



# Elm Tree Multi Academy Trust

## Complaints Policy

September 2022

<u>Approval and Review</u>	
<b>This Policy is reviewed in discussion with staff and governors.</b>	
<b>Effective from:</b>	September 2022
<b>Approved by:</b>	NLS Governing Body
<b>Review date:</b>	July 2025
<b>Review leader:</b>	Head Teacher

## **Procedure for dealing with complaints – Elm Tree Multi Academy Trust**

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the Academy Trust or school can be crucial in determining whether the complaint will escalate. To this end all staff and trustees are aware of the procedure to be followed if a complaint is raised. Also, whilst not wishing to encourage complaints, complainants should note that they have a duty to raise a matter as soon as conveniently possible. It can then be investigated more effectively whilst information is fresh in the minds of all parties.

The Academy Trust operates a 4 stage complaints procedure for parents. If the complaint concerns the conduct of the Head Teacher it will be dealt with in accordance with Stage 3 and directed to the Chair of Trustees.

For complaints or concerns for persons other than parents of registered pupils in the Academy Trust, the amended procedure in Annex 1 will apply.

The staff and trustees will treat all complaints seriously and take appropriate action to try and resolve these complaints or concerns. On occasions this is not possible. Where a person continues to raise complaints or concerns despite the Academy Trust having attempted to resolve the matter, the vexatious or unreasonable conduct procedure will be applied as set out in Annex 2.

### **Stage 1: Initial Concern or Complaint**

In the first instance, it is hoped that the complainant will be able to discuss the issue with the member of staff concerned.

The Academy Trust will respect the views of a complainant who indicates that he/she would have difficulty discussing the complaint with a particular member of staff. In these cases, the complainant should refer the complaint to the Head Teacher, who may refer it to another member of staff to investigate.

Similarly, if the member of staff directly involved feels too compromised to deal with the complaint, the complaint will be referred to another member of staff via the Head Teacher. The member of staff will consider the complaint objectively and impartially.

If the first approach is made to a trustee, they will refer the issue and the complainant to the appropriate person and advise the complainant of the procedure. Trustees will not act unilaterally outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the process.

The complainant will receive a verbal or written response to the concern or complaint raised from the member of staff involved within 5 school days.

## **Stage 2: Complaint heard by the Head Teacher**

The complainant may be dissatisfied with the way the complaint was handled at Stage 1, and/or wish to pursue their initial complaint. If so, the complainant should submit the complaint in writing, to the Head Teacher, within 10 school days of Stage 1 being concluded.

If the complaint was dealt with by the Head Teacher at stage 1 then the complainant should submit a formal complaint to the chair of Governors within 10 school days of receiving the outcome from stage 1.

The Head Teacher may delegate the task of collating information concerning the complaint to another staff member, but not the decision, nor the action to be taken. The Head Teacher may meet with the complainant and hear the complaint. The Head Teacher will investigate and make every effort to resolve the issue. Following the investigation, the Head Teacher will write to the complainant summarising the outcome reached and the process for appeal.

The complainants will be informed of the outcome of the investigation within 10 school days of the meeting with the Head Teacher or conclusion of the investigation, whichever is the later.

## **Stage 3: Complaint heard by the Chair of Trustees**

If the complaint cannot be resolved at Stage 2 the complainant may take their complaint to the Chair of Trustees.

The complainant will need to write to the Chair of Trustees, care of the Academy Trust, within 10 school days of the date of the letter notifying them of the outcome of Stage 2. The complainant should provide a copy of the written complaint, a copy of the Head Teacher's letter concluding Stage 2 and give details in writing of why they are not satisfied with the outcome.

As part of the investigation, the chair may meet with the complainant and Head Teacher to order to try and resolve the issue. The chair will write to the complainant at the conclusion of his/her investigation with the outcome reached and the process for appeal. The complaint will move on to Stage 4 if the complainant remains dissatisfied by the outcome.

Complainants will be informed of the outcome of the investigation within 10 school days of the meeting with the Chair of Trustees or conclusion of the investigation, whichever event is the later.

