



COMPLAINTS POLICY

Document Detail

<u>Document Type:</u>	Policy
<u>Document Name:</u>	Complaints Policy
<u>Purpose:</u>	
<u>Version Number</u>	4.0
<u>Effective from:</u>	31 July 2020
<u>Owner:</u>	K Stringer, Director of Operations
<u>Approved by</u>	Board of Trustees
<u>Next Review Date:</u>	31 July 2021
<u>Consultation:</u>	Accord MAT Board of Trustees, Accord MAT CEO, Academy Principal

Approvals

Name	Position	Signature	Date
A Warboys	CEO	<i>A Warboys</i>	13 July 2020
J D Leam	Chair of Trustees	<i>J D Leam</i>	13 July 2020

Document History

Version	Date	Author	Note of Revisions
1	July 2017		N/A
2	Jan 2019		Clarity between ownership at Stages Three and Four
3	July 2019		Section 5.3.4 – final sentence added, Sections 6.8 and 6.10 added for clarity on the panel process Update of wording throughout (referring to Trustees, Principal, Chair of Governors)

4	July 2020	Board of Trustees	Reviewed – no changes
---	-----------	-------------------	-----------------------

1. Introduction

- 1.1 The Trustees of the Accord Multi Academy Trust (the Trust) have a duty to establish a procedure for dealing with general complaints and to ensure these are publicised to parents/carers and other stakeholders.
- 1.2 The Trust undertakes to provide a friendly and safe environment in all our Academies in which pupils will be helped to achieve their potential, both academically and socially. We recognise, however, that sometimes things can go wrong, and parents/carers and members of the public may need to make a complaint or raise concerns they have with an individual Academy or with the Trust.
- 1.3 This policy tells you what to do if this happens. This policy is intended to reflect the process for dealing with general complaints to an individual Accord MAT Academy or to the Trust. However, some complaints are subject to separate statutory procedures instead of the general complaints procedure: Admissions, Special Educational Needs (SEN), Child Protection, Exclusions, Whistleblowing, Staff Grievances and Disciplinary Procedures. Moreover, this policy does not relate to matters where principles of civil contract law would normally apply e.g. service/supply contracts entered into with an Academy.
- 1.4 This policy is available via the Accord MAT website and each individual Academy website.
- 1.5 If you wish to raise a concern, in the first instance you should contact the appropriate staff member at the individual Academy. Should you have a general concern or wish for independent advice and guidance at any stage of the process, please contact complaints@accordmat.org.uk and the Accord MAT Director of Operations will advise you appropriately.

2. General Principles

- 2.1 The aim of this policy is to balance the rights and responsibilities of pupils, parents/carers and Academy staff, and to recognise that responsibilities rest with each of these.
- 2.2 The majority of issues raised by parents/carers, the community or pupils, are concerns rather than complaints. We are committed to resolving all concerns and complaints at the earliest possible point in the process, informally where possible, and where this is not possible, at the earliest point within the formal process.
- 2.3 Any formal complaint must be raised within 3 months of the incident occurring. If a complaint is older than 3 months, it will only be investigated in exceptional circumstances.
- 2.4 Complaints will be dealt with as quickly as possible, consistent with fairness to all.

