



Complaints Policy

Parents, Students and Members of the Wider Public
November 2018

Date of Review: November 2018
Approved by: Trust Board
Next Review Date: October 2020

1 Introduction

1.1 Vision Multi Academy Trust recognises that at times things can and do go wrong. The Trust Board, Governors and staff believe that it is in everyone's best interest to resolve concerns and complaints at the earliest possible stage.

1.2 This policy, therefore, seeks to help parents understand how to resolve concerns about their child's education and also to provide a framework to respond to complaints from parents, students and members of the wider public.

1.3 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 at the school.

1.4 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).

1.5 For reference, the term 'parent' has been used throughout the document, to include parents, legal guardians and full time carers.

2 Scope

2.1 The scope of this policy covers most complaints that schools and the Trust are likely to receive from parents, students or members of the wider public. However, it is not intended to cover aspects for which there are specific statutory requirements, in particular, complaints about the delivery of the curriculum. This policy and procedure will be applied to all stakeholder complaints, except in the cases summarised below:

Exceptions	Whom to contact
Admissions to school	Admissions authority – details will be provided on the admission sections of the relevant Trust website. Please contact the Trust if you cannot access the information on the website.
Statutory assessments of Special Educational Needs	Local Authority carrying out the assessment
Matters likely to require a Child Protection investigation	Designated Safeguarding Lead at the relevant Trust or via the relevant Local Children’s Safeguarding Board – please see the safeguarding section on the relevant Trust website. Please contact the Trust if you cannot access the information on the website
Exclusion from school	Parents and carers may use Trust procedures to challenge permanent exclusions and fixed term exclusions. Details of the processes to follow will be provided in the documentation provided at the time of the exclusion. In the event of queries please contact the Trust for further details
Whistleblowing	A copy of the whistleblowing policy is on the Trust website or please contact the Trust if you cannot access the information on the website.
Staff grievances and disciplinary procedures	The Trust has staff grievance and discipline policies and procedures and a code of conduct in place. Complainants are not informed of the outcomes of actions under these procedures
Complaints about services provided by external bodies using a school’s premises or facilities.	Providers should be contacted directly and have their own procedures for such eventualities
Appeals relating to internal assessment decisions for external qualifications	Separate appeals procedures apply – please contact the Trust for further details

2.2 At any stage within the complaints procedure a decision may be made, based upon details of the complaint, to refer it to a different procedure.

2.3 Complaints should be lodged promptly or at least within 2 calendar months of the incident. If a complaint is received after this time, unless there are exceptional circumstances, the Trust will take no further action.

2.4 There are no regulations which prescribe governors' involvement in dealing with complaints. In general, the need to maintain a strategic overview, rather than a day to day operational involvement, should remain paramount. Governors need to avoid prior knowledge of any issues which might later be considered by an appeal panel of governors.

2.5 A written record for all complaints made in accordance with the following will be kept for the designated retention period:

- whether they are resolved following a formal procedure, or proceed to a panel hearing; and
- action taken by the school as a result of those complaints, regardless of whether they are upheld

3 General Principles

3.1 Vision Multi Academy Trust complaints procedure will:

- encourage resolution of problems by **informal** means wherever possible;
- be easily **accessible** and **publicised**;
- be **simple** to understand and use;
- be **impartial**;
- be **non-adversarial**;
- allow **swift** handling with established **time-limits** for action and keeping people informed of the progress;
- ensure a full and **fair** investigation by an independent person where necessary;
- respect people's desire for confidentiality;
- address all the points at issue and provide an effective response and appropriate redress, where necessary;
- an anonymous concern or complaint will not be investigated under this procedure, unless there are exceptional circumstances;
- provide information to the Trust and its leadership teams so that services can be improved.

3.2 Vision Multi Academy Trust will be clear about the difference between a concern and a complaint.

*The DfE guidance explains the difference between a concern and a complaint. A **concern** is defined as "an expression of worry or doubt over an issue considered to be important for which reassurances are sought".*

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

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

3.3 We will take concerns seriously at the earliest stage to reduce the numbers that develop into complaints. It is normally appropriate to communicate directly with the member of staff concerned. This may be by letter, by telephone or in person by appointment, requested via the school office. Many concerns can be resolved by simple clarification or the provision of information and it is anticipated that most issues will be resolved by this approach.

4 Three Stage Procedure

STAGE ONE ('Informal' resolution)

4.1 Parents should feel free to raise their concerns with the class teacher, form tutor or other appropriate member of staff either in person, by telephone or in writing, including by email in order to seek a resolution to a complaint.

4.2 The Trust is committed to responding as quickly as possible to any issues raised i.e. members of staff will listen to parents' concerns and seek to reach a speedy and satisfactory resolution.

