

Complaints Policy

Policy type	Statutory
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Review cycle	EVERY TWO YEARS Policies will be reviewed in line with DEMAT's internal policy schedule and/or updated when new legislation comes into force
Description of changes	This is a reshaping of an existing policy bringing in: - The role of Hub Directors - The revised approach to be taken relating to Stage 2 Complaints focussing on the adequacy of the complaint investigation undertaken - A web-based reporting form

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1. Application of this policy

The policy is applicable to all complaints received by DEMAT academies as defined under this policy, except for as set out below (which are covered by their own policy or framework):

- Matters that are the responsibility of the Local Authority such as pupil admissions and home to school transport;
- Statutory assessment of Special Educational Needs;
- Matters likely to require a Child Protection Investigation (handled under our Child Protection and Safeguarding policy and in line with statutory guidance);
- Exclusion of pupils from school;
- The National Curriculum and related matters, including Religious Education;
- Whistleblowing (handled under our Whistleblowing Policy for all employees, including temporary staff and contractors);
- Staff grievances (handled under our Grievance Policy);
- Complaints about the services provided by other providers who may use school premises or facilities (providers should have their own complaints procedure to deal with this);
- Any staff conduct complaints will be considered under DEMAT's staff disciplinary procedures. Where these are relevant in part to complaints under this policy, outcomes will not be shared with complainants;
- Complaints which relate to an unaffiliated Nursery setting, where parents/carers are not satisfied that their child is receiving the free entitlement correctly (as set out in the funding agreement and in Early Education and Childcare Statutory Guidance for Local Authorities), a complaint can be submitted directly to the head teacher and/or the Local Authority Early Years Funding Team.

2. Relationship with DEMAT Values

The policy must be always applied in a way that reflects the values of DEMAT and its Christian Ethos:

Vision

To Learn. To Know. To Lead Out.

“I can do all things through Christ who strengthens me” (Philippians 4:13)

Values

Love – We engender love and tolerance between and for our staff, pupils, and others to foster an inspiring atmosphere of mutual support.

Community – We are committed to ensuring our academies are a living part of the community and contribute positively to its needs.

Trust – We acknowledge accountability and responsibility for our actions and ensure that we encourage each other to make brave decisions and then learn from any mistakes.

Ambition – We are determined that our academies offer a place for the joy of learning, enabling those of all abilities to thrive and go on to lead rewarding lives.

Respect – We do everything to provide a caring, safe, and secure place for our staff and pupils to be happy and respected in our academies so they may achieve their potential.

3. Associated Policies and documents

DEMAT Policy for managing serial and unreasonable complaints & communications.

4. Definitions

Complainant	Applies to an individual stakeholder. Complainant may also be interpreted to encompass stakeholders, who may not be seeking to make formal complaints but whose communications and/behaviour falls under categories defined in the Implementation section of this policy
Hub Directors	Line Managers of DEMAT Head Teachers in which capacity it is appropriate for them to handle stage 2 complaints. The Hub Director may delegate the handling of specific complaints to the Chair of Governors.
LGB	Local Governing Body of an individual Academy within the Trust.
Unreasonable behaviour	Behaviour which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the Academy, such as, if the complainant: • refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance; • refuses to co-operate with the complaints investigation process; • refuses to accept that certain issues are not within the scope of the complaints procedure; • insists on the complaint being dealt with in ways that are incompatible with the complaints procedure or with good practice; • introduces trivial or irrelevant information, which they expect to be taken into account and commented on; • raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales; • makes unjustified complaints about staff who are trying to deal with the issues and seeks to have them replaced; • changes the basis of the complaint as the investigation proceeds; • repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);

	• refuses to accept the findings of the investigation into that complaint where the Academy's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education or the Education Funding Agency; • seeks an unrealistic outcome; • makes excessive demands on Academy staff time by frequent, lengthy, and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with; • publishes unacceptable information on social media or other public forums. A complaint may also be considered unreasonable if the person making the complaint acts in a manner which is: • Malicious • Aggressive • Threatening, intimidating, or violent • Made using abusive, offensive or discriminatory language • Made knowing the complaint to be false • Made using falsified information • Otherwise made using conduct, which is intended to intimidate, harass or is otherwise similarly inappropriate
Trust	Diocese of Ely Multi-Academy Trust (DEMAT), which consists of all academy staff, governors, central team, executives and trustees.