- 2.5 Complaints will be treated seriously and courteously and given the time necessary for the complainant to feel that the matter has been dealt with properly. It is important that the complainant has confidence in these procedures and knows that the matter will be investigated fully.
- 2.6 Any member of staff who is complained about will have the opportunity to respond to the complaint during the investigation and will be able to see any response sent as a result of the investigation. If, however, during the course of considering a complaint, the Lead Investigator concludes that disciplinary procedures should be initiated, they will consider this as a separate action, as there is an entirely separate procedure to follow in terms of dealing with staff disciplinary matters. Complainants will be informed that the issue is being dealt with separately and outside of the complaints policy, but any further information will remain confidential.
- 2.7 Confidentiality must be maintained at all times. All conversations and correspondence must be treated with discretion. Parents/carers must feel confident a complaint will not disadvantage their child. All parties to a complaint will need to accept that some sharing of information will be inevitable if the complaint is to be investigated fully.
- 2.8 All designated staff, Governors and Trustees are trained to raise awareness of the Academy's procedures and to develop their skills in dealing with people who wish to complain.
- 2.9 Complainants should limit the number of communications with the Academy while a complaint is being progressed.
- 2.10 All complaints will be logged and monitored to allow the Academy and the Trust to improve processes and practice in a positive manner.
- 2.11 The Trust reserves the right to determine that the Lead Investigator at each formal stage of the process is independent and appropriate for that stage of investigation e.g. Principal, Chair of the Governors, Trust CEO or member of the Trust Central Team.
- 2.12 All Complaints Panels will aim to be convened within the agreed timescales subject to the availability of the complainant and the committee members. If a committee cannot be convened in a timely manner from the Governors of the Academy in question, Governors from other Accord MAT Academies may be asked to attend the committee meeting. All Complaints Panels will also include an independent panel member who is independent of the management and running of the Accord MAT.

3. Complaints dealt with outside of the Complaints Policy

Complaint by member of Academy staff	Academy grievance procedure
--------------------------------------	-----------------------------

Pupil exclusion	Right to make representations about fixed term exclusions to Governors' Exclusion Committee. Right of appeal to independent panel for permanent exclusion.
Admission to Academy	MAT Admissions Policy with right of appeal to independent panel if admission refused.
Child protection	MAT Child Protection Policy.
Special Educational Needs	LA statutory assessment procedures apply if parent requests an EHCP. Right of appeal to independent SEN Tribunal via http://wakefield.mylocaloffer.org/education-health-and-care-plans
Staff HR/disciplinary matters	Staff HR/disciplinary procedure
Internal assessment decisions in relation to external qualifications	Examination Board procedures

4. Unreasonable Complaints

4.1 The great majority of people with complaints or concerns about the Academy behave reasonably in pursuing their complaint. This means that they:

- treat all Academy staff with courtesy and respect;
- respect the needs of pupils and staff within the Academy;
- avoid the use of violence (including threats of violence) towards people and property;
- do not use intimidating/aggressive behaviour or inappropriate language towards Academy staff;
- recognise the time constraints under which members of staff work and allow the Academy a reasonable time to respond to a complaint;
- recognise that resolving a specific problem can sometimes take some time;
- follow the Academy's complaints procedures.

However, a small number of complainants may be deemed "unreasonably persistent complainants". This means that, in complaining about issues, either formally or informally, they behave unreasonably, for example by:

- actions which are obsessive, persistent, harassing, prolific, repetitious; and/or
- prolific correspondence or excessive e-mail or telephone contact about a concern or complaint; and/or
- using social media to make comments in relation to the complaint, the Academy or individuals that work with the Academy;
- an insistence upon pursuing unmeritorious complaints and/or unrealistic or unreasonable outcomes; and/or
- an insistence upon pursuing meritorious complaints in an unreasonable manner.

4.2 A complaint may be regarded as unreasonable or disregarded if the complainant:

- is anonymous;
- refuses to articulate their complaint or to specify the grounds of the complaint;
- refuses to co-operate with the complaints investigation process while still wishing for their complaint to be resolved;
- 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 good practice;
- introduces trivial or irrelevant information or raises large numbers of detailed but unimportant questions to be dealt with 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 Trust complaints procedure has been fully and properly implemented and completed, including referral to the Education Skills and Funding Agency;
- seeks an unrealistic outcome;
- makes excessive demands on Academy 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.

4.3 A complaint may also be considered unreasonable if the complainant does so in any circumstances:

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

4.4 Whenever possible, the Principal (or representative) will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

4.5 If the behaviour continues, the Academy will write a formal letter explaining that their behaviour is unreasonable and asking the complainant to change it. The Academy

may specify methods of communication and limit the number of contacts with the Academy in a communication plan. This will usually be reviewed after 6 months.

