



# **SEAX Multi-Academy Trust**

## **COMPLAINTS POLICY & PROCEDURE**

**Complaints Policy & Procedure**

Effective Date of Adoption:	
Staff were consulted on this document and it was accepted by them on :	.....
It was ratified by the SEAX Trust Board of Directors on :	.....

**Type of Policy:** MAT Policy to adopt in full.

**Review Frequency:** Every 3 years or in response to change in legislation or Government Policy.

**MAT Approval Body:** Board of Directors

**MAT Director Responsible:** Resources and Audit Committee

**Date of last MAT Review:**

**Date of Next MAT Review:**

**Appendices:**

**Related Legislation:** The education (Independent Academies Standards) Regulations 2014. Schedule 1, Part 7.

**To be Read in Conjunction With Exceptional MAT or Academy Policy:** Staff disciplinary Policy and Procedure  
Grievance Procedure  
Equality Policy

Signed by the Chair of Board of Directors on behalf of The SEAX Trust      Date:..... No of Pages in addition to this cover page: 8

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## **1. Introduction**

- 1.1 The purpose of this policy is to ensure that the individual Academies with the SEAX Trust have clarity over the policy and procedure in the case of any complaint made against the individual Academy.
- 1.2 It is also designed to allow parents and carers of registered students, a means of making complaints which they can be confident will be addressed fully within appropriate timescales. Occasionally, professionals with whom staff work may feel that the service provided does not meet the high standards expected and make seek to make a complaint under this Policy and Procedure. Similarly, complaints made by members of the public may also be considered against this Policy and Procedure.

## **2. AIMS**

- 2.1 The aim of the policy is to ensure that the SEAX Trust and its Academies has a clear and effective procedure in place that deals with concerns or complaints relating to the actions of staff and application of SEAX Trust procedures where they affect individual students, except matters directly relating to a particular exclusion, child protection, special needs or admission issues, all of which are dealt with under separate procedures.
- 2.2 It is not intended that this policy will cover any complaints made by members of staff since these are usually dealt with under appropriate separate procedures such as the Trust Grievance Procedure.
- 2.3 To maintain the good reputation of the SEAX Trust and the Academies that belong to it by implementing this policy fairly to limit appeals and possible escalation to the ombudsman.

## **3. RESPONSIBILITIES**

- 3.1 The Multi Academy Trust Board of Directors is responsible for ensuring that Academies within the MAT have a Complaints Policy and Procedure in place and that there is fairness and constancy across the MAT Academies.
- 3.2 The Local Academy Committee (LGB) is responsible for managing the Complaints policy and to act consistently and fairly when dealing with appeals in relation to complaints.
- 3.3 The Headteacher is responsible for:
  - promoting working arrangements (within this policy) that allow for the full implementation of the Complaints Policy and Procedure, and ensuring that all employees are aware of the policy and related procedures.
  - Complying with legal requirements.

- Acting fairly and consistently in applying the procedure.
  - Keeping staff informed of complaints unless deemed confidential due to the nature of the complaint.
- 3.4 Staff are responsible for ensuring their familiarity with the understanding of the Complaints Policy and Procedure and their role within it, especially in relation to resolving concerns at an early stage.

#### **4. Policy Statement**

- 4.1 The Trust Directors, Governors and staff at each Academy are committed to ensuring that the highest standards are maintained at the Academy both in the provision of education to students and in all aspects of the life of the Academy community.
- 4.2 A complaints procedure is an important part of the management of a well-run Trust and Academy allowing parents, the public and professionals, the opportunity to voice any concerns they may have through appropriate channels.
- 4.3 The Trust & Academy distinguishes between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints. This policy outlines the complaints procedure but the underlying principle is that concerns should be handled, where possible, without the need for formal procedure. In most cases, the individual member of staff delivering the service will receive the first approach and it is helpful if staff are able to resolve the concern at the time.
- 4.4 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 it further.
- 4.5 A complaint may result in disciplinary action by the Academy against a member of staff, which would be confidential between that member of staff and the Academy, but otherwise the complainants should be kept fully informed of the handling of any complaint. Any complaint will be kept confidential unless it is necessary to involve other parties and will be dealt with as quickly as possible.
- 4.6 A written record of all complaints, no matter at what stage they are resolved, must be kept.
- 4.7 Correspondence, statements and records relating to individual complaints must be kept confidential except where the Secretary of State, Ofsted or HMI carrying out an inspection request access to them.
- 4.8 All complaints should be in writing and should be addressed to the Headteacher in the first instance. If any complaint is made to a member of staff it should be referred on to the Headteacher and the complainant should be informed by the member of staff that this will happen.

