



COMPLAINTS POLICY & PROCEDURE

Approved and signed by the Board of Trustees

01.07.23

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CHANGES

May 2021	Policy reviewed and updated Stage 2 complaints plus minor amendments
January 2022	Policy reviewed and updated Monitor, Review and Records plus minor amendments
July 2022	Policy reviewed and minor amendments made
October 2022	Policy wording reviewed for stage 1 complaints
June 2023	Policy reviewed, minor amendments and a new section - 4. Misconceived or Otherwise Unreasonable Complaints

I. INTRODUCTION

We strive to provide a good education for all our children. The Chief Executive Officer (CEO), Heads of School (HOS) and staff work very hard to build positive relationships with all parents and carers. However, Discovery Multi Academy Trust (“the MAT”) is obliged to have procedures in place in case there are complaints by current parents or guardians, in line with the Education Independent School Standards (England) Regulations 2014, Schedule I, Part 7. The following policy sets out the procedures that our academies follow in such cases.

If any current parent or guardian is unhappy with the education or care that their child is receiving, or have any concerns relating to their child’s provision, we encourage them to talk to the child’s class teacher immediately.

We deal with all complaints in accordance with procedures recommended for academies by the government’s Education and Skills Funding Agency (January 2015). If the MAT itself cannot resolve a complaint, those concerned can refer the matter to the Education and Skills Funding Agency (ESFA). All current parents and guardians have a right, as a last resort, to appeal to the Secretary of State for Education, if they still feel that their complaint has not been properly addressed.

Complaints regarding the following will not be addressed within this policy; admissions, Assessment of SEN, exclusion, whistleblowing, grievances.

2. AIMS AND OBJECTIVES

Our Trust aims to be fair, open and honest when dealing with any complaint. We give careful consideration to all complaints and deal with them as swiftly as possible. We aim to resolve any complaint through dialogue and mutual understanding. In all cases, we put the interests of the child above all else. We provide sufficient opportunity for any complaint to be fully discussed, and then resolved.

If necessary, support for the complainant should be arranged, for example, translation of any of the papers provided by the Trust, or the provision of an interpreter or any arrangements necessary to give the complainant full access to the proceedings, for example if the complainant has a disability.

3. THE COMPLAINTS PROCESS

Stage 1: Dealing with Concerns and Complaints Informally (Class Teacher/Head of School)

If any parent/carer is concerned about anything to do with the education that we are providing in our organisation, they should, in the first instance, discuss the matter with their child's class teacher and then the Head of School/Assistant Head of School. In our experience, most matters of concern can be resolved positively in this way. All staff work very hard to ensure that each child is happy at school/nursery and is making good progress. They naturally want to know if there is a problem, so that they can take action before it seriously affects the child's progress.

Although this stage involves dealing with the issue informally, it may prove helpful later, although not essential at this stage, for the person responding to make a basic record of the issue or complaint raised, which may include brief notes of conversations (face to face or over the telephone), and the responses made.

The complainant should be informed of the action to be taken to resolve the issue. It may be helpful to confirm undertakings given about future action or monitoring in writing.

If the complainant is dissatisfied with the response they have been given, they should notify us within 15 working days. They should be provided with a copy of the MAT's Complaints Policy and Procedure, and informed about how to take their complaint to Stage 2, by referring it to the Chief Executive Officer, usually in writing using the Complaint Form (Appendix A).

Stage 2: Referral to the Chief Executive Officer (CEO)

The CEO considers any such complaint very seriously, and investigates each case thoroughly; most complaints are normally resolved by this stage. It is generally at this or the previous stage, that it will become clear whether it is appropriate for the complaint to be dealt with under these procedures. or whether there are statutory processes. If the latter is the case, the CEO will need to inform the complainant of this and the way in which the complaint will be handled.

At this stage, it has become clear that the concern is a definite complaint. **Any complaint received by the CEO under this process (whether orally or in writing) should be acknowledged within 5 school working days, with a full written response within a further 15 school working days. This time scale will be adhered to where possible, but may be extended in order to thoroughly investigate the complaint. If this is the case, the Trust will communicate this in writing to the complainant.**

Complainants should also be given the opportunity to meet with the CEO, accompanied by a relative or a friend if they so wish, to discuss their complaint. Written records of interviews with complainants and with staff or witnesses carried out in the course of the investigation should be kept by the CEO.

In the letter conveying the outcome, the complainant should be informed of the process for referral to the Chair of the Board of Trustees if they wish to take their complaint further. **Any such referral should be made within 10 school working days after receipt of the CEO's letter.**

Stage 2 should also be the first point at which complaints are specifically aimed at the Senior or Head of School, or Local Advisory Board Member. Should the complaint be about the Chair, the Vice Chair should undertake the investigation.