4.3 If a complaint is raised directly with the Headteacher, it is likely they will forward the complaint to the most appropriate member of staff in the Trust for it to be addressed.

4.4 Complainants will, where possible, be acknowledged within 48 hours and will receive a response to their concern within 5 school days. If it is not possible to meet this deadline they will be informed of when a response will be made.

4.5 If, after attempting to resolve the issue within stage one, a complainant remains dissatisfied with the outcome they will be provided with information about the Trust's formal complaints procedure and will enter stage two. If, at any time, the Headteacher feels that the complaint requires a formal investigation the complaint will be moved to stage two of the complaints policy.

4.6 Exceptions – Where the complaint is about the Headteacher, the complaint should be put in writing for the attention of the Chief Executive Officer of Vision Multi Academy Trust. The Chief Executive Officer will review the complaint. If it is decided that the complaint requires a formal investigation the complaint will be referred to the Chair of Governors of the Trust and will be referred to stage two of the complaints policy.

4.7 Any complaint about the conduct of the Chief Executive Officer should be made in writing to the Chair of Vision Multi Academy Trust.

STAGE TWO ('Formal' resolution)

4.8 Stage two is for complaints that have already been viewed within stage one of the complaints policy or for complaints which have been moved to stage two by the Headteacher/Chair of Governors/Chief Executive Officer or Chair of the Board of Vision Multi Academy Trust.

4.9 If a complainant is dissatisfied with the outcome of stage one, the complainant should put their complaint in writing to the Headteacher outlining the grounds for formal investigation. The complainant should:

- Set out in reasonable detail the nature of the complaint and any unresolved issues;
- Clarify what actions they believe would put things right.

4.10 Receipt of the complaint will be acknowledged in writing within 5 school days and will specify who has been appointed as the Investigating Officer.

4.11 The investigating officer will be a senior member of staff, who has had no prior involvement with the complaint. This allows the Headteacher to retain a degree of detachment and independence from the complaint.

4.12 During the investigation the investigating officer will contact the complainant to clarify the details of the complaint and the methodology that will be used to investigate the complaint.

4.13 The complainant will be allowed the opportunity to meet with the investigating officer and to be accompanied by a friend or relative to speak on their behalf or help them make their case.

4.14 The investigating officer will interview relevant witnesses and take statements from those involved.

4.15 If the complaint involves a student, he/she should also be interviewed, normally with a parent/carer present. In some cases, this might not be possible and a member of staff with whom the pupil feels comfortable e.g. learning mentor, will attend the interview.

4.16 The investigating officer should keep written records of all meetings and telephone conversations undertaken as part of the investigation together with any other relevant documentation.

4.17 A full written response will be made to the complainant within 20 school days of the written complaint being received in accordance with paragraph 4.9.

Outcomes to a complaint may include:

- A finding that the complaint requires no further action;
- A finding that there is insufficient evidence to reach a conclusion such that the complaint cannot be upheld;
- An acknowledgement that the situation could have been handled differently or better (this is not the same as an admission of negligence);
- An apology;
- An explanation of the steps that have been taken to ensure it will not happen again;
- An undertaking to review Trust or Trust procedures in light of the complaint.

4.18 The complainant will be advised that if they are dissatisfied with the outcome they may refer the matter to the governing body (go to Stage Three). This should be done by writing to the Chair of Governors within 10 school days of receipt of the letter informing the complainant of the outcome of stage two. Where there is a delay in submitting an appeal without good reason, the Chair of Governors may decide that the appeal is out of time and will not be heard further.

4.19 If the subject of the complaint is the Headteacher, the complaint should be put in writing to the Chief Executive Officer. The Chief Executive Officer will appoint an investigating officer to review the matter.

4.20 If the subject of the complaint is the Chief Executive Officer, the complaint should be put in writing to the Chair of the Board of Vision Multi Academy Trust as described at paragraph 4.7. The Chair of the Trust will appoint an investigating officer to review the matter. The Chair will nominate a Director of the Trust to make a recommendation or decision based on that report, or the Chair of the Board may fulfil this role.

STAGE THREE (Appeals Panel Hearing)

If the complainant is dissatisfied with the outcome of stage two they have a right to appeal to a specially convened panel of governors.

4.21 Appeals should be lodged with the Chair of Governors within 10 school days of receipt of the stage two decision. Where there is a delay in submitting an appeal without good reason, the Chair of Governors may decide that the appeal is out of time and will not be heard further.

4.22 The panel will meet within 25 school days of receiving the appeal and the complainant and the Headteacher will be informed of the date, time and venue of the hearing. However, timing will depend upon the availability of the stage three appeal members. The complainant must have reasonable notice of the date of the appeal panel; however, the appeal panel reserves the right to convene at their convenience rather than that of the complainant.

