



# Complaints Policy

EKC Schools Trust

## **PURPOSE**

This policy is in two parts.

**Part A** is a four-stage policy which deals with complaints received by individual academies as well as those received by the Multi Academy Trust (MAT) which have already been dealt with at academy level, but where the complainant is not satisfied with the complaints process.

**Part B** is a three-stage policy which deals with complaints made against the Trust itself, or central staff.

## **PART A**

As a MAT we welcome suggestions for improving our work with academies. Be assured that, no matter what you want to tell us, our support and respect for your child and family will not be affected in any way. Please advise us of your concern as soon as possible, and certainly within 3 months of the issue occurring. It is difficult for us to investigate an incident or problem properly if it took place some time ago. We do appreciate the assistance we receive from parents in addressing any problems that arise.

Most academies receive complaints at one time or another. Problems sometimes arise from misunderstandings which are easily addressed. Most concerns and complaints can be sorted out early and quickly by speaking with your child's class teacher / form tutor / subject teacher. When parents and teachers treat each other with mutual respect and support, this provides a very good role model for our children. If, having spoken to the member of staff, you still have concerns, you should see the Head in the first instance. He/she will investigate the problem and discuss his/her findings with you so that we can find a way forward together which serves the best interest of both the academy and your child.

In the unlikely event of the problem remaining unresolved you may put your complaint in writing to the Chair of the Local Governing Body.

The correct procedure can be summarised in the following stages, see also the flowchart on page 12:

### **Stage 1: Informal Action**

Parents discuss their initial concerns with the member of staff informally. All academies welcome these conversations at an early stage and will take them seriously.

- Most issues can be resolved promptly, but, if the member of staff is unable to deal immediately with the matter, a clear note will be made, including the complainant's name, phone number and date. The parent will be contacted as soon as the matter has been investigated. Normally this would be within 10 working days. The member of staff may also consult the Head of Line Manager at this stage.
- The member of staff should ensure that the parent is clear what

action or monitoring of the situation has been agreed.

- If no satisfactory solution has been found, parents will be asked if they wish their concern to be considered further.

Parents requesting further consideration of their concern can do so in person, by telephone or in writing to the Head.

#### **Stage 2: Referral to the Head**

- The Head acknowledges the complaint, orally or in writing, within 5 working days.
- A meeting or telephone call is arranged with the complainant to clarify and supplement any information given.
- The Head or Deputy may call on another member of staff (who has not been directly involved) to be present.
- It is the responsibility of the Head or their delegated representative from the Senior Leadership team, to make arrangements for fact finding interviews to take place at an appropriate time within the school day.
- The Head or member of the SLT will keep a written record of meetings, telephone conversations and other documentation.
- Once all relevant facts have been established, the Head or member of the SLT will respond.
- If the complaint was made in writing, a written response will be sent.
- If the complainant is not satisfied, they will be advised to write to the Chair of the Local Governing Body.

If the complaint made is against the Head, the written complaint should go to Stage Three immediately to enable all procedures to be carried out by the Chair of the Local Governing Body.

#### **Stage 3: Review by the Local Governing Body**

- If upon receipt by the Chair it is evident that the complaint has been through stages 1 and 2 but has not been formally investigated, the Chair reserves the right to request a full investigation of the complaint before any further action is taken. This process may include the academy Head or an independent investigator.
- The Chair should acknowledge receipt of the written complaint, informing the complainant that the complaint is to be heard by three members of the academy's Local Governing Body within 20 working days.
- The Chair will arrange to convene a Complaints Panel elected from members of the Local Governing Body. The members should have no

prior involvement with the complaint and they should elect a Chair for the committee. All relevant documentation regarding the complaint should be given to the members of the committee as soon as possible.

- The Chair of the Committee will write and inform all concerned of the date, time and place of the meeting at least 5 working days in advance. The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend and the right to submit further written evidence.
- It is the responsibility of the chair of the Complaints Committee to ensure that the meeting is properly minuted.
- After the meeting, the Complaints Committee will consider the evidence and a written decision will be sent to the Chair of Governors or Head and the complainant within 15 working days.

#### **Stage 4: Review by the Multi Academy Trust**

Where the academy-based complaints procedure has been completed and the complainant does not feel their complaint has been dealt with to their satisfaction by the academy they may contact the Trust in writing to request a review of the complaint investigation.

The Trust will only look into complaints about academies that fall into the following two areas.

- The academy did not comply with the complaints procedure when considering a complaint or the academy's complaints procedure does not comply with statutory requirements.

The Trust cannot review or overturn an academy's decisions about complaints but will look at whether the academy considered the complaint appropriately. The Trust will generally only do this after a complaint has been through the academy's own procedure but may investigate sooner if there is evidence of undue delays by the academy.

If the Trust finds that an academy did not deal with a complaint appropriately it will request that the complaint is reconsidered within 30 days. Similarly, if the academy's complaints procedure does not meet statutory requirements then the Trust will ensure this is put right and the complaint is reconsidered within 30 days.