5. Legislation

Academies are required to have a complaints procedures in place meeting the requirements of Part 7 of the Education (Independent School Standards England) Regulations 2014 which includes making the procedure available to parents or carers of pupils and parents of prospective pupils.

6. Overview

DEMAT is committed to ensuring that the highest standards are maintained, both in the provision of education to students and in every other aspect of the running of all its academies.

DEMAT accepts that the actions of those individuals who work in the school will and should be open to comment, question and, on occasions, criticism. It aims to deal positively with all complaints and the procedure set out below allows complainants and others the opportunity to voice any concerns they may have through appropriate channels.

This policy sets out the procedure which has been adopted by the Trust to ensure a timely, systematic, and fair approach to the resolution of such concerns.

7. Procedure

Principles

The approach to complaint management is underpinned by the following principles:

- 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 about actions taken or a lack of action'*. It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage;
- Many issues can be resolved informally and without the need to use the formal stages of the complaints procedures;
- Concerns and complaints will be considered and resolved as quickly and as efficiently as possible;
- The resolution of concerns and complaints will normally only be considered by those with a direct interest in the matter. They will be dealt with by the member of staff best suited to deal with the matter;
- If the concern or complaint is about an individual member of staff, they have a right to know the substance and source of any allegation made against them unless there are exceptional reasons for not doing so (e.g. safety considerations);
- Concerns and complaints will be dealt with having due regard for confidentiality and the security of any records in line with current data protection policy and guidance;
- It is recognised that people feel passionately about education and may express complaints in robust terms. However, where a complainant acts in an aggressive, abusive, vexatious, or otherwise unreasonable manner, the Trust may decline to further investigate a complaint. In this case, you should refer to the "Managing Serial and Unreasonable Complaints and Communication Policy";
- For complaints against DEMAT Central Team staff, this policy will apply, substituting an Officer's line manager for Hub Director at Stage 2.
- Complaints will be dealt with in line with any relevant national legislation and statutory obligations.

Anonymous Complaints

Anonymous complaints will not normally be investigated. However, the person tasked with receiving the complaint, will determine whether the complaint warrants an investigation.

Timescales for considering complaints

Complaints must be raised within **three months** of the incident occurring or, where a series of associated incidents have occurred, within three months of the last of these incidents. Complaints made outside of this time frame may be considered in exceptional circumstances.

Complaints made outside of term time will be considered to have been received on the first academy school day after the holiday period.

If other bodies are investigating aspects of the complaint (e.g. the police, local authority (LA) safeguarding teams or Tribunals), this may impact on the Trust's ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

Time Limits for responding to complaints

All complaints will be considered, and resolved, as quickly and efficiently as possible and as far as possible within the time limits for each action within each stage. However, where further investigations are necessary, new time limits may need to be set to enable the complaint to be effectively considered, in which case the complainant will be sent details of the new deadline and an explanation for the delay.

In exceptional circumstances, such as the full or part closure of schools or other disruption, time scales related to responses to formal complaints in this policy may be extended. In such circumstances, new timescales should be communicated to the complainant.

Implementation

DEMAT has a four-stage process for dealing with concerns and complaints.

The four stages are:

Informal - – concern heard by a member of staff (informal).

Stage 1 - complaint heard by the Headteacher, unless about the Headteacher when it is heard by the Hub Director (complaint that is put in writing).

Stage 2 – complaint response reviewed by Hub Director or by Director of Education, if Stage 1 was heard by the Hub Director

Stage 3 – complaint heard by a separately convened Complaint Appeal Panel.

Informal

A concern can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so.

Concerns should be raised with the appropriate member of staff, most likely the class teacher or member of the Senior Leadership Team.

Academy staff will work to informally resolve a concern at the earliest possible opportunity by way of a discussion(s) between the complainant and the appropriate member of staff.

