstances, for example where the Local Authority or another public body is investigating the matters in a complaint, this process will be suspended until those investigations are concluded.

4.3 Exceptions include:

- Allegations of child abuse/other child protection issues, other safeguarding issues
- Statutory Assessment of SEN
- School admissions including appeals
- Pupil exclusions
- Whistleblowing (for financial or other regulatory malpractice)
- Staff grievances/disciplinary procedures

- 4.4 EMAT will not investigate anonymous complaints under the procedure in this Complaints Policy. Anonymous complaints will be referred to the Headteacher of the appropriate academy who will decide what, if any, action should be taken.
- 4.5 If a complaint relates to an external service provider, this should be raised with the Headteacher of the academy in the first instance. It should be noted that, in some circumstances, the complainant or the school will have to follow the provider's own complaints policy thereafter.
- 4.6 If the issue concerns a serious safeguarding or child protection issue, an allegation of abuse or a matter with serious disciplinary consequences, the Headteacher should be informed immediately. The appropriate policy and procedures must be followed, and the school's Designated Safeguarding Lead must be informed.

5. Equality

- 5.1 EMAT will deal with concerns, difficulties and complaints in accordance with its duty under the Equality Act 2010 (please refer to the Equality and Diversity Policy for further details).

6. Data Protection

- 6.1 Complaints sometimes include requests for information or documentation. Such requests will either be a 'subject access request' under the Data Protection Act 1998 (where the information requested relates to an identifiable individual) or a request under the Freedom of Information Act 2000 (where the information is general and not related to an identifiable individual).
- 6.2 Please refer to the EMAT Data Protection Policy, EMAT Freedom of Information Policy and EMAT Subject Access Request Policy for further details.

7. Indicative Timetables

- 7.1 It should be noted that at all stages, where possible, EMAT will seek an informal resolution to the complaint. In complex cases, it might take longer to investigate a matter that has been brought to our attention, meaning the timings of the complaints process might be extended. The complainant will be informed should this happen.
- 7.2 Schools will always try to resolve any complaint as quickly as possible, but all involved must be mindful that teachers and support staff have many demands on their time. In complex cases, it might take longer to investigate than is

provided for below – the investigating officer will communicate this to the complainant as soon as possible. A complaint will not be upheld solely because a deadline has been missed. In certain circumstances, for example where the Local Authority or another public body is investigating the matters in a complaint, this process will be suspended until those investigations are concluded.

8. Timeline for raising a complaint

- 8.1 Please note that when we refer to working days, we mean Monday to Friday when the academies within EMAT are open during term time. The dates of terms are published on the academies' websites.

Stage 1: Informal complaint

- 8.2 A complainant should raise an informal complaint within 10 working days of the incident in question
- 8.3 The complaint will be acknowledged, either verbally or in writing, within 7 working days of receipt
- 8.4 The complaint will be investigated and responded to, either verbally or in writing, within 21 working days of receipt of the informal complaint

Stage 2: Formal complaint

- 8.5 If the complainant is not satisfied with the response to an informal complaint, they should escalate to a formal complaint (following the process described in this document) within 5 working days of receiving the response to Stage 1
- 8.6 The formal complaint will be acknowledged within 7 working days of receipt
- 8.7 The formal complaint will be investigated and responded to within 21 working days of receipt

Stage 3: Panel

- 8.8 If the complainant remains unsatisfied, they may request referral to a Complaint Panel stage following the process described in this document) within 10 working days of receiving the response to Stage 2
- 8.9 A panel will be convened within 20 working days of receiving the request
- 8.10 A final response will be given within 5 working days of the date of the panel meeting

9. Esteem MAT Complaints Procedure

- 9.1 Complaints made about an EMAT Academy (a school that has academy status that is part of EMAT);

Stage 1: Informal complaint

- 9.2 In the first instance, it is essential each complaint is directed at a level appropriate to the nature of the complaint. Therefore, if for example a class teacher, the Head of Department or Head of Year cannot resolve an informal complaint, it should be passed to the Headteacher.
- 9.3 EMAT recognises that most concerns and complaints can be resolved at an initial informal stage. In this instance the complainant can speak to a member of staff or the Headteacher.
- 9.4 At this stage, the Headteacher or staff member must seek clarification on the complaint, identifying the outcome the complainant is requesting. Even though this is likely to be a spoken exchange, it is important that all parties agree on outcomes and agreed actions.
- 9.5 The final resolution to the complainant may be provided orally or through a written response, however a written record of the response will always be kept by the Academy.

Stage 2: Formal complaints

(i) Formal complaints not about the Headteacher;

- 9.6 If all attempts to resolve the issue remain unsuccessful at Stage 1, the complainant may then follow the formal process by placing their complaint in writing to the Headteacher. This written document should include:
- The complainant's name, contact details, and nature of complaint
 - Any attempts made to raise/resolve the complaint (including who they have communicated with)
 - Any reasonable actions they feel may resolve the issue

If the complainant has a disability and needs a reasonable adjustment, they can contact the school by telephone, or in person and arrangements will be made to meet at a mutually convenient time/date to help write out the complaint.