## **5. Procedure: Introduction**

5.1 There are four stages to the Academy Complaints Procedure

- a) Stage1: Attempt to resolve by/with Senior Leadership
- b) Stage2: Headteacher's Investigation
- c) Stage 3: Referral to Chair of Local Academy Committee (LGB)
- d) Stage 4: Trust Board of Directors - Appeals Hearing

5.2 If the complainant is not satisfied with the outcome of any stage, the matter is considered unresolved and the complaint moves to the next stage of the process.

## **6. Procedure: Stage 1**

6.1 A complaint is made in writing directly to the Headteacher or referred on by a member of staff.

6.2 The Headteacher sets out to resolve the complaints by discussion with relevant Senior Leadership staff, who will precede the meeting by researching the background.

6.3 Part of the resolution may include additional monitoring of a member of staff, department or the student.

6.4 The Senior Leadership member of staff will respond to the complainant with the outcome of their investigation within 10 Academy working days of receipt of the complaint if practicable.

6.5 If the investigation is wide ranging and still on-going, a courtesy letter explaining the on-going nature of the investigation will be sent by the Headteacher within 10 working days, the Headteacher having been informed by the Senior Leader investigating.

6.6 If the complaint is against a member of staff, that member of staff has a right to be given details of the complaint as soon as practically possible and the opportunity to make representation about it.

6.7 Stage 1 may be delegated to a member of the Senior Leadership Team by the Headteacher if the complaint is against a member of staff.

## **7. Procedure: Stage 2**

7.1 If the complainant is not satisfied, they must write to the Headteacher expressing their dissatisfaction with the outcome of Stage 1, giving his/her reasons. The complaint moves to Stage 2.

7.2 The Headteacher will carry out an investigation.

7.3 After investigating, the Headteacher will respond within 10 days of the complainant's written dissatisfaction with the outcome of Stage 1. The Headteacher's letter will outline the outcome of the investigation and the action to be taken.

7.4 If, however, the investigation is wide ranging and on-going, the letter will be a courtesy letter giving the complainant an update and further information about how

long the investigation is expected to take. The letter will also state when next the complainant should expect to hear from the Headteacher, which should not be more than an additional 10 days. This being the case, an additional letter will be sent out within 10 days and will outline the outcome of the investigation and the action to be taken. The Headteacher will usually meet with the complainant to discuss the resolution and way forward to ensure that the situation has been resolved.

## **8. Procedure: Stage 3**

- 8.1 If the complainant is not satisfied, they must write to the Headteacher expressing their dissatisfaction with the outcome of Stage 2, giving his/her reasons. The complaint moves to Stage 3.
- 8.2 The Headteacher will discuss the matter with Trust Executive Principal and may seek advice from the Trust HR/legal support .
- 8.3 The Headteacher, will prepare a presentation for the Chair of the Academy Committee (LGB) which outlines the circumstances of the complaint, includes written statements from staff and/or students, all written communication between the parties in relation to the complaint, any other relevant documentation and an outline of Stages 1 and 2. The report should contain as much relevant detail and as high a level of clarity as possible.
- 8.4 This will be presented to the Chair of the Academy Committee (LGB) by the Headteacher.
- 8.5 The Headteacher will consult the Chair of the Academy Committee (LGB) on the way forward who may offer a solution for consideration. The Headteacher responds within 10 days of the complainant's written dissatisfaction with the outcome of Stage 2 informing them of the proposed solution.
- 8.6 If this solution is not accepted by complainant, then the complaint moves to Stage 4.

## **9. Procedure: Stage 4**

- 9.1 If the complainant is not satisfied with the outcome of Stage 3, they must write to the Clerk (Trust Company Secretary) of the Academy Committee (LGB) requesting that the governors consider a complaint.
- 9.2 The Clerk will request that the Chair nominate a member of the Academy Committee (LGB) to investigate the matter. The Clerk will ensure that the Local Governor who has agreed to investigate the matter has a full copy of the report along with all supporting documentation.
- 9.3 The Local Governor will study the report and documentation, may speak to the parties involved and prepare a written statement of findings. This is submitted to the complainant.
- 9.4 The Complainant is informed of his/her right to refer the matter to the Trust Complaints Panel if not satisfied with the outcome. If the complainant is not satisfied with the outcome of the Local Governor's investigation, he/she must reply to the Local Governor in writing to inform him/her within 10 days of receiving the

Local Governor's written report and requesting that a Hearing of the Trust Complaints Panel take place.