## **Stage 4: Complaint heard by the Academy Trust Board Complaints Appeal Panel**

The complainant needs to write to the Chair of Trustees within 10 school days of the date of the letter notifying them of the outcome of Stage 3, notifying that they wish their complaint to be heard by the complaints appeal panel. The chair, or a nominated governor, will convene an Academy Trust Board complaints appeal panel.

The appeal panel hearing is the last Academy Trust based stage of the complaints process and is not convened to merely rubber stamp previous decisions. Individual complaints will not be heard by the whole Academy Trust Board at any stage as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

The Academy Trust Board will nominate 3 people to have delegated powers to hear the complaint at this stage. Two of the panel members will be Trustees and the third will be a person who is independent from the management and operation of the Academy Trust. All panel members will have no previous knowledge of the complaint. The panel will choose their own chair.

The remit of the Complaints Appeal Panel is to:

- 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 Trust's systems or procedures to ensure that problems of a similar nature do not recur.

The Complainant (and their representative) will be invited to attend a meeting of the panel.

The meeting will take place within 20 school days of receipt of the complaint. If no dates within this timescale are convenient to the complainant, the panel may meet outside this period.

The complainant will be notified in writing of the panel's decision, usually within 5 school days. The letter will include any findings and recommendations made by the panel. The letter will also be shared with the person complained about. The letter will confirm the end of the Academy Trust's involvement with the complaint and explain any further rights of appeal. The complainant should be advised that the local authority has no role unless the complaint relates to a service provided by the local authority.

If the complainant remains dissatisfied, they may contact the Education & Skills Funding Agency:

<https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy>

### **General and Monitoring**

A record will be kept of all written formal complaints, including at what stage they were resolved and action taken by the Academy Trust as a result of those complaints regardless of whether they were upheld. This record will be monitored on an annual basis as part of the

review of the complaints procedure. Correspondence, statements and records relating to individual complaints will be kept confidential except where access is requested by the Secretary of State or where disclosure is required in the course of a school inspection or under other legal authority. The Academy Trust will make the findings and recommendations of the panel available for inspection by the trust and the head teacher.

**Please Note** - Timescales refer to 'school days'. These are days when the school is open and staff and pupils are required to attend. If a written complaint is received during a school holiday period or when the school is otherwise closed, the complaint will be acknowledged in writing at the first practicable opportunity and the complaint will be progressed in accordance with this policy within 5 school days from the school re-opens.

### **Annex 1 – complaints by persons other than parents**

The main body of the complaints policy applies solely to complaints made by parents or carers of pupils in the Academy Trust. The Academy Trust wishes to work closely with other members of the local community and will deal with concerns and complaints as follows:

1. A concern regarding the Academy Trust and/or its operations may be made to any member of staff. That member of staff will attempt to resolve the matter immediately or may, if appropriate, refer the matter to their line manager or member of SLT who is best placed to deal with the concern. It is expected that most concerns will be responded to orally or in writing within 5 school days. If a longer period is required, you will be kept informed of the progress of the investigation.
2. Where a concern is not resolved at stage 1, a formal complaint should be sent to the Head Teacher to investigate. The Head Teacher may delegate the task of investigation and/or responding to the complaint to a member of SLT. A formal response to the complaint will usually be provided within 10 school days of receipt of the letter of complaint although if a longer period is required to respond, you will be kept updated.
3. If you are not satisfied with the response at stage 2, you may request a review by writing to the Chair of Trustees. You should write to the Chair within 10 school days of receipt of the letter at stage 2. The Chair may consider the complaint alone or may convene a complaint appeal panel on the same terms as set out in the main body of the complaints policy. The decision at this stage will usually be sent to you within 20 school days of receipt of the request for a review.

The decision at stage 3 exhausts the Academy Trust's complaint procedure.

