

# Complaints Policy

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| V1.0                    | 12 Dec 2017             | S Wood        | First published version   |
| V1.1                    | 16 Mar 2018             | A Parkins     | Document & Version control added  |
| V1.2                    | 13 Feb 2019             | N McDermott   | Policy rewritten to reflect updated DfE Guidance January 2019 including definition of 'concern' and 'complaint' and Referring complaints to the ESFA. Role of DfE removed (information available on DfE website). Policy scope includes complaints against all governors. Legal numbering added.<br>Internal staff guidance about how to handle a complaint to be dealt with via training rather than policy. |

## 1. Definitions and Scope

For the purpose of this document:

- 1.1.1. The Dartmoor Multi Academy Trust is referred to as the 'Trust';
- 1.1.2. 'The school' refers to all academy schools within the Trust;
- 1.1.3. 'Pupil/s' or 'Student/s' refers to all pupils or students being educated or on site at any one of the schools within the Trust.

1.2. The DfE guidance explains the difference between a concern and a complaint.

- 1.2.1. A **concern** is defined as "an expression of worry or doubt over an issue considered to be important for which reassurances are sought". Schools will resolve concerns through day-to-day communication as far as possible.
- 1.2.2. A **complaint** is defined as "an expression of dissatisfaction however made, about actions taken or a lack of action".

1.3. This policy does not cover complaints procedures relating to:

- i. Admissions
- ii. Statutory assessments of special educational needs (SEN)
- iii. Safeguarding matters
- iv. Exclusion
- v. Whistle-blowing
- vi. Staff grievances
- vii. Staff discipline

Please see our separate policies for procedures relating to these types of complaint.

1.4. Arrangements for handling complaints from parents of children with SEN about the school's support are within the scope of this policy. Such complaints should first be made to the Special educational needs co-ordinator (SENCO); they will then be referred to this complaints policy. Our schools' SEN policies and information reports includes information about the rights of parents of pupils with disabilities who believe that their school has discriminated against their child.

1.5. Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

## 2. Aims

2.1. The Dartmoor Multi Academy Trust value its relationship with pupils, parents, carers and our partners and local community. This Policy sets out the procedure for how complaints are managed within all schools in the Dartmoor Multi Academy Trust is for parents or carers of pupils and members of the public to make complaints about any school or Local Governing Board within the Trust.

2.2. When responding to complaints, we aim to:

- i. Be impartial and non-adversarial
- ii. Treat complainants with respect
- iii. Ensure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- iv. Facilitate a full and fair investigation by an independent person or panel, where necessary
- v. Address all the points at issue and provide an effective and prompt response

- vi. Respect complainants' desire for confidentiality
- vii. Keep complainants informed of the progress of the complaints process
- viii. Consider how the complaint can feed into school improvement evaluation processes

2.3. We encourage concerns to be made known to staff in the child's school about which the concern or complaint relates so that they can be addressed in partnership. Usually, concerns can be dealt with informally and can be resolved satisfactorily through discussion.

2.4. Occasionally, a concern cannot be resolved in this way and it may become a complaint and the matter will be referred to someone else. Some details will need to be recorded about the complaint (name of complainant, nature of the concern, date, contact details). The day to day running of the school is the responsibility of the Head Teacher or Head of School, and all complaints will be referred to them.

2.5. The Trust reserve the right to alter this process, in exceptional circumstances.

2.6. It is the responsibility of the Dartmoor Multi Academy Trust to:

- i. ensure that the complaints procedure is fully compliant with the statutory requirements on Academies in accordance with the standards set out in Education (Independent School Standards) Regulations 2014 Part 7;
- ii. Investigate complaints in relation to Headteachers / Head of School;
- iii. Investigate complaints received at Stage 2
- iv. Monitor the complaints received and the corresponding outcomes for Stages 2 & 3;
- v. Keep a record of the complaints received and the corresponding outcomes for all Complaint Appeal Panel Hearings.

### 3. Legal Framework

3.1. This document meets the requirements set out in part 7 of the schedule to [the Education \(Independent School Standards\) Regulations 2014](#), which states that we must have and make available a written procedure to deal with complaints from parents of pupils at the school.