4.23 The complainant will receive, at least 5 school days before the panel meets, copies of any relevant correspondence, reports or interview notes taken into consideration by the investigating officer; and which he or she used in coming to their decision at stage two.

4.24 The panel will comprise of a governor and trustee who have had no previous knowledge of or involvement in the case and an additional independent person, who is totally independent of the running and management of the school, who has had no previous knowledge or involvement in the case as identified by the Chair of Governors. The panel should not include teaching or staff governors.

4.25 The panel will appoint its own chair, normally the Chair or Vice-chair of Governors. The chair of the panel will ensure that the appeal hearing is minuted.

4.26 The panel will consider the way the complaint has been investigated and handled by the academy/college. The panel will carry out a review of the methodology of the investigation carried out at stage two. It will hear the report of the investigating officer and any submissions on that report by the complainant.

4.27 It will be open to the Governors to:

1. Dismiss the complaint in whole or in part;
2. Uphold the complaint in whole or in part;
3. Decide on any reasonable action to resolve the complaint;
4. Make findings and recommendations; a copy of which is;
 - provided to the complainant, and where relevant, the person complained about; and
 - available for inspection on the school premises by the CEO and headteacher

The complainant may be accompanied by a friend or relative to speak on their behalf or help present their case.

4.28 The decision of the panel is final and will be communicated in writing to the complainant, the Headteacher and the Chair of the Board of Vision Multi Academy Trust within 5 school days.

his must include the panel making findings and recommendations

4.29 A further stage of appeal can be taken to the Secretary of State at the Department for Education, but only on the grounds that the governing body or The VMAT Board is acting or proposing to act unreasonably or illegally.

4.30 If the subject of the appeal is the Chief Executive Officer the appeal should be lodged with The Chair of the Trust's Board within 10 school days of receipt of the stage two decision. Where there is a delay in submitting an appeal without good reason, the Chair of the Trust Board may decide that the appeal is out of time and will not be heard further. The Chair of the Board will appoint a panel of 3 independent directors of the Board of the Trust (with no prior involvement in the matter) or 2 independent directors of the Board and an additional independent person as identified by the Chair of Board.

The panel will appoint its own chair who will ensure that the appeal hearing is minuted. The panel will consider the way the complaint has been investigated and will carry out a review of the methodology of the investigation at stage two. It will hear the report of the investigating officer and any submissions on that report by the complainant.

4.31 It will be open to the panel to reach any of the outcomes set out at paragraph 4.27.

4.32 The complainant may be accompanied by a friend or relative to speak on their behalf or help present their case.

4.33 The decision of the panel is final and will be communicated in writing by the chair of the panel to the complainant, the Chief Executive Officer and the Chair of the Board within 5 school days. There shall be no further right of appeal in respect of the decision of any panel of the VMAT Board with regard to complaints about the Chief Executive Officer other than to the Secretary of State at the Department for Education on the grounds that the VMAT Board is acting or proposing to act unreasonably or illegally.

5. CONFIDENTIALITY

5.1 All documentation and information retained in relation to individual complaints will be kept confidential unless there is a specific reason which would require disclosure for example a referral in relation to Safeguarding or where the Secretary of State or a body conducting an investigation under Section 109 of the 2008 Act requests access to them.

6. PROCEDURES FOR HANDLING UNREASONABLY PERSISTENT, HARASSING, VEXATIOUS, UNREASONABLE OR ABUSIVE COMPLAINTS

6.1 Where a complainant tries to re-open the issue with the school after the complaints procedure has been fully exhausted and the school has done everything it reasonably can in response to the complaint, the chair of governors (or other appropriate person in the case of a complaint about the chair) will inform the complainant that the matter is closed.

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

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

6.3 However, this list is not intended to be exhaustive. The school will be most likely to choose not to respond if:

- We have 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 staff

6.4 The Headteacher, governors and SLT are committed to the improvement of our Academies. We welcome feedback from parents/carers and will always try to resolve any concerns, requests for clarification or complaints as quickly as possible.

6.5 Sometimes, however, parents or carers pursuing complaints or other issues treat staff and others in a way that is unacceptable and or behave in an unacceptable manner. Whilst we recognise that some complaints may relate to serious and distressing incidents, we will not accept threatening, inappropriate or harassing behaviour.

6.6 What do we mean by ‘an unreasonable complainant’?

An unreasonable complainant may be anyone who engages in unreasonable behaviour when making a complaint. This will include parents and carers who pursue complaints in an unreasonable manner and those who do not act in an appropriate manner towards staff at the Trust or Trust.

Unreasonable behaviour may include:

Actions which are:

- out of proportion to the nature of the complaint, or
- persistent – even when the complaints procedure has been exhausted, or
- personally harassing, or unjustifiably repetitious or obsessive, harassing, or prolific.