If a concerned party has difficulty discussing a concern with a particular member of staff, their views will be respected. In these cases, the Headteacher will refer them to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, another member of staff will be asked to liaise. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

Where a member of staff is dealing with a complaint informally, they should record details of the complaint, agreed actions and timescales, and check the complainant feels the matter is resolved.

Stage One

If the complainant is dissatisfied with the response provided in relation to their concern then they may initiate Stage One of the complaints process by writing to the Headteacher setting out the detail of their complaint (or Director of Education if the informal concern was about the Headteacher and raised to the Hub Director).

The Stage One request must be made within **10 school days** of the informal response from the academy.

The Headteacher will respond in writing within **10 school days** of the receipt of the Stage One request.

Stage Two

If the complainant feels that their complaint has not been resolved, the next step is to request a Stage Two review.

Complaints should be submitted in writing via the link below within **10 school days** of the receipt of the Stage One letter:

https://docs.google.com/forms/d/1KOKbnqfD7f8Zk7jXCqfS7d-Aw_pyqGG5sOEtOv8j6mM

Where the Complainant is not able to do this, complaints can be submitted to the DEMAT Complaints mailbox (complaints@demat.org.uk).

If the complaint is about the Headteacher, the complaint should be addressed to the Hub Director, and submitted to DEMAT via the link above. For the purpose of this Policy, a complaint against the Headteacher is considered to be an expression of dissatisfaction about actions taken or a lack of action taken by the Headteacher concerning a particular matter. It is not considered to be against the Headteacher where it relates to the proper application of the operational procedures of the school.

The Governance Team at DEMAT, will acknowledge the receipt of the complaint within **2 school days**.

To enable the school to fully investigate, the complaint notification should include:

- the name and date of birth of the relevant pupil(s);
- the name and contact details of the complainant(s);

- a brief summary of the complaint, including key times and dates and any witnesses to any specific incident(s);
- any steps already taken to attempt to resolve the complaint;
- any suggested steps to resolve the complaint / desired outcomes.

Where the complaint relates to the dissatisfaction of the complainant into the outcome of the investigation carried out by the Headteacher, the Hub Director will only review the adequacy of the investigation carried out by the Headteacher as part of the Stage 2 Complaint response. They will not therefore repeat the investigation.

Outcome

A formal written response setting out the complaint, the findings of the investigation, and any appropriate steps to resolve the complaint will be sent to the complainant within **10 school days** of the receipt of the stage 2 complaint.

The response will also detail the complainant's ability to request a panel hearing should they remain dissatisfied.

Stage 3

If the complainant remains dissatisfied with previous attempts to resolve the complaint, they may request a panel hearing of their complaint.

The request must be made in writing by the complainant within **10 school days** of notification of the outcome of the formal investigation and sent to: complaints@demat.org.uk or Head of Governance, Grace Building, 8 High Street, Ely, Cambridgeshire, CB7 4JU

Convening a Panel

Upon receipt of a request, the Trust will acknowledge the receipt and convene a panel hearing on behalf of the Academy within **20 school days**. The complainant should be notified of the hearing time, date, and location at least **5 school days** before the hearing. This may be a private in-person meeting or 'virtually' if circumstances require. The complainant must be invited to attend the panel meeting, and can, if they so wish, be accompanied by a relative or friend when attending the panel, but not by legal representatives.

The academy will ensure that the venue is accessible.

If the complainant rejects the offer of **three proposed dates** without good reason, the Chair will decide when to hold the meeting; it will then proceed using written submissions from both parties if the complainant cannot make the date.

Whilst it is necessary to resolve complaints as quickly and efficiently as possible, there is no requirement to hear a complaint over school holidays. It is likely a reasonable position would be that any complaints made at the end of term should be postponed until the start of the next term, so that staff are available to engage in the process.

Panel Membership

The panel will be appointed by or on behalf of the Academy and consist of at least three people who were not directly involved in the matters detailed in the complaint, this may include a governor from the Academy named in the complaint who does not have prior involvement in the complaint.

The Trust will ensure that one panel member is independent of the management and running of the Academy.