Any person who has a complaint about the Senior or Head of School or a Local Advisory Board Member should first make an informal approach to the CEO, who is obliged to investigate it. The CEO will do all she can to resolve the issue through a dialogue with the MAT, but if the complainant/s are unhappy with the outcome, they can make a formal complaint as detailed above.

Stage 3: Review by the Chair of the Board of Trustees

The complainant requests a review of their complaint in writing to the Chair of the Board of Trustees, making it clear why they are complaining, who they have already spoken to, and what they should want to happen as a result of their complaint. **Complaints received by the Chair should be acknowledged within 7 school working days with a substantive response within 20 school working days. This time scale will be adhered to where possible, but may be extended in order to thoroughly investigate the complaint. If this is the case, the Chair of the Board will communicate this in writing to the complainant.**

In acknowledging any complaint, the Chair may need to explain the powers of the Board of Trustees of the matter in the matter in question, and the extent to which it may or may not be possible to achieve the outcome desired by the complainant. In such instances it is important that the complainant is made aware at the outset of the scope of the investigation. However, where it is not within the remit of the Board of Trustees to change a decision, it may make a recommendation for the CEO to consider.

The Chair may need to hold interviews with the CEO and possibly other members of staff and notes should be kept of those meetings. Chairs may also wish to take advice on particular issues from the relevant advisory body.

The Board of Trustees will arrange a meeting with the complainant to discuss the complaint in further detail; at least three days' notice of the meeting will be given to the complainant.

After hearing all the evidence, the Board Members will consider their decision and inform the complainant about it in writing. The Board do all they can at this stage to resolve the complaint to the complainant's satisfaction. The letter conveying the Chair's findings should include details of the next stage of the procedure (Stage 4). If the complainant is dissatisfied with the response they have been given, they should notify us within 15 working days.

Complaints Against the CEO

Stage 3 should also serve as the first point at which complaints which are specifically aimed at the CEO or an individual Board Member. Should the complaint be about the Chair, the Vice Chair should undertake the investigation.

Any person who has a complaint about the CEO should first make an informal approach to one of the members of the Board of Trustees, who is obliged to investigate it. The Board Member in question will do all s/he can to resolve the issue through a dialogue with the MAT, but if the complainant/s are unhappy with the outcome, they can make a formal complaint as detailed above.

Stage 4: Review by Board of Trustees Complaints Committee

Complaints rarely reach this formal level, but it is important that the Board of Trustees is prepared to deal with them when necessary.

Where the Governance Professional to the Board of Trustees receives a complaint under these procedures, s/he should arrange for a Complaints Committee to meet between 12 and 20 school working days from receipt of the letter. This time scale will be adhered to where possible, but may be extended in order to thoroughly investigate the complaint. If this is the case, the Governance Professional; will communicate this in writing to the complainant.

The Board of Trustees should have three members to serve on the committee with reserves, to ensure that sufficient Board Members are available to hold a meeting within the specified time period. The members of their committee should elect one of their number to act as Chair of the committee for the hearing. **The Chair of the Board should not be a member of the committee, as s/he will have been involved at the previous stage.**

The MAT must also ensure that at least one member of the panel is independent of the management and running of the MAT.

The CEO should also be informed immediately that a complaint has been received and consulted about the proposed date of the hearing.

On issuing notification of the date and time of the hearing, the Governance Professional will need to advise the complainant and the CEO that any written documentation they wish the committee to consider will need to be submitted in time to be circulated to committee members 4 days prior to the hearing.

The complainant should be advised that they may be accompanied by a relative or friend if they wish.

Notification of the hearing should also include details of the way in which the hearing will be conducted: the hearing should be minuted, and copies of all relevant correspondence and notes, including findings and recommendations from the panel, should be kept on file by the

Governance Professional. The Governance Professional will ensure that these are available on the Academy's premises for inspection by the CEO and the Head of School.

The complainant, the person complained about (where relevant) and CEO should be notified of the findings of the committee within 5 school days of the hearing. If the complainant is dissatisfied with the response they have been given, they should notify us within 15 working days.

4. MISCONCEIVED OR OTHERWISE UNREASONABLE COMPLAINTS

The Trust reserves the right (in exceptional cases only) to write to the Complainant informing them that their complaint is regarded as misconceived or otherwise unreasonable and that the Trust's complaints procedure will not be followed. The sections below detail complaints which may be considered as misconceived or otherwise unreasonable. Appendix B defines what will be considered as unreasonable behaviour by complainants.

Vexatious or Repeated Complaints

A complaint which has been considered under all stages of this procedure and is raised again, may be defined as a repeated complaint by the Trust. Unreasonable persistent complaints, trivial complaints, and/or complaints that do not affect the Complainant may be regarded as vexatious by the Trust.