An insistence on:

- pursuing unjustified or unmeritorious complaints and/or
- pursuing justifiable complaints in an unreasonable manner e.g.
- using abusive or threatening language; or
- making complaints in public or sharing information relating to the complaint, staff, pupils, the Trust or the Trust inappropriately on social media; or refusing to attend appointments to discuss the complaint; or unrealistic outcomes to unjustified complaints.

6.7 What can you expect from us?

Anyone who raises informal or formal concerns, issues or complaints can expect us to:

- follow the Trust’s complaints procedure;
- respond within a reasonable time;
- be available for consultation within a reasonable time limit, bearing in mind the needs of pupils at the Trust and the nature of the complaint;
- respond with courtesy and respect;
- attempt to resolve problems using reasonable means in line with the Trust’s complaints procedure, other policies and practice and in line with guidance from the trust in accordance with the secretary of state’s legislation and guidance for academies;
- keep those involved informed of progress towards a resolution.

6.8 What we expect of you

We expect anyone who wishes to raise concerns to:

- treat all staff with courtesy and respect;
- respect the needs of pupils and staff;

- never to use violence (including threats of violence) towards people or property;
- recognise the time constraints under which members of staff work and allow a reasonable time to respond to a complaint;
- recognise that some problems may not be resolved in a short time;
- follow the Trust's complaints procedure;
- speak politely and respectfully using appropriate language and avoid any aggression or verbal abuse, including name-calling;
- raise concerns/complaints in an appropriate place and at an appropriate time (for example not in front of other parents or pupils and not in an open public space);
- be prepared to work towards a resolution and in partnership.

6.9 Responses to unreasonably persistent or vexatious complaints, unreasonable complaints or harassment

In cases of unreasonably persistent complaints or harassment, we may take any or all of the following steps, as appropriate:

- Refer the matter to the relevant member of the Executive Leadership Team
- Inform the complainant informally or in writing that his/her behaviour is now considered to be unreasonable or unacceptable, and request a changed approach.
- Require all future meetings with a member of staff to be conducted with a third person present. In the interests of all parties, notes of these meetings may be taken.
- Inform the complainant that, except in emergencies, we will respond only to written communication
- Inform the complainant in writing that his/her behaviour is now considered to fall under the terms of this policy and that any complaint will not be investigated further until it is pursued in a manner we consider to be reasonable;
- Place restrictions on the individual's access to Trust and/or staff;
- Cease all correspondence and communication with the complainant other than that necessary for the health and safety of any child/adult;
- We have a duty of care to staff and pupils and will take emergency measures should these become necessary in extreme cases.

6.10 Physical or verbal aggression

Vision Multi Academy Trust will not tolerate any form of physical or verbal aggression or personal harassment against staff. If staff are subject to this type of aggression, we may:

- prohibit the individual from entering the relevant site, with immediate effect
 - this may involve issuing a warning letter or formal section 547 notice under the Education Act 1996.
- This prohibition will be for a fixed period of 13 weeks in the first instance but may be extended subsequently in 13 week periods;
- inform the individual that communication with them will cease other than in an emergency.

6.11 Time frame and Review

6.11.1 If a complainant's harassing/persistent behaviour is modified and is then resumed at a later date within a reasonable period of time, we may resume the process identified above.

6.11.2 If a complainant's harassing/persistent complaining behaviour is modified and the complaint still lies within the time limit specified within the Trust's complaints policy, we will use our discretion and may resume the investigation of the complaint. We will review as appropriate, and at a minimum of once a year, any sanctions applied in the context of this policy.

6.11.3 Legitimate new complaints, if not pursued in a harassing or unreasonable way, will be considered.

7 DEPARTMENT FOR EDUCATION - EDUCATION AND SKILLS FUNDING AGENCY (ESFA)

7.1 We hope that we will be able to resolve any complaint concerning VMAT or its Academies using this complaints procedure. If you feel this is not the case, you can complain to the Education and Skills Funding Agency, which handles complaints about Academies and Free schools. The following link provides guidance on their procedure for dealing with complaints about academies and links to the ESFA complaints form. [ESFA complaints form](#)

7.2 The ESFA will check whether the complaint has been dealt with properly by the school. The ESFA will not overturn a school's decision about a complaint. However, it will look into:

- Whether there was undue delay, or the school did not comply with its own complaints procedure
- Whether the school was in breach of its funding agreement with the secretary of state
- Whether the school has failed to comply with any other legal obligation

7.3 If the school did not deal with the complaint properly, it will be asked to re- investigate the complaint. If the school's complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.

What action, if any, have you already taken to 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 who:

Complaint referred to:

Date:

