

## Complaints Policy

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## Related Policies and Documents

- Serial and Unreasonable Complaints Policy
- Equality and Diversity (see DEMAT statement)
- DEMAT Data Protection Policies

## Definitions

- Where the word 'Trust' is used in this document it refers to the Diocese of Ely Multi-Academy Trust, which consists of all school staff, governors, central team, executive and trustees.
- Where the word 'Governing Body' is used it refers to the Local Governing Body of an individual Academy within the Trust.
- Where an Academy does not have a Full Governing Body, members of the Trust Central Team may undertake duties attributed to governors in this policy.
- 'Complainant' applies to an individual stakeholder, as complaints from groups of stakeholders will be approached separately.

## Data Protection

Unless stated elsewhere in this policy the data gathered during this management process is processed in line with our Data Protection Policy which can be found on the Trust's website <http://demat.org.uk/gdpr/>

Any data gathered during this process will be held in line with our Records Retention Policy which can be found on the Trust's website <http://demat.org.uk/gdpr/>

If you have any questions about the way your data has been gathered or will be retained, please contact the DEMAT Trust Data Protection Officer at [dpo@demat.org.uk](mailto:dpo@demat.org.uk)

## Policy Statement and Objectives

This Policy and the procedures for its implementation aim to clarify and promote a consistent and transparent approach to the way in which concerns and complaints are managed. It aims to do so in a way which is clear and concise.

## Introduction

Academies are required to have a complaints procedure meeting to certain requirements by the Education (Independent School Standards England) Regulations 2014 Part 7 and to make the procedure available to parents of pupils and parents of prospective pupils.

The Trust 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.

The Trust 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 Complaints Procedure allows parents 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.

## Procedures

This policy does not cover every type of complaint. The issues noted below have their own separate procedures:

- 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).
- Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.
- Complaints which relate to a 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.

## Principles

This Policy is underpinned by the principles noted below:

- 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.
- Complaints will normally only be considered from those with a direct interest in the matter.
- Concerns and complaints 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.
- 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.
- For complaints against DEMAT Central Team staff, this policy will apply, substituting an Officer’s line manager for Headteacher/Chair of Governors (CoG) 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 Headteacher, Chair of Governors or Trust Executive, if appropriate, will determine whether the complaint warrants an investigation.

### **Timescales**

Complaints must be raised within **three months** of the incident 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 will be considered if exceptional circumstances apply.

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, for example 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**

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 three stage process for dealing with concerns and complaints. Further details of each stage together with roles and responsibilities of staff involved can be found within this document.

The three stages are:

- Stage 1 – concern heard by a member of staff (informal).
- Stage 2 – complaint heard by the Headteacher, unless about the Headteacher when it is then heard by Chair of Governors (complaint that is put in writing).
- Stage 3 – complaint heard by the Complaint Appeal Panel.

### **Stage 1**

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 so to do.

Concerns should be raised with the appropriate member of staff, most likely the class teacher or member of the Senior Leadership Team. DEMAT works to informally resolve a concern at the earliest possible opportunity by way of a discussion(s) with 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 2

If the complainant feels that their concern has not been resolved, the next step is to make a formal complaint. Complaints should be submitted to the Headteacher in writing within **10 school days** of the final informal discussion.

If the complaint is about the Headteacher, the complaint should be addressed to the Chair of Governors, via [complaints@demat.org.uk](mailto:complaints@demat.org.uk)

The Headteacher, or Trust Governance, will acknowledge the receipt of the complaint within **2 school days**.

To enable the school to fully investigate, the complaint letter 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

### Stage Two Meeting

The Headteacher or the Chair of Governors will decide whether to deal with the complaint by inviting parties to a meeting or through written representations. In making their decision they will be sensitive to the complainant's needs.

If the complaint is about the Headteacher, the meeting will be between the complainant and the Chair of Governors and/or a member of the Trust Central Team.

If the complainant is invited to attend the meeting, they may bring someone along to provide support; this can be a relative or friend. Representatives from the media are not permitted to attend.

Generally, either party bringing legal representatives to this meeting is not permitted. However, there may be occasions when union representation is appropriate. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union representation.

### 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 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](mailto: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.

If the complainant rejects the offer of **3 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 can't 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 normally 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.

## 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

### 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 2008 Act 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.

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 utilising the process outlined above.
- Ensure the complainant is given reasonable notice of the panel hearing date, if the complaint does proceed to the Complaints Panel stage and ensure that the venue is accessible.
- 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 parents 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 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.

## Appendix One: 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.

1. Talk to the Academy's Special Educational Needs Co-ordinator (SENCO).
2. Follow the academy's complaints procedure.
3. Complain to their local authority if their child has an EHCP.
4. 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 the complaint is not about an EHCP.

There is a different process if parents or carers 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 Academy's 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](mailto:sendistqueries@justice.gov.uk)

Free help and advice for parents and carers can also be accessed via:

- the [Independent Parental Special Education Advice \(IPSEA\)](#)
- your local Parent Partnership Service through the Information, Advice and Support Services (IASS) Network [iassn@ncb.org.uk](mailto:iassn@ncb.org.uk)

## Appendix Two: Complaint Form

Please complete and return to:       The Headteacher (**Stage 2**), via the school office if necessary.  
[complaints@demat.org.uk](mailto:complaints@demat.org.uk) (**Stage 2 & 3**)

*Your complaint will be acknowledged, and an explanation of actions that will be taken will be provided.*

<b>Your name:</b>
<b>Pupil's name (if relevant):</b>
<b>Your relationship to the pupil (if relevant):</b>
<b>Address:</b>
<b>Postcode:</b>
<b>Day-time telephone number:</b> <b>Evening telephone number:</b>
<b>Please give details of your complaint, including whether you have spoken to anybody at the Academy about it.</b>



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

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

**Signature:**  
**Date:**

**Official use**

**Date acknowledgement sent:**

**By whom:**

**Complaint referred to:**

**Date:**

**Appendix Three:  
Stage Two Example Outcome Letter Format  
(from Headteacher or Chair of Governors)**

Dear <insert name>,

I acknowledge receipt of your letter/email (delete as appropriate) dated <insert date>.

Further to our meeting on <insert date>, I wish to confirm the outcome of my investigation into the matter.

<Insert summary of discussion and outcomes> I have investigated your complaint by:

- 
- 

I found the following:

- 

Further Action/Recommendations:

- 

I hope that you are satisfied that your concerns have been dealt with appropriately. You have the right to progress to the third stage of our Complaints Procedure if you remain dissatisfied. If so, please write to the Head of Governance at [complaints@demat.org.uk](mailto:complaints@demat.org.uk) or 8 High Street, Ely, Cambridgeshire, CB7 4JU.

For information and advice on how to proceed with your concern please contact the Diocese of Ely Multi Academy Trust on 01353 656760.

Thank you for the time you have taken in conveying your concerns to the Academy. We value your comments.

Yours sincerely,

## Appendix Four: Panel Hearing Procedure

**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.

**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.

**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 or CoG** 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 or CoG'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 or CoG 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.

**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 relevant the person complained about.