3.2. It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on creating a complaints procedure that complies with the above regulations, and refers to good practice guidance on setting up complaints procedures from the Department for Education (DfE).

3.3. Where applicable, this policy complies with our funding agreement and articles of association.

3.4. In addition, it addresses duties set out in the [Early Years Foundation Stage statutory framework](#) with regards to dealing with complaints about our schools' fulfilment of Early Years Foundation Stage requirements where relevant.

### 4. Principles for Investigation

4.1. When investigating a complaint, we will try to clarify:

- i. What has happened
- ii. Who was involved
- iii. What the complainant feels would put things right

4.2. We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage.

- 4.3. Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.
- 4.4. The school expects that complaints will be made as soon as possible after an incident arises and no later than 3 months afterwards. We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

### **Complaints about our fulfilment of early years requirements**

- 4.5. We will investigate all written complaints relating to the school's fulfilment of the Early Years Foundation Stage requirements, and notify the complainant of the outcome within 28 days of receiving the complaint. The school will keep a record of the complaint and make this available to Ofsted on request.
- 4.6. Parents and carers can notify Ofsted if they believe that the school is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4234 or 0300 123 4666, or by emailing [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk). An online contact form is also available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>.
- 4.7. We will notify parents and carers if we become aware that the school is to be inspected by Ofsted. We will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis.

## **5. Complaints Procedure**

- 5.1. Complaints made against the Headteacher should be directed to the Chair of Governors.
- 5.2. Where a complaint is against the chair of governors, any member of the governing board, or the entire governing board, it should be made in writing to the Clerk to the Governing board in the first instance.
- 5.3. The complaints procedure follows a three stage complaints process, which is detailed below.

### **5.4. Stage 1: Informal**

- 5.4.1. It is in all parties' interest to resolve a complaint at the earliest possible stage. The aim will be to resolve the complaint and achieve reconciliation between the school and the complainant.
- 5.4.2. The concern or complaint may be heard by a member of staff within the academy or school it relates to, who is not subject to or had any involvement with the subject matter. Consideration will be given to the views of the complainant if they feel they would have difficulty discussing the complaint with a particular member of staff, likewise if the member of staff feels compromised to deal with the complaint. If a complaint is made to a Local Governor it will be passed to the Head teacher's/ Head of School's administrator, as the Local Governor may need to be involved at a later stage in the process.
- 5.4.3. Complaints about the Head of School will be referred to the Executive Head Teacher.
- 5.4.4. Complaints about the Head teacher will be referred to either the Vice Chief Executive Officer or the Chief Executive Officer.
- 5.4.5. The aim is to resolve all informal complaints **within ten working days**.

- 5.4.6. Un-resolved complaints -- A complainant can put in a request for their complaint to be dealt with under Stage 2 (Formal) of the complaints process, due to still being unresolved. For this to be considered, the complainant must submit this request via the Trust's Online complaints form at <https://www.dartmoormat.org.uk/feedback-and-complaints.html> stating what they feel remains unresolved and confirmation on what they feel would put things right.
- 5.4.7. A complaint can be escalated straight to stage 2 of the complaints procedure by the school, if it has been initially assessed as needing investigation, or is a more serious dissatisfaction with some aspect of the school's policies, procedures, management or administration.