- 9.5 If the complainant requests a Hearing of the Trust Complaints Panel, the Company Secretary will arrange for a Hearing of the Trust Complaints Panel to be convened within 15 Academy days of receipt of the complainant's request. The date of the Hearing will be as soon as practical after the complainant's request is received as is practical to allow for all parties to be informed and prepared.
- 9.6 The Complaints Panel will comprise of at least three people ensuring cross Trust representation. No panel member will have been directly involved in the matters detailed in the complaint. One panel member will be independent of the management and running of the Academy.
- 9.7 To ensure full preparation for the Hearing, the following actions will be taken.
  - a) The Company Secretary will write to Headteacher, the Chair of the Academy Committee (LGB) and the complainant providing details of the Hearing. The complainant must be informed that they have the right to be accompanied by a supporter or a legal representative.
  - b) Upon receipt of the letter and in time for arrangements to be made, the Headteacher and the complainant will inform the Company Secretary of any witnesses that they wish to call to the Hearing.
  - c) The Company Secretary will prepare copies of all documentation for each party who will be present and write to any witnesses whom either party wish to call informing them of the Hearing arrangements.

#### **10. Stage 4: Complaints Panel Hearing**

- 10.1 The original letter of complaint is presented and supported by an oral presentation by the complainant or his/her representative.
- 10.2 The Headteacher who investigated presents a response and outlines the findings of his/her investigation.
- 10.3 The investigating Local Governor presents any additional information found.
- 10.4 The Academy's HR/ legal provides any relevant legal advice.
- 10.5 Each party is given an opportunity to raise questions.
- 10.6 If necessary, the panel will withdraw to consider their findings of fact on the evidence placed before them and agree on their findings and recommendations, which may include measures to redress problems identified. The panel's decision is final.
- 10.7 The Panel's findings and recommendations must be sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. A copy should also be made available to the Headteacher and kept on the academy premises.

## 11. Procedure: Stage 4 – Proceedings in the case of a Complaints Panel Hearing

	Stage 1		Stage 2		Stage 3	Stage 4
Complaint Received						
If the complaint is not received in writing a request for this to be done should be made by the receiver						
	The Headteacher receives the complaint and Senior Leadership member investigates, reports back to the complainant and recommended action is implemented.					
	The complainant accepts the response	Complainant is dissatisfied or the investigation suggests referral to the Headteacher for investigation	The Headteacher investigates, reports back to the complainant and recommended action is implemented		Discussion with Executive Principal of the Trust	
			Suggestion of alternative action to resolve  The action is implemented if the complainant accepts the suggestion	The complainant remains dissatisfied or further evidence suggests that the Executive Principal should become involved	Suggestion of alternative action to resolve  The action is implemented if the complainant accepts the suggestion	Trust Complaints Panel convenes = decision made
Timescales (Day one is the day of receipt of the complaint by the Headteacher)	Feedback to complainant with 10 working days, under straightforward circumstances, or a courtesy letter to complainant in ten working days		Decision conveyed to complainant within a further 10 working days. (Running total 20 working days)		Decision conveyed within 15 working days. (Running total 35 working days)	Meeting takes place within 15 working days from request to convene. Decision conveyed the day after the meeting.

**NB. Should Stage 1 require a wide-ranging extended investigation, the overall timescale may be extended by up to 10 days.**

## **12. Final Review in Exceptional Circumstances**

- 12.1 In exceptional circumstances, the Directors of the Trust will accept a request for a final review of the complaint. This request must be in writing and received within 5 working days of the receipt of the decision from the Complaints Panel and must outline the reasons why a review is considered to be appropriate.
- 12.2 A committee of three directors would review the decision making process of the Complaints Panel and whether it has operated within the policies of the Trust, by scrutinising the evidence that was presented at the Complaints Panel.
- 12.3 This committee would make a decision and inform the complainant in writing within 40 working days of the receipt of the written request. No new evidence will be considered by the review committee.
- 12.4 Possible responses by the Directors at this point would be:
  - a) Acceptance of the decision and process followed by the Academy Committee (LGB) in full;
  - b) Acceptance of decision with recommendations for future Complaints Panel;
  - c) A request to repeat Stage 4, although this is in no way a challenge to the decision.
- 12.5 Should the Trust Directors confirm the original decision, no further review will be accepted.