- 4.6 Should a complaint meet the criteria as “unreasonable” with reference to section 4 of the Complaints Policy, this will be stated in a formal letter to the complainant and there would be no grounds for the complaint to be escalated further.
- 4.7 In response to any serious incident of aggression or violence, the concerns and actions will be put in writing immediately and the police informed. This may result in banning an individual from the Academy.

5. Summary for Dealing with General Complaints

The Accord MAT Complaints policy has four main stages.

Each stage should be completed before progressing to the next stage.

Stage	Detail	Outcome for complainant
Stage One: Informal	Expression of concern is raised to an appropriate member of Academy staff and escalated where appropriate at an informal stage to designated members of Academy staff.	If a satisfactory outcome is reached, no further action required. If outcome is not satisfactory, proceed to formal stages
Stage Two: Formal Investigation	Complainant submits a formal complaint using Stage Two Complaint Form, within 3 months of the incident. Acknowledgement sent within 5 school days. Investigation conducted by Lead Investigator, with the outcome of the complaint to be reviewed by the Principal. Outcome reported to the complainant and the Chair of Governors in writing within 15 school days	If a satisfactory outcome is reached, no further action required. If outcome is not satisfactory, proceed to Stage Three.

<p>Stage Three: Formal Chair of Governors Investigation</p>	<p>Complainant submits complaint using Stage Three Complaint Form, to Chair of Governors within 10 school days of receiving the response to the Stage Two Investigation.</p> <p>Acknowledgement sent within 5 school days.</p> <p>Investigation conducted by Chair of Governors.</p> <p>Outcome reported to the complainant and the Accord MAT in writing within 15 school days.</p>	<p>If a satisfactory outcome is reached, no further action required. If outcome is not satisfactory, proceed to Stage Four.</p>
---	--	---

<p>Stage Four : Formal Governors Complaints Panel</p>	<p>Complainant submits complaint using the Stage Four Complaint Form, to the Director of Operations, within 10 school days of receiving the response of the Stage Three investigation.</p> <p>Acknowledgement sent within 5 working days.</p> <p>Complaints Panel is convened within 20 school days of complaint being received.</p> <p>One panel member to be independent of the management and running of the Academy and the Accord MAT. The complainant and the Trust will be notified of the Complaints Panel decision within 15 school days.</p>	<p>There is no further right of appeal. If the complainant considers that the complaints procedure has not been followed correctly, they may contact the ESFA.</p>
---	--	--

5.1. Stage One: Informal

- 5.1.1. The vast majority of concerns and complaints can be resolved informally, often straight away by the appropriate member of staff.
- 5.1.2 Parents/carers must feel able to raise concerns with members of staff without any formality, either in person, by telephone, by email or in writing. On occasion it may be appropriate for someone to act on behalf of a parent.
- 5.1.3 The complaint should be raised with the appropriate member of staff in the first instance.
- 5.1.4 It is important for the complainant to recognise that the Academy is a busy organisation and whilst we will do our best to offer face to face meetings, it may not be possible to offer an appointment immediately.
- 5.1.5 Where the concern relates to the specific actions of the Principal or Chair of Governors, then they should be given the opportunity to respond as above before proceeding to Stage Two.
- 5.1.6 On occasion, the concern raised may require an informal investigation or discussion with other members of staff to refer the matter to someone else. In this case the member of staff will need to make a clear note of the date, name and contact address/phone number of the complainant. In this case we would expect you would receive an informal response to the investigation and be kept informed at regular intervals. The vast majority of concerns will be satisfactorily dealt with in this way.
- 5.1.7 Where no satisfactory solution has been found on receipt of the informal response, the complainant should be asked if they wish their concern to be considered further. If so, they should be advised about how to proceed with their complaint and about any independent advice available to them.