## 5.5. Stage 2: Formal

- 5.5.1. The formal stage involves the complainant putting the complaint to the school via the Trust's Online complaints form at <https://www.dartmoormat.org.uk/feedback-and-complaints.html>.
- 5.5.2. A formal complaint received will be passed on to the Trust's Complaints Coordinator for resolving, who takes on the role of investigating officer. In the case of a complaint against the Headteacher, the Chief Executive Officer may investigate the complaint themselves or assign it to an appropriate investigating officer.
- 5.5.3. The investigating officer collates the information, but will not make the decision on the outcome or the action to be taken.
- 5.5.4. The complaint will be acknowledged in writing, (which could include email), normally **within 3 working days** of receipt during term time and as soon as practicable during the holidays. The acknowledgement will indicate the action that is being taken and the likely timescale for resolution.
- 5.5.5. The investigating officer may request additional information from the complainant and will fully investigate the issue. In most cases the investigating officer will meet or speak with the complainant to discuss the matter.
- 5.5.6. The aim is to inform any complainant of the outcome of an investigation and the resolution to the complaint **within 15 working days** from the receipt of the complaint. Please note that any complaint received within 15 working days of the end of term or half term may take longer to resolve.
- 5.5.7. Written records will be kept of any meetings and interviews held in relation to the complaint.
- 5.5.8. If a complainant is not satisfied with the outcome, they should submit this request via the Trust's Online complaints form at <https://www.dartmoormat.org.uk/feedback-and-complaints.html> stating what they feel remains unresolved and confirmation on what they feel would put things right.
- 5.5.9. The investigating officer or headteacher will escalate the complaint to stage 3 upon the written request of the complainant.

## 5.6. Stage 3: Review Panel

- 5.6.1. Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the second, formal, stage. The appeal request must be made in writing by the complainant via the Trust's Online complaints form at <https://www.dartmoormat.org.uk/feedback-and-complaints.html>.
- 5.6.2. A review panel will be appointed by or on behalf of the Trust and must consist of at least **three** people who were not directly involved in the matters detailed in the complaint. At least **one** panel member must be independent of the management and running of the school e.g. governor from another school not part of the Dartmoor Multi Academy Trust or a local business. The panel cannot be made up solely of governing

board members, as they are not independent of the management and running of the school.

- 5.6.3. In relation to the Panel for the complaints in relation to a Headteacher, the panel will consist of Trustees
- 5.6.4. The Clerk to the Local Governing Body will act as Clerk to the Complaints Appeal Panel. For complaints in relation to a Headteacher or the Chief/Vice Executive Officer, the Clerk to the Trustees will act as Clerk to the Complaints Appeal Panel.
- 5.6.5. The Clerk to the Complaints Appeal Panel will notify the Chair of Trustees.
- 5.6.6. Within **3 working days** of the clerk receiving the appeal, the Clerk will acknowledge receipt of the appeal in writing and inform the complainant of the steps involved in the process.
- 5.6.7. The Clerk will be the contact point for the complainant.
- 5.6.8. The panel will have access to the existing record of the complaint's progress (see section 'Record Keeping').
- 5.6.9. The Clerk will aim to convene the Complaint Appeal Panel hearing as soon as possible, normally no later than **20 working days** after receipt of the Stage 3 request.
- 5.6.10. The complainant must have reasonable notice of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather than that of the complainant.
- 5.6.11. At the review panel meeting, the complainant and representatives from the school or trust, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.
- 5.6.12. All written evidence must be received by the Clerk no later than **5 working days** in advance of the Panel Hearing. The Clerk will distribute the evidence to all parties no later than **3 working days** in advance of the Panel Hearing.
- 5.6.13. The complainant must be allowed to attend the panel hearing and be accompanied if they wish.
- 5.6.14. At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called, as appropriate, to present their evidence.
- 5.6.15. The panel, the complainant and the school representative(s) will be given the chance to ask and reply to questions. Once the complainant and school representative(s) have presented their cases, they will be asked to leave and evidence will then be considered.
- 5.6.16. The panel must then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint, and make a copy available for inspection by the proprietor and headteacher.
- 5.6.17. The Panel can:
  - i. dismiss the complaint in whole or in part;
  - ii. uphold the complaint in whole or in part;
  - iii. decide on the appropriate action to be taken to resolve the complaint;
  - iv. recommend changes to the Trust's or school's systems or procedures to ensure that problems of a similar nature do not recur.
- 5.6.18. The school will inform those involved of the decision in writing within [number] days.

## 6. Exempt Complaints

The following are exempt complaints:

### 6.1. Complaints about matters outside of the Trust's control

This means a complaint about the activities of persons or organisations not under the direct control of the Trust (for example, complaints by one parent against another).

