

Manor Hall Academy Trust



Complaints Policy

Responsibility for monitoring and reviewing this information lies with the Headteacher and LAB. A review of this policy and recommendations for change should be presented to the Directors of the trust for verifications.

The Directors of the trust, in line with the Scheme of Delegation and Articles of Association have overall responsibility for the effective operation of MAT policies, but has delegated day to responsibility to the Headteacher and LAB.

Directors will take account of recommendations from individual schools in review of this policy and seek HR advice as to such revisions.

Date	Version	Reason For Change	Overview of Changes Made	Source
11.12.20	1	Scheduled Review	Formal Complaints Stage Three – must inform CEO	Directors
Spring 21	1	Review cycle change	Change of review date	Directors
Autumn 22	2	Bring into line with Education Skills Funding Agency (ESFA) requirements	Whole policy review	ESFA

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1. Aims

The Manor Hall Academy Trust’s schools aims to meet its statutory obligations when responding to complaints from parents of pupils at the school, and others.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response

- Treat complainants with respect
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school and trust improvement evaluation processes

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

The trust and schools will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will ensure we publicise the existence of this policy and make it available on our website, and on the websites of our schools.

2. Legislation and guidance

This document meets the requirements set out in part 7 of the schedule to the Education (Independent School Standards) Regulations 2014, which states that we must have and make available a written procedure to deal with complaints from parents of pupils in our trust.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on creating a complaints procedure that complies with the above regulations, and refers to good practice guidance on setting up complaints procedures from the Department for Education (DfE).

This policy complies with our funding agreement and articles of association.

3. Definitions and scope

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”.

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

The trust and its schools, intends to resolve complaints informally where possible, 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.

This policy does not cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

Please see our separate policies for procedures relating to these types of complaint.

Arrangements for handling complaints from parents of children with SENCo about a school's support are within the scope of this policy. Each schools SENCo policy and information report includes information about

the rights of parents of pupils with disabilities who believe that our trust, or a school within our trust, has discriminated against their child.

Complaints about services provided by other providers who use trust premises or facilities should be directed to the provider concerned.

4. Roles and responsibilities

4.1 The complainant

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

- Follow these procedures
- Co-operate with the school or trust throughout the process, and respond to deadlines and communication promptly
- Ask for assistance as needed
- Treat all those involved with respect
- Not publish details about the complaint on social media
- Make clear the main features of their complaint.
- With the details of the complaint provide resolution and desired outcomes to be considered (this enables the Trust school's to effectively and efficiently address the complaint).

The investigator may contact you to clarify any of the points above, or ask for further information should the above not be included in the complaint.

4.2 The investigator

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

- Interview all relevant parties, keeping notes
- 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
- To consider evidence in the light of the complainant's desired outcomes.

4.3 Clerk to the Local Advisory Board and Trust Board

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

4.4 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

5. 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

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage.

Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

The Trust's schools expect that complaints will be made as soon as possible after an incident arises, and no later than 3 months afterwards. 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.

6. Summary of complaints procedure

We have adopted a 4-stage process for dealing with complaints:

- Stage 1 – informal resolution
- Stage 2 – formal investigation
- Stage 3 – LAB panel hearing
- Stage 4 – review by the trust board

7. Stage 1: informal resolution

The Trust's schools will take informal concerns seriously and make every effort to resolve that matter quickly.

The complainant should raise the complaint as soon as possible with the relevant member of school staff or the head teacher, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact their school office.

The school will acknowledge informal complaints within three working days, and provide a response within thirty working days or as soon as reasonably practicable during school holidays.

The informal stage may involve:

- A meeting between the complainant and the head teacher or subject of the complaint
- Provision of additional information or clarification
- Amendments to provision or practice
- Provision of additional support or guidance
- Mediation
- Conflict resolution

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

8. Stage 2: formal investigation

The formal stage involves the complainant putting the complaint into writing. This letter should provide details including:

- Relevant dates and times
- The names of witnesses of events
- What the complainant feels would resolve the complaint

The letter should be submitted alongside copies of any relevant documents.

8.1 Addressing your complaint

Complaints not involving the head teacher or a member of the local advisory board (LAB) should be directed to head teacher. This can be done by either email or a letter addressed to the Headteacher, delivered to the school office.

If a complaint reaches this stage, then the Chief Executive Office of Manor Hall Academy Trust must also be informed by the head teacher.