### **Annex 2 – vexatious and/or unreasonable complaints**

1. Parents/carers/members of the public who raise either informal concerns or formal complaints with the Academy Trust can expect the Academy Trust to:
  - a. regularly communicate to parents/carers in writing - (i) how and when problems can be raised with the Academy Trust; (ii) the existence of the

Academy Trust's complaints procedure including the procedures around unreasonable behaviour;

- b. respond within a reasonable time;
  - c. be available for consultation within reasonable time limits bearing in mind the needs of the pupils within the Academy Trust and the nature of the complaint;
  - d. respond with courtesy and respect;
  - e. attempt to resolve problems using reasonable means in line with the Academy Trust's complaints procedure, other policies and practice and keep complainants informed of progress towards a resolution of the issues raised.
2. The Academy Trust can expect parents/carers/members of the public who wish to raise problems with the Academy Trust to:
- a. treat all Academy Trust staff with courtesy and respect;
  - b. respect the needs and well-being of pupils and staff in the Academy Trust;
  - c. avoid any use, or threatened use, of violence to people or property;
  - d. avoid any aggression or verbal abuse;
  - e. recognise the time constraints under which members of staff in Academy Trust's work and allow the Academy Trust a reasonable time to respond;
  - f. recognise that resolving a specific problem can sometimes take some time;
  - g. (in the case of a complaint) follow the Academy Trust's Complaints Procedure.
3. For the purpose of this policy, a persistent complainant is a parent/carer or member of the public who complains about issues, either formally or informally, or frequently raises issues that the complainant considers to be within the remit of the Academy Trust, and whose behaviour is unreasonable. Such behaviour may be characterised by:
- a. actions which are obsessive, persistent, harassing, prolific, repetitious;
  - b. prolific correspondence or excessive e-mail or telephone contact about a concern or complaint;
  - c. uses Freedom of Information requests excessively and unreasonably;
  - d. an insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes;

- e. an insistence upon pursuing complaints in an unreasonable manner;
  - f. an insistence on only dealing with the Head Teacher on all occasions irrespective of the issue and the level of delegation in the Academy Trust to deal with such matters;
  - g. an insistence upon repeatedly pursuing a complaint when the outcome is not satisfactory to the complainant but cannot be changed, for example, if the desired outcome is beyond the remit of the Academy Trust because it is unlawful.
4. For the purpose of this policy, harassment is the unreasonable pursuit of such actions as in (a) to (g) above in such a way that they:
- a. appear to be targeted over a significant period of time on one or more members of Academy Trust staff and/or
  - b. cause ongoing distress to individual member(s) of Academy Trust staff and/or
  - c. have a significant adverse effect on the whole/parts of the Academy Trust community and/or
  - d. are pursued in a manner which can be perceived as intimidating and oppressive by the recipient. This could include situations where persistent demands and criticisms, whilst not particularly taxing or serious when viewed in isolation, have a cumulative effect over time of undermining confidence, wellbeing and health.

#### THE ACADEMY TRUST'S ACTIONS IN CASES OF PERSISTENT OR VEXATIOUS COMPLAINTS OR HARASSMENT

In the first instance the Academy Trust will verbally inform the complainant that his / her behaviour is considered to be becoming unreasonable / unacceptable and, if it is not modified, action may be taken in accordance with this policy. This will be confirmed in writing.

If the behaviour is not modified the Academy Trust will take some or all of the following actions as necessary, having regard to the nature of the complainant's behaviour and the effect of this on the Academy Trust community:

- inform the complainant in writing that his/her behaviour is now considered by the Academy Trust to be unreasonable/unacceptable and therefore, to fall under the terms of this policy;
- inform the complainant that all meetings with a member of staff will be conducted with a second person present and that notes of meetings may be taken in the interests of all parties;

- inform the complainant that, except in emergencies, all routine communication with the complainant to the Academy Trust should be by letter only;
- (in the case of physical, or verbal aggression) take advice from HR / Legal Services and consider warning the complainant about being banned from the Academy Trust site; or proceed straight to a temporary ban;
- consider taking advice on pursuing a case under Anti-Harassment legislation;
- consider putting in place a specific procedure for dealing with complaints from the complainant, i.e. the complainant will not be able to deal directly with the Head Teacher but only with a third person to be identified by the Academy Trust Board, who will investigate, determine whether or not the concern / complaint is reasonable or vexatious and then advise the Head Teacher accordingly.

Please note - legitimate new complaints may still be considered even if the person making them is, or has been, subject to the Policy for Dealing with Persistent or Vexatious Complaints and/or Harassment in Schools.

If a complainant's persistent complaining/harassing behaviour is modified and is then resumed at a later date within a reasonable period of time, the Academy Trust may resume the process identified above at an appropriate level. In these circumstances advice may be sought from HR/Legal Services.