### 6.2. Complaints about decisions of the Board of Trustees

Decisions made by the Board of Trustees are not subject to review by Trust employees or individual trustees, and any dissatisfaction in respect of any such decision should be addressed to the Board of Trustees (c/o the Chair of Trustees). The Board will consider such representations at a duly convened meeting, but shall not be obliged to reconsider their decision.

### 6.3. Complaints about Trustees or Committees of the Board acting under their delegated powers

This means a complaint about the activities of trustees or committees of the Board, who are acting under the powers delegated to them by the Board of Trustees. These are subject to the Code of Conduct and other policies adopted by the Board, and subject to review by the full Board of Trustees; concerns in respect of such matters should be addressed to the Chair of Trustees (or the Vice Chair if the concern is in relation to the activities of the Chair), who will take such action within his/her powers as s/he considers to be appropriate.

### 6.4. Complaints previously dealt with

This means a complaint raised by a complainant which has already been dealt with using the procedures outlined in this policy, and which raises no new matter and presents no new information. This may include a complaint which differs slightly from the original complaint, but which is substantially the same as the complaint previously dealt with.

### 6.5. Complaints in relation to which other procedures exist

This means a complaint in respect of matters which are properly dealt with by way of alternative procedures in place (for example, employee complaints relating to employment matters should be dealt with under the Trust's Grievance Policy; complaints relating to pupil exclusions should be dealt with under the relevant legislative process etc.)

### 6.6. Complaints by a Persistent Complainant

This means a complaint which is substantially different from complaints previously received, but is submitted by a complainant who may be considered unreasonably persistent. A complainant will not be considered unreasonably persistent solely on the basis that he or she has submitted previous complaints. However, matters such as volume of correspondence, the effect on the Trust's resources of dealing with the complainant, the importance or triviality of the complaint, and the direct impact of the matter complained of on the complainant will be considered factors in determining whether the complaint is an exempt complaint.

### 6.7. Unacceptable Behaviour

- 6.7.1. We will aim to deal fairly, honestly, consistently and appropriately with all complainants, including those who we consider to be persistent complainants. We believe that all complainants have the right to be heard, understood and respected. We also consider that our employees have the same rights.
- 6.7.2. The Trust reserves the right to conclude an investigation without further involvement from the complainant, or choose not to conclude an investigation, if the complainant's behaviour is deemed unacceptable, e.g. aggressive.
- 6.7.3. Where behaviour is so extreme that it threatens the immediate safety and welfare of the school's staff or pupils, we will consider reporting the matter to the police or

taking legal action. In such cases, we may not give the complainant prior warning of that action.

## 7. Referring complaints on completion of the school procedure

- 7.1. A complaint about a Trust or an individual academy/school within the Trust, can be referred by a member of the public to the EFA
- 7.2. If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the ESFA. The ESFA will check whether the complaint has been dealt with properly by the school. The ESFA will not overturn a school's decision about a complaint. However, it will look into:
  - i. Whether there was undue delay, or the school did not comply with its own complaints procedure
  - ii. Whether the school was in breach of its funding agreement with the secretary of state
  - iii. Whether the school has failed to comply with any other legal obligation
- 7.3. If the school did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the school's complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.
- 7.4. For more information or to refer a complaint, visit <https://www.gov.uk/complain-about-school>.

## 8. Record Keeping

- 8.1. The school will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.
- 8.2. This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the review panel.
- 8.3. This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a school inspection.
- 8.4. Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and our records management policy and retention schedule.
- 8.5. The details of the complaint, including the names of individuals involved, will not be shared with the whole governing board in case a review panel needs to be organised at a later point.
- 8.6. Where the governing board is aware of the substance of the complaint before the review panel stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint.
- 8.7. Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the governing board, who will not unreasonably withhold consent.

## 9. Learning lessons

- 9.1. The Governing board and Trustees board will review any underlying issues raised by complaints with the Headteacher where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

## 10. Monitoring arrangements

- 10.1. The Audit Committee will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The Audit Committee will track the number and nature of complaints, and review underlying issues as stated in Section 10.
- 10.2. The complaints records are logged and managed by the Chief Finance Officer.
- 10.3. This policy will be reviewed by the Audit Committee every two years.
- 10.4. At each review, the policy will be approved by Full Trustees.