## **13. The Role of the EFA**

If a complaint is received by the EFA they will check whether the complainant has been dealt with properly by the Trust and academy. The EFA will consider complaints about academies that fall in any of the following three areas:

1. Where there is undue delay or the academy Trust/academy did not comply with the complaints procedure when considering a complaint
2. Where the Trust/academy is in breach of its funding agreement with the Secretary of State
3. Where the Trust/academy has failed to comply with any other legal obligation.

The EFA will not overturn the Trust/academy decision about a complaint. However, if it is found that the Trust/academy did not deal with a complaint properly the EFA will request that the complaint is looked at again and procedures meet the requirements set out in the Regulations.

If the Trust/academy complaints procedure does not meet the regulations, the EFA will ask the Trust/academy to put this right. The EFA may seek to enforce the decision under the terms of the funding agreement on behalf of the Secretary of State, if appropriate.

## Appendix A. Checklist

<b>Checklist for Panel Hearing:</b>	
	The Hearing is as informal as possible
	Witnesses are only required to attend for the part of the hearing in which they give their evidence
	After introductions, the complainant is invited to explain their complaint and be followed by their witnesses
	The Principal may question both the complainant and the witnesses after each has spoken
	The Principal is then invited to explain the Academy's actions and be followed by the Academy's witnesses
	The complainant may question both the Principal and the witnesses after each has spoken
	The panel may ask questions at any point
	The complainant is then invited to sum up their complaint
	The Principal is then invited to sum up the Academy's actions and response to the complaint
	Both parties leave together while the panel decides on this issues
	The Chair explains that both parties will hear the panel within a set timescale

**Appendix C: Complaint Form**  
**SEAX TRUST COMPLAINT FORM**

Please complete and return to the Company Secretary (Complaints Co-ordinator) who will acknowledge receipt and explain the complaints process.

**Your Name** .....

**Pupil's Name** .....

**Your Relationship with Pupil (if relevant)** .....

**Address** .....

.....

**Telephone Number (day)** .....

**Telephone Number (evening)** .....

**Please give brief details of your complaint** .....

.....

.....

.....

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

.....

.....

.....

.....

.....

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

.....

.....

.....  
.....

**Are you attaching any paperwork? If so, please give details:**

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

**Signature .....** (Complainant)

**Date .....**

## **Appendix D: Policy on Unacceptable Behaviour**

The Board of Governors recognises that it is the last resort for complainants. They also have a duty to ensure the safety and welfare of pupils, parents and staff.

The Board of Governors is committed to dealing with all complaints fairly and impartially and to providing a high quality service to those who make them. As part of this service it would normally limit the contact complainants have. However, the Board of Governors does not expect the Academy's staff to tolerate behaviour by complainants which is unacceptable, for example, which is abusive, offensive, or threatening, and it will take action to protect staff from that behaviour. This applies to unacceptable behaviour on any part of the school premises, including the yard.

If the Principal considers that a complainant's behaviour is unacceptable, the complainant will be told why their behaviour is deemed to be unreasonable and will be asked to change it. If the unacceptable behaviour continues, the Principal will take action to restrict the complainant's contact with the Academy.

### **Unacceptable Actions and Behaviours**

These are some of the actions and behaviours of unreasonable and unreasonably persistent complainants which the Academy often finds problematic. It is by no means an exhaustive list and local factors may vary, but these are examples that frequently come to our attention:

- Foul and abusive language towards staff, other parents and pupils
- Behaviour that staff consider to be harassing and intimidating, including in person, over the telephone, through social media sites or any other type of communication
- Undermining School Policies by actively encouraging pupils to ignore staff requests
- Making unnecessarily excessive demands on the time and resources of staff by, for example, excessive telephoning or sending emails to numerous staff, writing lengthy, complex letters every few days and expecting immediate responses
- Combinations of some or all of these

The decision to restrict access to our Academy will be taken by the Principal. Any restrictions imposed will be appropriate and proportionate. The options most likely to be considered are:

- Requesting contact in a particular form (for example, letters only)
- Requiring contact to take place with a named member of staff
- Restricting telephone calls to specified days and times and/or
- 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, what action we are taking and the duration of that action.

Where a complainant continues to behave in a way which is unacceptable, we may decide to terminate contact with that complainant and discontinue any investigation into their complaint. However, the Board of Governors will seek to limit any detriment to any pupils who attend the Academy as far as reasonable within these circumstances eg access to parents evenings, newsletters and any other correspondence.

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