#### **And/Or**

- The academy has failed to comply with a duty imposed under its funding agreement with the Secretary of State.

The Trust will seek to resolve any concerns regarding potential or actual breaches of the funding agreement with the academy. The Trust will also consider evidence that an academy has failed to comply with any other legal obligation placed on it.

Investigations will not usually take place six months or more after the decisions or action taken by the academy unless the complainant

has good reason for the delay in making the complaint.

The Trust reserve the right not to investigate complaints considered to be vexatious or malicious or where the Trust is satisfied with the action that the academy has already taken or proposes to take to resolve the complaint.

#### **Procedures for Dealing with a Complaint**

- Written complaints will be acknowledged in writing within 5 working days. The complainant will be given the name of the Investigating Officer at the Trust.
- The complainant will be asked to submit a written summary of the complaint.

The academy will be asked to provide:

1. a copy of its complaints procedures and details of any other relevant policies or procedures;
  2. an explanation of how each stage of its complaints procedures has been followed;
  3. a response to the complaints made by the complainant, together with any relevant documents and copies of correspondence sent to the complainant.
- The academy will be asked to respond within 10 working days, notifying the Investigating Officer if there is any confidential information which may not be shared with the complainant such as data belonging to individuals not involved in the complaint.
  - The Investigating Officer will respond in writing to the complainant, usually within 15 working days. However, whilst every effort will be made to complete investigations promptly, in some cases, requiring detailed investigations, it will take longer to produce a written response. Where this is the case the complainant will be advised of any revised timescale for production of the written response.
  - Where appropriate the Trust may direct the academy to review its decision on the complaint submitted to it or change its procedures for reaching the decision if they are non-compliant with statutory requirements.

#### **The Role of the Education and Skills Funding Agency (ESFA)**

- If the complainant still continues to be dissatisfied after the matter has been considered by the Trust they may refer the matter to the ESFA via an [online complaints form](https://form.education.gov.uk/fillform.php?self=1&form_id=cCCNJ1xSfBE&type=f%20orm&ShowMsg=1form%20name=Contact+the+Department+for+EducationnoRegister=false&ret=%2Fmod%20ule%2Fservices&noLogi nPro%20mpt=1) which can be accessed at   
[https://form.education.gov.uk/fillform.php?self=1&form\\_id=cCCNJ1xSfBE&type=f%20orm&ShowMsg=1form%20name=Contact+the+Department+for+EducationnoRegister=false&ret=%2Fmod%20ule%2Fservices&noLogi nPro%20mpt=1](https://form.education.gov.uk/fillform.php?self=1&form_id=cCCNJ1xSfBE&type=f%20orm&ShowMsg=1form%20name=Contact+the+Department+for+EducationnoRegister=false&ret=%2Fmod%20ule%2Fservices&noLogi nPro%20mpt=1)
- The ESFA will ensure that the complaint has been dealt with

properly by the Trust and will consider complaints about the Trust or academies that fall into any of the following three areas:

1. Where there is an undue delay or the Trust or academy did not comply with its own complaints procedure when considering the complaint
  2. Where the Trust or academy is in breach of its funding agreement with the Secretary of State
  3. Where the Trust or an academy has failed to comply with any other legal obligation.
- The ESFA will not overturn an academy's decision about a complaint. However if the ESFA find an academy did not deal with a complaint properly they may request that the complaint is looked at again and procedures are changed to meet the requirements set out in the Regulations.

Further information about the role of the ESFA in dealing with complaints

can be found here:

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

## **PART B**

### **PROCEDURE FOR COMPLAINTS AGAINST THE MULTI ACADEMY TRUST OR CENTRAL STAFF**

#### **Stage 1: Expressing Concerns**

There are inevitably issues that arise that, if dealt with promptly and in a considerate manner, will avoid the need for a formal complaint. Any problem or concern should be raised promptly with the member of staff responsible for the area you are concerned about. If your concern is more serious you may prefer to make an appointment to discuss it with the Chair of the Trustees.

All staff will make every effort to resolve your problem promptly at this informal stage.

If your concern is about the Chair of the Trustees, it will be handled by the Chief Executive Officer.

#### **Formal Complaints**

Formal procedures will be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further. All details of a complaint will be kept confidential except in so far as they need to be shared with people who might contribute to their resolution. The complaint will be dealt with in line with the Trust's complaints procedure.

In most cases it will be your choice as to whether to submit a formal complaint, but the Trust reserves the right to utilise the formal complaint procedures where the Trust feels that 'informal' methods of

resolving concerns have been exhausted but a complainant clearly remains dissatisfied.

It should be noted that some outcomes of a complaint may lead to action being initiated under other formal procedures, such as safeguarding or disciplinary matters. Where this is the case, you will be advised and informed of the procedures that are to be followed. It should be noted, however, that the Trust will not necessarily be able to provide you with the details of the outcome of those procedures for data protection reasons or otherwise, depending on the circumstances.

If a formal complaint is made to the Trust you will be provided with a copy of this complaints policy. It is not a requirement that a formal complaint is made in writing, but the Trust will need to be clear what the complaint is about, and may therefore request written clarification from you before investigating the complaint.

### **Stage 2 (Chair of the Trustees)**

It may be that the Chair of the Trustees has not been aware of the concern raised prior to this point. At this stage the Chair of the Trustees or a delegated person will seek to investigate your concerns, as well as attempting to resolve the matter to the satisfaction of all concerned. This may involve having a discussion/meeting with you.

If the complaint is about the Chair of the Trustees it will be considered by the Chief Executive Officer at this stage. The Chair of the Trustees will seek to resolve the matter through discussion with the Chief Executive Officer and you. In doing so and, if considered appropriate, the Chief Executive Officer may wish to meet with you in person.

The Trust will endeavour to respond, in writing to a Stage 2 complaint within 14 working days after receiving the complaint.

Where concerns cannot be resolved by the Chief Executive Officer then you will be advised that details of your continuing concerns will be accepted either in writing or verbally and then referred to the Complaints Panel (Stage 3). It would also be useful if you were able to state what actions you feel might resolve the problem.

### **Stage 3 (Complaints Panel)**

If a complaint has been referred the Complaints Panel they will consider the complaint and endeavour to provide you with a written response within 14 working days. You will be given the opportunity to meet with the Complaints Panel to make representations in person and you will have the right to be accompanied. The Panel will therefore meet at a time and a venue convenient to all parties. If you decide not to meet with the Complaints Panel then a decision will be made in your absence.

### **Outcomes of Investigations**

Whether the complaint has been investigated by the Chief Executive

Officer, Chair, CEO or Complaints Panel a written response will be sent outlining the outcome of the investigation and how the conclusion has been reached. The letter will also tell you where to next take the complaint, if not satisfied with the response provided.

The aim of the investigation or review will always be to resolve the complaint and achieve reconciliation between you and the Trust. Nevertheless, it is acknowledged that sometimes you may not be satisfied with the outcome if matters are not found in your favour.

### **The Role of the Local Authority**

The Local Authority does not have a statutory duty to consider Trust or academy complaints and you do not have a right of appeal to the Local Authority should you disagree with the decision. You may, however, raise the matter with the Local Authority if you consider the complaint wasn't investigated properly or fairly. So long as the method of investigation followed a proper procedure and considered the complaint in a reasonable manner, then the Local Authority will simply inform you of that fact. It cannot reverse a decision of the Trust.

**Commented [AG1]:**

### **The Role of the Secretary of State for Education (the Department for Education)**

If you still remain dissatisfied and feel the Trust has acted unreasonably, or that it has failed to discharge a statutory duty, you may wish to refer your complaint to the Secretary of State for Education. Please go to the website [www.gov.uk](http://www.gov.uk) for the different avenues you may wish to take.

**Commented [AG2]:** Suggest that this statement is removed. The LA has no role in the oversight of academy schools and if complainants are not satisfied, they have the right to contact the ESFA.

### **Persistent or Unreasonable Complainants**

You may remain dissatisfied despite all the procedures having been followed and reasonable responses being provided. It may be the case that it is not possible to resolve all your concerns and meet all your wishes. Sometimes it is preferable to 'agree to disagree' and move on. If you continue to make representations to the Trust or continue correspondence into the same issues, the Trust reserves the right to inform you, in writing, that the appropriate procedures have all been followed, that all reasonable actions have been taken to try to resolve the issue and that the matter is now closed.

EKC Schools 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 the 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.

EKC Schools Trust defines unreasonable complainants as 'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'.

A complaint may be regarded as unreasonable when the person



making the complaint:-

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists 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, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

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

1. maliciously;
2. aggressively;
3. using threats, intimidation or violence;
4. using abusive, offensive or discriminatory language;
5. knowing it to be false;
6. using falsified information;
7. publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with an academy while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay an outcome being reached.

Whenever possible, the Head or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Chair of Governors or Head will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact EKC Schools Trust or one of its academies causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after six months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from EKC Schools Trust and its academies.

#### **Dealing with Persistent or Unreasonable Complaints**

A persistent complainant is not someone who raises legitimate concerns or criticisms of a complaints procedure as it progresses, for example, with regard to timescales, nor are they someone who is unhappy with the outcome of a complaint and are therefore seeking to challenge it.

Occasionally however there may be situations where the Chief Executive Officer, CEO or Trust have done all they can to resolve matters, and it is therefore appropriate to consider closing a complaint as it has been on-going for some time. Alternatively, there may be some circumstances in which there will be a valid reason for not following the full complaints process. Closing complaints may be appropriate in particular where responding to continual communications from a complainant is detracting from the school's responsibility to look after the interests of all the children/students in its care.

The Trust therefore reserves the right to close complaints from those who demonstrate vexatious behaviour.

Any complainants demonstrating vexatious behaviour will be given an opportunity to modify their behaviour before correspondence is closed. Correspondence received from the complainant subsequent to closure will be kept on file, indefinitely, as will notes of telephone calls and any further personal calls referring to the matter.

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## Complaints Process for all Academies in the Trust