5.2 Stage Two – Formal investigation

- 5.2.1 If the complaint cannot be resolved on an informal basis, a formal Stage Two Complaints Form should be completed and sent to the Principal of the Academy. This form can be found at Appendix 1. This form should be completed within 3 months of the incident. This may be completed by the complainant or by a member of Academy staff on behalf of the complainant.
- 5.2.2 The Principal or appropriate Trust central team member will appoint a Lead Investigator.
- 5.2.3 An acknowledgement of receipt of a complaints form will be sent within 5 school days of receipt of the form, with a copy of the complaints form and a target date for providing a response to the complaint by the Lead Investigator.
- 5.2.4 Where required, the Lead Investigator will interview witnesses and take statements from those involved. If the complaint centres on a pupil, the pupil should also be interviewed.

- 5.2.5 The Lead Investigator may designate another independent member of staff to collect some or all of the information from the various parties involved.
- 5.2.6 Once all relevant facts have been established, the Lead Investigator will summarise the case.
- 5.2.7 The Principal or appropriate Accord MAT central team member will respond formally on behalf of the Academy or Trust, to a Stage Two complaint, in writing. This will normally be within 15 working days. S/he may wish to meet the complainant to discuss/resolve the matter directly or ask the Lead Investigator to do so. This meeting may be formally minuted. If appropriate at this stage, the meeting will agree what action the Academy will take to resolve the complaint and the agreed timescales.
- 5.2.8 The written response will include a full explanation of the decision and the reasons for it. Where appropriate, this will include what action the Academy will take to resolve the complaint and the agreed timescales. Where this is not possible, a letter will be sent to the complainant explaining the reasons for the delay and giving a revised target date.
- 5.2.9 If the Stage Two complaint is in relation to the Principal, it will immediately pass to Stage Three for investigation by the Chair of Governors.
- 5.2.10 The Accord MAT reserves the right to ensure that the Lead Investigator at each formal stage of the process is independent and appropriate for that stage of investigation e.g. Principal, Chair of Governors, Trust CEO or member of the Trust Central Team.

5.3 Stage Three – Chair of Governors Investigation

- 5.3.1 If a complainant is dissatisfied with the outcome of the Stage Two response in respect of their complaint, s/he will need to write to the Chair of Governors, giving details of the complaint using the Stage Three Complaints Form, within 10 school days of Stage Two response. This form can be found at Appendix 2.
- 5.3.2 The appeal should outline clearly why the complainant feels their case has not been dealt with satisfactorily. For Academy related issues this should be addressed to the Chair of Governors . For Accord MAT related issues this should be addressed to the Chair of Trustees.
- 5.3.3 The Chair of Governors or designated person must only review the initial complaint. Any further complaints that have arisen during this process have to be dealt with by separate complaints to the Academy at Stage 1 of the Complaints Process.
- 5.3.4 The Chair of Governors or designated person will review the complaint and if required, conduct a further investigation. The Chair of Governors will respond to a Stage Three complaint in writing. This will normally be within 15 school days. If further time is required to resolve the complaint at Stage Three, the complainant will be notified. The complaint cannot be moved to Stage Four until the Chair of Governors has fully responded to all aspects of the complaint at Stage Three.

5.3.5 The Trust reserves the right to ensure that the Lead Investigator at each formal stage of the process is independent and appropriate for that stage of investigation e.g. Principal, Chair of the Governors, Trust CEO or member of the Trust Central Team.