Information provided to the Panel

The Complaints Panel will not accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The Complaints Panel will also not review any new issues at this stage or allow evidence unrelated to the initial complaint to be included. New issues must be raised in line with this policy.

Panel Outcome

The Complaints Panel will aim to reach an outcome in respect of the complaint (i.e. upheld, partially upheld, not upheld, unable to substantiate). The panel will also decide and agree on any appropriate action to be taken as a result of the complaint and make recommendations to change processes/procedures to ensure problems of a similar nature do not recur.

Any disciplinary outcome of any investigation into the conduct of a member of staff is a confidential matter between the member of staff and the Senior Leadership /Governors of the Academy and will not be disclosed to the complainant.

The panel will consider the complaint and any evidence it considers relevant and report its findings and recommendations. A copy of those findings and recommendations will be provided within **10 school days** of the panel hearing to: the complainant; the Trust; the Headteacher; and where relevant the person complained about.

The report of the panel hearing is final, and no appeal is possible on the substance of the complaint.

The Panel Hearing procedure is set out at Appendix 1.

Following Conclusion of Complaints Procedure

Should a complainant remain dissatisfied following a Stage 3 complaint, they will be advised of their right to escalate their complaint to the following bodies:

- *Department for Education*

If a complainant feels that the school has or is proposing to act unreasonably, or has failed to discharge a duty under certain legislation, they can contact the Department for Education via the following link:

[Contact the Department for Education - Contact type - DFE Online Forms](#)

- *Education & Skills Funding Agency*

If a complaint comes to the ESFA they will check whether the complaint has been dealt with properly by the Academy. They will consider complaints about Academies that fall into any of the following three areas:

- Where there is undue delay or the Academy did not comply with its own complaints procedure when considering a complaint;
- Where the Academy is in breach of its funding agreement with the Secretary of State;
- Where an Academy has failed to comply with any other legal obligation.

They will not overturn the outcome of the Academy's complaint process. However, if they find an Academy did not deal with a complaint properly, they will request the complaint is looked at again and procedures meet the requirements set out in the Regulations. If the Academy's complaints procedure does not meet the Regulations, they will ask the Academy to put this right. They may seek to enforce the decision under the terms of the funding agreement on behalf of the Secretary of State, if appropriate.

Other Information

SEND complaints

Specific guidance relating to SEND complaints is set out at Appendix 2.

Confidentiality

All correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008 requests access to them.

Record Keeping

A written record will be kept of all complaints that were resolved at the formal stage of the Complaints Procedure. The Trust reserves the right to record meetings. Records will contain details of whether the complaint was resolved at **stage 2** or **stage 3**.

The action taken by the Academy or the Trust as a result of a complaint (regardless of whether they are upheld) will also be recorded.

Other

DEMAT academies will:

- request confirmation in writing if a complainant decides to withdraw their formal complaint.;
- deal with complaints from people who are not parents of attending pupils in the same way by applying the process outlined above;
- consider if staff likely to be involved in handling a complaint are suitably trained and supported to do so;
- provide a copy of the findings and recommendations to the complainant and, where relevant, the person complained about;
- ensure that records of all complaints, findings and recommendations are available for inspection on the school premises by the Headteacher and / or officers of the Trust as appropriate;
- clearly signpost complainants that are not satisfied with the handling of their complaint to the ESFA;
- not tolerate abusive language or behaviour at any time and reserve the right to postpone the process should it feel that the welfare of staff, pupils and / or governors is at significant risk;
- consider whether to suspend the complaints procedure if a complainant commences legal action against the Trust in relation to their complaint, until those legal proceedings have concluded.

The implementation and adherence to this procedure should reduce the number of complaints that become protracted or vexatious. If a complainant tries to reopen the same issue, the Hub Director or Chair of the Governing Body will write to the complainant explaining that the complaint has been through all stages of the procedure, is now exhausted and the matter is now closed. Any further attempt to reopen the issue will be dealt with under the Serial and Unreasonable Complaints Policy.

This policy is published on the Trust and Academy website and is available from the Main School Office on request.