Complaints involving the Headteacher or a member of the LAB should be directed to the chair of the LAB. This can be done by email or a letter addressed to the chair of the LAB, delivered to the school office.

Complaints involving the chair of the LAB should be directed to the Trusts CEO. This can be done by:

Email – ceo@manorhall.academy

Post: **Manor Hall Academy Trust**, Marcus House, Parkhall Business Village, Longton, Staffordshire, ST3 5XA

If you are not sure where to address your complaint, contact the school office or use the contact page on the relevant school website or Trust website; www.manorhall.academy.

8.2 Investigation

The complainant will receive written acknowledgement of their complaint within five working days.

The investigating officer (appointed by the Headteacher or chair of the LAB) will then conduct their own investigation. The investigation may include:

- Reviews of relevant documents
- Interviews with pupils, parents, staff and other involved parties

The written conclusion of this investigation will be sent to the complainant within 30 working days.

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the investigating officer in writing within 30 working days. If this time frame is not achievable due to school holidays, language differences or disability then the complaint will receive written notification with a reviewed timeline.

9. Stage 3: Local Advisory Board panel hearing

Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the second, formal, stage.

The trusts delegates responsibility to the Local Advisory Board to select the panel which must consist of 3 people who were not directly involved in the matters detailed in the complaint. At least 1 panel member must be independent of the management and running of the school, such as a LAB member from another school.

The panel cannot be made up solely of Local Advisory Board members, as they are not independent of the management and running of the school.

The panel will have access to the existing record of the complaint's progress (see section entitled 'Record Keeping' below). The LAB is responsible for ensuring that the panel is properly minuted.

The complainant must be notified of the date, time and location of the review panel at least five working days in advance. However, the review panel reserves the right to convene at their convenience rather than that of the complainant.

At the review panel hearing, the complainant and representatives from the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant is allowed to attend the panel hearing and be accompanied if they wish.

At the hearing, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called, as appropriate, to present their evidence.

The panel, the complainant and the school representative(s) will be given the chance to ask and reply to questions. Once the complainant and school representative(s) have presented their cases, they will be asked to leave and evidence will then be considered.

The panel must then put together its findings and recommendations from the case. The panel will also provide a copy of the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint, and make a copy available for inspection by the trust and Headteacher.

The panel will inform those involved of the decision in writing within thirty days.

10. Stage 4: review by the trust board

Where the school-based complaints procedure has been completed, and the complainant does not feel their complaint has been addressed to their satisfaction, they may contact the trust in writing to request a review of the complaint investigation.

They can do this by:

Email: ceo@manorhall.academy

Post: **Manor Hall Academy Trust**, Marcus House, Parkhall Business Village, Longton, Staffordshire, ST3 5XA

The written request should include a summary of the complaint, along with any relevant dates, times and evidence.

The trust will only investigate complaints where:

- The school did not comply with the complaints procedure
- The school or trust's complaints procedure does not comply with statutory requirements
- The school has failed to comply with a duty imposed under its funding agreement

The trust cannot overturn decisions on complaints made during the school's complaints procedure. However, it can assess whether the school considered the complaint appropriately.

If it is found that the school did not address a complaint appropriately, or that statutory requirements were not met, the trust will require the complaint to be reconsidered within thirty days. This also applies where adjustments must be made to the complaints procedure to bring it in line with statutory requirements.

10.1 Investigation

Where a complaint is raised with the trust, the trust's investigating officer will acknowledge the complaint in writing within five days.

The school will be asked to provide the following within ten days:

- A copy of its complaints procedures that has been used
- Details of other relevant policies and procedures

- An explanation of how each stage of the complaints procedure has been followed
- A response to the complaint, including relevant documents and correspondence

The investigating officer will provide a written response to the complaint within thirty days.

11. Complaints about the trust or central staff

We use a 3-step process for addressing complaints made about the trust as a whole, or against central staff:

Stage 1 – informal resolution

Stage 2 – formal investigation

Stage 3 – trust board panel hearing

Stage 1: Informal resolution

We make every effort to address any concerns or complaints early through informal measures.

The complainant should raise any concerns as soon as possible with the relevant member of the trust's central team, or the chief executive officer (CEO).

If the concern regards the CEO, the complainant should contact the chair of the board of directors.