- 9.7 The complaint will be investigated by a staff member (not the subject of the complaint) nominated by the Headteacher. The complaint will be acknowledged within 7 working days. The formal complaint will be investigated and responded to within 21 working days. This timescale may be reasonably extended if the nature of the complaint is judged by the investigating officer and the Headteacher to be of a complex nature. Where

there are exceptional circumstances resulting in a delay, the complainant will be notified of this and informed of the new timescales as soon as possible.

- 9.8 An accurate log must be maintained throughout.
- 9.9 The resulting investigatory report will be presented to the Headteacher for final determination. The Headteacher will then respond in writing to the complainant and will, as a matter of good practice, make the Chair of the Local Governing Board and the COO aware of the Stage 2 Complaint and the response provided to the complainant.
- 9.10 Please note that any complaint received within one month of the end of a term or half term is likely to take longer to resolve owing to the presence of school holidays and the unavailability of personnel required for the investigation to be undertaken properly.

(ii) Formal complaints made about the Headteacher;

- 9.11 EMAT recognises that in exceptional circumstances parents/carers, other stakeholders or external bodies or individuals may wish to complain formally about a Headteacher.
- 9.12 If all attempts to resolve the issue remain unsuccessful, the complainant may then follow the formal process by placing their complaint in writing to either the Chair of the Local Governing Board at the relevant academy or to the Chief Operating Officer (COO) of EMAT.
- 9.13 This written document should include:
 - The complaint
 - Any attempts made to raise/resolve the complaint (including who they have communicated with)
 - Any reasonable actions they feel may resolve the issue
- 9.14 The complaint will be investigated by the Chair of the Local Governing Board and/or a senior member of EMAT staff nominated by the COO. The formal complaint will be acknowledged within 7 working days, be investigated and responded to within 21 working days. This timescale may be reasonably extended if the nature of the complaint is judged by the Investigating Officer and the Chair of the Local Governing Board / the COO to be of a complex nature. Where there are exceptional circumstances resulting in a delay, the complainant will be notified of this and informed of the new timescales as soon as possible.
- 9.15 An accurate log must be maintained throughout.
- 9.16 The resulting investigatory report will be presented to the COO. The COO will then respond in writing to the complainant.

Stage 3: Final panel stage

- 9.17 The last stage of the EMAT complaints process is a referral to a Complaint Panel. The complainant must request this within 10 working days of receiving the response to Stage 2 of the process. The EMAT Governance Officer or nominated officer, if appropriate, will convene a panel at the earliest appropriate opportunity, but within 20 working days. The request will only be considered if the procedures at Stages 1 and 2 have been completed.
- 9.18 The written request should include:
- a copy of all relevant documents and full contact details;
 - details of all the grounds of the complaint and the outcome desired;
 - a list of the documents which the complainant believes to be in the Academy's possession and wishes the panel to see; and
 - notification if the complainant proposes to be accompanied to the hearing by someone who is legally qualified.
- 9.19 If assistance with the request is required, for example because of a disability, the complainant (or representative) must inform the Governance Officer/nominated officer of this so that appropriate arrangements can be made.
- 9.20 The Governance Officer/nominated officer will acknowledge the request for a hearing in writing within 7 working days of receipt during term time and as soon as practicable during the holidays.

10. Constitution of the panel

- 10.1 The Governance Officer/nominated officer will convene a complaints panel as follows:
- 10.2 The panel will consist of at least three members.
- 10.3 Typically, at least two members will be EMAT governors with no prior direct involvement with the issue. Governors may be drawn from any EMAT Local Governing Board. Staff governors may not be included in the panel as they might not be regarded as impartial.
- 10.4 At least one panel member must be independent of the management and running of the Academy. This is likely to be a member of the Trust Board.
- 10.5 No member of the panel can have been directly involved in previous considerations of the complaint. This includes the Chair of Governors of the Local Governing Body if they have been involved at any stage.

11. Planning the hearing

- 11.1 As soon as reasonably practicable, and in any event at least 10 working days before the hearing, the Governance Officer/nominated officer will send written notification to each party of the date, time and place of the hearing.
- 11.2 Copies of any additional documents the complainant wishes the panel to consider should be sent to the Governance Officer/nominated officer to be received at least 10 working days prior to the hearing.
- 11.3 The complainant may be accompanied to the hearing by another person, for example a relative, teacher or friend. The panel hearing is not legal proceedings and so legal representation is not usually necessary. If the complainant wishes to be accompanied by someone who is legally qualified, they should notify the Governance Officer/nominated officer of this in their initial request for a panel hearing. If the complainant did not do so in their initial request, but wishes to be accompanied by a legally qualified person, they must inform the Governance Officer/nominated officer of this at least 5 working days prior to the hearing.
- 11.4 The Governance Officer/nominated officer will circulate a copy of the bundle of documents to be considered by the panel to all parties at least 3 working days prior to the hearing.

12. Proceedings of the panel

- 12.1 All parties will attend the meeting in the same room. The meeting will include:
 - the complainant;
 - the panel;
 - the respondent (usually the Headteacher or Executive Headteacher, COO in the case of complaints about the Headteacher);
 - any other staff/witnesses who will be invited to make representations concerning the complaint.
 - a clerk (if required)
- 12.2 The appeal will be closed to the public.
- 12.3 Parties may be questioned by the panel members so that they can form a clear and unbiased view of the complaint. Whilst it will be for the Chair of the panel to decide exactly how the meeting will proceed, the procedure at the meeting will allow:
 - the complainant to explain their complaint;
 - the respondent to explain the academy's/EMAT's response;

- the panel to have an opportunity to question both the complainant and the other party;
 - all involved to call witnesses (subject to the approval of the Chair of the panel), and the panel to question all the witnesses;
 - the complainant, the respondent and staff/witnesses to be accompanied at the meeting if they so wish (other than by a legal representative).
- 12.4 The Chair of the panel will explain to the complainant and the respondent that the panel will consider its decision based on the information and evidence presented to them, and a written response will be sent to both parties as quickly as possible and in an expeditious manner. The panel will be mindful that some parent/carers are unused to dealing with groups of people in formal situations and may feel inhibited. Parents/carers may also feel emotional about discussing an issue that affects their child. The Chair of the panel will ensure that the proceedings are as informal as the situation allows.

13. Remit of the panel

13.1 The panel can:

- Dismiss the complaint in whole or in part;
- Uphold the complaint in whole or in part;
- Decide on the appropriate action to be taken to resolve the complaint;
- Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

14. The decision

- 14.1 The panel will reach a decision on a balance of probabilities unless there is an agreed position.
- 14.2 The decision, findings and any recommendations will be confirmed in writing to the complainant by email or letter, normally within 7 working days of the hearing.
- 14.3 A copy of the decision, findings and any recommendations will also be made available to the subject of the complaint, where relevant.
- 14.4 The decisions, findings and any recommendations will also be available for inspection on the Academy premises by the Governing Body and the Headteacher/ Principal.
- 14.5 This represents the conclusion of the EMAT's complaints procedure.

- 14.6 If the complainant remains unsatisfied, they may complain to the Education Skills Funding Agency (ESFA). Guidance on how to do this is available from the ESFA website: <https://www.gov.uk/government/publications/complain-about-an-academy>

15. Complaints about the Academy Trust

- 15.1 Complaints about operational aspects of the Academy Trust and/or non-school based EMAT staff will be managed using the same three step process above. Complaints of this type should be addressed to the CEO, unless the complaint is about the CEO in which case complaints should be addressed to the Chair of EMAT Board c/o the Clerk to the Trustees.

16. Vexatious, persistent or unreasonable complaints

- 16.1 EMAT is committed to dealing with all complaints fairly and impartially. Whilst contact between the Academy/Academy Trust and the complainant will not be limited, we do not expect our teaching and operational staff to tolerate unacceptable behaviour deemed abusive, threatening or offensive.
- 16.2 Please refer to the Families and Visitors Code of Conduct for further details.
- 16.3 In the case of vexatious or persistent complaints, if the complainant remains dissatisfied after all stages have been properly followed, the EMAT Governance Officer will inform the complainant in writing that the procedure has been exhausted and the matter is now closed.
- 16.4 Should an individual's approach to their complaint become disturbing, intimidating or harassing, legal advice may be sought. EMAT has a duty of care to its employees and this will be upheld.

17. Reporting and recording complaints

- 17.1 All formal complaints must be logged. EMAT is mindful of its obligations under the Equality Act 2010 and will endeavour to facilitate alternative methods of communication where these are necessitated by disability or other unavoidable circumstance.
- 17.2 Once a complaint is received, the academy will record all issues, with the Headteacher holding responsibility for ensuring staff consistently and accurately record all complaints, including resolution and any further actions taken as a result of the complaint. All records of complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.
- 17.3 The Headteacher will report any Stage 2 complaints to the Chair of the Local Governing Board at their academy and the COO on a monthly basis.

- 17.4 Each Academy's Local Governing Board monitors the level of complaints and reviews the outcomes on a regular basis through the mechanism of performance and data reporting.
- 17.5 Complaints about the Trust will be recorded as above. The COO will report any complaints to the CEO on a regular basis or as required.
- 17.6 The Trust Board of Directors monitors the level of complaints and reviews the outcomes on a regular basis through the mechanism of performance and data reporting.

18. Policy review details

Version: 2

Reviewer(s) : COO and Governance Officer

Approval body: Trust Board

Due for review: Autumn 2022

19. Related

Child Protection, Adult Protection and Safeguarding Policy and Procedures

Data Protection Policy

Freedom of Information Policy

Subject Access Request Policy

Equality & Diversity Policy

Freedom of Information Policy

Staff Code of Conduct

Confidential Reporting/Whistleblowing Policy