8. Legal duties under the Equality Act 2010

The Equality Act 2010 prohibits discrimination against an individual based on the protected characteristics, which include, sex, race, religion or belief, and gender reassignment.

It is not considered that provisions of this policy would create the risk of discrimination as contemplated under this Act.

Panel Hearing Procedure

1. *Panel remit*

The panel should aim to:

- Uphold or dismiss the complaint, either in whole or in part;
- Decide on how the complaint should be resolved (if upheld);
- Recommend changes to the school's systems to prevent similar issues in future (sometimes there won't be enough information for the panel to make a judgement on the specific complaint, and recommendations for the future are all that will be possible)

The DfE recommends that the panel considers every aspect of the complaint, not just how the complaint was handled by the school in earlier stages. If the complaint is escalated to the DfE, it will consider how the school handled the complaint overall.

2. *Panel membership*

The panel will be appointed by or on behalf of the Academy and consist of at least three people who were not directly involved in the matters detailed in the complaint. The Trust will ensure that one panel member is independent of the management and running of the school.

3. *At the hearing*

Although this is a formal meeting, every effort should be made to make it as informal as possible for all concerned. Consideration should be given to the seating arrangements to make everyone feel equal and comfortable. A clerk or Trust Central Team officer may attend to take notes but will take no formal part in the meeting. The chair of the panel should open the meeting stating the purpose and the format of the meeting to clarify this to all in attendance. People present should introduce themselves stating their reason for being at the meeting.

The chair of the panel should request a short verbal statement from the complainant in support of their written letter of complaint and they feel the issue has not been resolved. The panel members can ask questions to make sure they understand the issue from the complainant's point of view.

The chair of the panel should request a short verbal statement from the Headteacher, Hub Director or Chair of Governors in support of their written account of the complaint and the steps taken to resolve the issue. The panel members can ask questions to make sure they understand the issue from the Headteacher, Hub Director's or Chair of Governor's point of view.

The members of the panel should make sure they fully understand the issues and ask any further questions to clarify any points that are still not clear to them.

The chair of the panel must ask the complainant and the Headteacher, Hub Director or Chair of Governors if they are satisfied that they have provided all relevant information and if they feel they have had a fair hearing. When the panel members understand all the issues, the chair will close the hearing.

4. *After the hearing*

The panel members will discuss the issues in private and, with the assistance of the clerk or Trust note-taker, produce a written report of findings and recommendations. A copy of the findings and recommendations will be provided within 10 school days of the panel hearing to: The complainant; the Trust; the Headteacher; and where the person complained about.

SEND Complaints Procedure

Special Educational Needs (SEN)

If a parent or carer wishes to complain about a school's SEN support, they should do so while their child is still registered at the school. This includes complaints that the school has not provided the support required by your child's SEN Education, Health and Care Plan (EHCP).

Make a Complaint Relating to SEN

In order to make a complaint in this regard, the following steps are available. If a complaint is not resolved, complainants may wish to escalate to the next step.

2. Talk to the Academy's Special Educational Needs Co-ordinator (SENCO);
3. Follow the DEMAT Complaints Policy;
4. Complain to their local authority if their child has an EHCP:
5. Complain to the Education Funding Agency instead of the local authority if both the following apply:
 - the school is an academy or free school;
 - your complaint is not about an SEN statement, or an EHC Plan.

There is a different process if complainants disagree with a decision your local authority has made about an EHCP. This can be found on each local authority's local offer website.

Disability Discrimination

If it is felt that the school has discriminated against someone because of their disability, the DEMAT Complaints Policy should be followed.

If this does not resolve the complaint, or the complainant does not want to complain to the school first, they may be able to complain to the Special Educational Needs and Disability (SEND) Tribunal.

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

For further information on the Special Educational Needs and Disability Tribunal process contact:

sendistqueries@justice.gov.uk

Free help and advice for complainants can also be accessed via:

- Independent Parental Special Education Advice (<https://www.ipsea.org.uk/what-are-special-educational-needs>)
- your local Parent Partnership Service through the Information, Advice and Support Services (IASS) Network iassn@ncb.org.uk