If the complainant is unsure who to contact, or needs to contact the chair of the board of directors, they should contact the trust office:

Email: office@manorhall.academy

Post: **Manor Hall Academy Trust**, Marcus House, Parkhall Business Village, Longton, Staffordshire, ST3 5XA

The process for responding to and investigating an informal complaint about the trust or central staff is the same as that set out in section 7.

Stage 2: Formal investigation

If the complaint is not resolved satisfactorily at the informal stage, the complainant must submit a formal complaint in writing.

The complainant will receive written acknowledgement of their complaint within five working days.

The investigating officer will then conduct an investigation, in line with the process set out in section 8 above, providing a written response to the complainant within thirty working days.

Step 3: Trust board panel hearing

Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the second, formal, stage.

A panel will be appointed by the trust, and will consist of 3 members of the board not involved in investigating the complaint in the formal stage.

The complainant must be notified of the date, time, and location of the review panel at least 5 working days in advance. However, the review panel reserves the right to convene at their convenience rather than that of the complainant.

The complainant and representatives from the trust, as appropriate, will be present at the panel hearing. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied if they wish.

The board will ensure that the hearing is properly minuted.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called, as appropriate, to present their evidence.

The panel, the complainant and the trust representative(s) will be given the chance to ask and reply to questions. Once the complainant and trust representative(s) have presented their cases, they will be asked to leave and evidence will then be considered.

The panel must then put together its findings and recommendations from the case. The panel will also provide a copy of the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint, and make a copy available for inspection by the trust.

The panel will inform those involved of the decision in writing within thirty days.

12. Referring complaints on completion of the school and trust procedures

If the complainant is unsatisfied with the outcome of the school or trust complaints procedure, they can refer their complaint to the ESFA. The ESFA will check whether the complaint has been dealt with properly. The ESFA will not overturn the school or trust's decision about a complaint. However, it will look into:

Whether there was undue delay, or the school or trust did not comply with its own complaints procedure

Whether the trust was in breach of its funding agreement with the secretary of state

Whether the trust has failed to comply with any other legal obligation

If the complaint was not dealt with properly, the school or trust will be asked to re-investigate the complaint. If the complaints procedure is found not to meet regulations, the trust will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:

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

13. Persistent complaints

Where a complainant tries to re-open the issue with the school or trust after the complaints procedure has been fully exhausted and the school or trust has done everything it reasonably can in response to the complaint, the chair of the LAB or the chair of the board of directors will inform the complainant that the matter is closed.

If the complainant subsequently contacts the school or trust again about the same issue, the school or trust can choose not to respond. The normal circumstance in which the school or trust will not respond is when:

- The school or trust has taken every reasonable step to address the complainant's needs, *and*
- The complainant has been given a clear statement of the school or trust's position and their options (if any), *and*
- The complainant is contacting the school or trust repeatedly but making substantially the same points each time

However, this list is not intended to be exhaustive.

The school or trust will be most likely to choose not to respond if:

- There is reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience, and/or
- The individual's letters/emails/telephone calls are often or always abusive or aggressive, and/or
- The individual makes insulting personal comments about, or threats towards, school or trust staff

Unreasonable behaviour which is abusive, offensive, or threatening may constitute an unreasonably persistent complaint, this also includes posting of inappropriate comments social media.

Once the school or trust has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

The school or trust will ensure when making this decision that complainants making any new complaint are heard, and that the school and trust act reasonably.

Unreasonably persistent complaints

We are fully committed to dealing with all complaints fairly and impartially, in a friendly, respectful and professional way. We ask complainants to understand the need to behave in a similar way as it is in everyone's best interest to help ensure the matter can be resolved as quickly and informally as possible.

However, the Trust does not expect its staff, Members of the Board or LAB to tolerate behaviour by complainants which is unacceptable, for example, which is abusive, offensive or threatening, and they will take action to protect staff, Members of the Board or LAB from any such behaviour if it occurs. Also, there may be complainants who, because of the frequency of their contact with the running of the schools and Trust, hinder our consideration of their or other people's, complaints and potentially the running of the schools.

We anticipate that such behaviour will be a very rare occurrence, but if we consider a complainant's behaviour is unacceptable or unreasonably persistent, we will tell them why and ask them to change it. If the behaviour continues, we may take action to restrict the complainant's contact with the school.