6. Stage Four– Formal Governors Complaints Panel

- 6.1 Should the complainant be unhappy with outcome of the Stage Three Investigation, a request can be made to hold a Stage Four Complaints Panel using the Stage Four Complaints Form. This form can be found at Appendix 3. The completed form should be sent to the Trust Director of Operations within 10 school days of the Stage Three response.
- 6.2 The completed form must include the reasons why the complainant believes the complaint is unresolved by the Stage Three procedure, along with solutions suggested to resolve the complaint.
- 6.3 The request for appeal will be acknowledged in writing within 5 school days stating the date of the Stage Four Complaints Panel.
- 6.4 The Stage Four Complaints Panel must only review the initial complaint. Any further complaints that have arisen during this process have to be dealt with by separate complaints to the Academy at Stage 1 of the complaints process.
- 6.5 Where there are reasonable grounds for a complaint to be escalated to a panel in line with stage four of the policy, the Director of Operations will instruct the designated member of staff acting as Clerk to convene a Complaints Panel. This will be chaired by a Governor who is independent of the complaint, or a Governor of another Trust Academy if required. This will usually take place within 20 school days of the request for a Stage Four Complaint Panel.
- 6.6 The Complaints Panel will aim to be convened within the agreed timescales subject to the availability of the complainant and the committee members. If a committee cannot be convened in a timely manner from the Governors of the Academy in question, Governors from other Trust Academies may be asked to attend the committee meeting.
- 6.7 All Complaints Panels will include a panel member who is independent of the management and running of the Trust.
- 6.8 The Complaints Panel hearing will be held in private. The aim of the hearing will always be to resolve the complaint and achieve reconciliation between the Academy and the complainant. However, it has to be recognised that the complainant may not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that their complaint has been taken seriously.
- 6.9 The complainant will be given the opportunity to present their case to the Panel. The complainant may wish to be accompanied. The Principal and Chair of Governors will also be given the opportunity to present their case. The Principal and Chair of Governors and the Complainant will not be present when

the Panel is making their decision. The panel will be supported by the designated member of staff acting as Clerk to the Panel, and may refer to the Director of Operations for impartial advice if required.

- 6.10 The panel can:
- Dismiss the complaint, in whole or in part
 - Uphold the complaint, in whole or in part
 - Decide on the appropriate action to be taken to resolve the complaint
 - Recommend changes to the Academy's systems or procedures to ensure that problems of a similar nature do not recur.
- 6.11 All parties will be notified of the Panel's decision in writing within 15 school days after the date of the Panel meeting. This includes the complainant; the Chair of Governors, the Academy Principal, and where relevant the person complained about. It will also be reported to Accord Board of Trustees.
- 6.12 This is the final stage of the Complaints Procedure. The decision of the Panel is final. If the complainant remains unsatisfied they may take their complaint to the Education and Skills Funding Agency (ESFA). See Section 7.

7 Further Action

- 7.1 We hope that we will be able to resolve any complaint concerning the Trust or its Academies using this policy.
- 7.2 If you feel this is not the case, you can complain to the Education Skills and Funding Agency which handles complaints about Academies and Free Schools.
- 7.3 The following link provides guidance on this:
<https://www.gov.uk/government/publications/complain-about-an-academy>

8. Policy Review

- 8.1 This policy will be implemented at all Accord MAT Academies. Trustees will review the policy and its implementation and effectiveness every two years.

APPENDIX ONE
ACCORD MAT STAGE TWO COMPLAINT FORM

Please complete and return for the attention of Principal

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/evidence? If so, please give details.

Signature:

Date:

Academy Use Only

Date acknowledgement sent:

By who:

Complaint referred to Lead Investigator:

Date:

APPENDIX TWO

ACCORD MAT STAGE THREE COMPLAINT FORM

If you are not satisfied with the decision of the Stage Two Investigation, please complete this form and return it to Chair of Governors. This form should be completed and submitted within 10 school days of receipt of the Stage Two response for the complaint to be progressed.

Your Name	
-----------	--

Date Stage Two response received	
----------------------------------	--

Please give details of why you are not satisfied with the Stage Two response.

What actions do you feel might resolve the problem at this stage?

Are you attaching any new paperwork/evidence? If so, please give details.

Signature:

Date:

Academy Use Only

Date acknowledgement sent:

By who:

Complaint referred to Chair of Governors/Accord MAT Date:

APPENDIX THREE ACCORD MAT STAGE FOUR COMPLAINT FORM

If you are not satisfied with the decision of the Stage Three response, please complete this form and return it to the Director of Operations at complaints@accordmat.org.uk

This form should be completed and submitted within 10 school days of receipt of the Stage Three response for the complaint to be progressed.

Your Name	
Date Stage Three response received	
Please state the reason you are not satisfied with the Stage Three response.	
Signature:	
Date:	
Academy Use Only Date acknowledgement sent: By who: Complaint referred to Complaint Committee : Date:	