Late Complaints

Where a complaint is submitted more than 3 months after the incident or event (or where the complaint relates to a series of incidents or events, more than 3 months from the date of the latest incident or event) may be regarded as unreasonable by the Trust. Requests received outside of this timeframe will only be considered if exceptional circumstances apply.

In any of the above cases, the Complainant is entitled to write to the Chair of the Board of Trustees asking for him or her to review the decision to regard the complaint as misconceived or otherwise unreasonable. The Chair of the Board of Trustees asking or designate will respond to such a request within 10 school days of receiving it confirming the outcome of his or her review. The Chair of the Board of Trustees asking or designate will not investigate the complaint itself during this review.

If the Chair of the Board of Trustees asking or designate quashes the decision not to investigate the complaint, it will be referred to the Trust to be dealt with under this Complaints Policy in the usual way. If the Chair of the Board of Trustees asking upholds the decision not to investigate the complaint, the Complainant may refer the concern or complaint to the Education Funding Agency using the procedure stated in Section 5 of this policy.

Anonymous or Fictitious Complaints

The Trust will not investigate anonymous complaints, or those found to be fictitious, under the procedure in this Complaints Policy. Anonymous or fictitious complaints will be referred to the Head of School who will decide what, if any, action should be taken.

5. FURTHER RECOURSE

If the complainant is dissatisfied with the Board of Trustees' handling of their complaint, further recourse to other agencies is available to them outside the scope of the MAT's own procedures. However, these agencies would be unable to take any action until the MAT's own procedures have been completed.

COMPLAINT	WHO TO CONTACT
Child Protection	Plymouth City Council
Criminal Behaviour	Police
Data Protection	Information Commissioner's Office
Discrimination	Equality Advisory and Support Service
Quality of Education or Leadership	Ofsted

To the Education and Skills Funding Agency (ESFA)

You are able to complain to the ESFA if:

- there is a problem with the MAT's Complaints Policy and Procedure
- the MAT and/or its academies are not following the terms of their funding agreement

If you would like to contact the ESFA, please follow the link below:

<https://www.gov.uk/complain-about-school/state-schools>

The ESFA will only intervene once the MAT's own Complaint Procedure has been completed.

To Ofsted

You are able to complain to Ofsted if you think a school/nursery isn't run properly and needs inspecting. They won't look into problems with individual students, such as exclusions or not getting a place at the school/nursery.

If you would like to contact Ofsted, please follow the link below:

<https://contact.ofsted.gov.uk/online-complaints>

You should get a response within 30 working days. It will tell you if Ofsted will investigate or not, and why.

6. MONITORING, REVIEW AND RECORDS

The Board of Trustees monitor the Complaints Procedure, in order to ensure that all complaints are handled properly.

The Board of Trustees takes into account any local or national decisions that affect the complaints process, and make any modifications necessary to this policy. This policy is made available to all current parents and guardians, so that they can be properly informed about the complaints process.

The Head of School logs all complaints received by their academy/nursery, they will record details of action taken by the Academy as a result of the complaint (regardless whether they are upheld) and whether the complaint was resolved at Stage 1, Stage 2 or proceeded to a review by the Complaints Committee.

These records are available for inspection on the school premises by the CEO and Head of School. The CEO examines this log on a termly basis. The Board of Trustees examines this log on an annual basis.

Correspondence, statements and records relating to individual complaints are to 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.

7. COMMUNICATING THIS POLICY

This policy will be listed on each organisations website, as well as on the Discovery MAT website, as well as being made available in a paper format on request at the school/nursery office.

This policy will be reviewed every two years, or before if necessary.

APPENDIX A

COMPLAINT FORM

Please complete and return to Mr P Arnold / Miss K Hammond / Mrs K Catherwood, Head of School and/or Mrs Alison Nettleship, Chief Executive Officer who will acknowledge receipt and explain what action will be taken.

Your Name:

.....

Pupil's Name:

.....

Your relationship to the pupil:

.....

Address:

.....
.....
.....
.....
.....

Postcode:

Daytime telephone number:

Evening telephone number:

Please give details of your complaint:

What action, if any, have you already taken to try and resolve your complaint?
(Who did you speak to and what was the response?)

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:

.....

APPENDIX B

Serial and Unreasonable Complainants

The academy 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.

Unreasonable behaviour is defined as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- 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
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- raises large numbers of detailed but unimportant questions, and insists 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 groundless or has been addressed)
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education
- seeks an unrealistic outcome
- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the school that relates to their complaint, while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.

Whenever possible, the headteacher or Chair of Governors 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 the academy 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 the premises.