The decision to restrict access to the school will be taken by the Chair of the Local Advisor Board or the Chair of the Trust's Board. Any restrictions imposed will be appropriate and proportionate. They may include:

- requesting contact in a particular form (for example, emails only);
- requiring contact to take place only with a named member of staff, LAB or Directors
- restricting telephone calls, meetings or emails to specified days and times
- asking the complainant to enter into an agreement about their conduct.

In all cases we will write to tell the complainant why we believe his or her behaviour is unacceptable or unreasonably persistent, what action we are taking and the duration of that action. We will also tell them how they can challenge the decision if they disagree with it.

Where a complainant continues to behave in a way which is unacceptable or unreasonably persistent, we may decide to terminate contact with that complainant and discontinue any investigation into their complaint. If we decide to carry on treating someone as an unreasonably persistent complainant and we are still investigating their complaint six months later, we will carry out a review and decide if restrictions will continue.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of staff, members of the Board, we will consider other options, for example reporting the matter to the police and/or taking legal action. In such cases, we may not give the complainant prior warning of that action.

Where a complainant whose case is closed persists in communicating with us about it, we may decide to terminate contact with that complainant. In such cases, we will read all correspondence from that complainant, but unless there is fresh evidence which affects our decision on the complaint we will simply acknowledge it or place it on the file with no acknowledgement.

14. Record-keeping and confidentiality

The school will record the progress of all complaints, including information about:

Actions taken at all stages

The stage at which the complaint was resolved

The final outcome

The records will also include copies of letters and emails, and notes related to meetings and phone calls.

This material will be treated as confidential and stored securely in the school office, and will be viewed only by those involved in investigating the complaint or on the review panel.

In the case of complaints about the trust or central staff, these records will be managed by the clerk to the board of directors, and will be stored securely in the trust's offices under restricted access.

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 under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

Records of complaints will be kept for six years from the date of the resolution of the complaint.

The details of the complaint, including the names of individuals involved, will not be shared with the whole LAB of the school (or the entire trust board) in case a review panel needs to be organised at a later point.

Where the LAB is aware of the substance of the complaint before the review panel stage, the school 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 LAB, who will not unreasonably withhold consent.

15. Learning lessons

The LAB will review any underlying issues raised by complaints with the appropriate staff member, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

The CEO will receive regular reports on the types of complaints received in each school in order to support the development of appropriate support structures, and to inform improvements to procedures or practice.

16. Monitoring arrangements

The LAB will monitor the effectiveness of the school complaints procedure in ensuring that complaints are handled properly.

The LAB will track the number and nature of complaints, and review underlying issues as stated in the section entitled 'Learning lessons'.

The complaints records are logged and managed by the school's head teacher.

The CEO and CSBO will monitor the effectiveness of the complaints procedure trust-wide.

This policy will be reviewed by CSBO and CEO every two years.

At each review, the policy will be approved by trust board.

17. 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

Appendix 1

Complaints and Compliments

Please complete this form and return it to the school who will then forward it to the Chair of the Local Advisory Board. Please continue on a separate sheet if necessary.

1. Name _____

2. Address _____

3. Telephone Number Home _____ Work _____

4. Name of Child _____

5. Details of the Complaint/Compliment (please include the date or period of time to which your complaint relates and confirm whether you have already expressed your concerns informally, and to whom and when).

6. Please outline your desired outcome?

Please attach copies of any more information you have to back up your complaint such as letters or report.

Signed:

Date:



FORM 2

Dear _____

(Name of Pupil)

Thank you for your letter of (*date*), making a formal complaint against the school in relation to your son/daughter (*name of pupil*). I have asked the complaints committee of the LAB to investigate your complaint and a meeting has been arranged for (*date, time and venue*). You are invited to attend the meeting to present your case in person.

Please let me know if you do not wish to attend the meeting or if the date and time is inconvenient for you. Following the meeting a written report will be sent to you confirming the findings of the committee and, if applicable, the course of action to be taken.

Yours sincerely,

Chair of LAB



FORM 3

Dear _____

Name of Pupil

The complaints committee of the school's LAB considered your complaint at a meeting held on (date) and which you attended / did not attend (delete as appropriate).

I can now inform you that the committee's views on the complaint are as follows: -

I trust that you feel that the meeting gave you the opportunity to express your views and that members of the committee gave full and fair consideration to your complaint.

Yours sincerely,

Chair of LAB