

Complaints Policy



Dartmoor
MULTI ACADEMY TRUST

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<i>Version</i>	<i>Date issued</i>	<i>Author</i>	<i>Update information</i>
V1.0	12/12/2017	S Wood	First published version
V1.1	16/03/2018	A Parkins	Document & Version control added
V1.2	13/02/2019	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. Internal staff guidance about how to handle a complaint to be dealt with via training rather than policy.
V1.3c	31/10/2019	N McDermott / J Lawlor	Addition of LAC First and Second panel review stages. Second stage to include member from another LAC. Complaints now reviewed by Trustees at Stage 4. LAC to propose Mediation if complaint outstanding. Section on aims, legal framework and exemptions reordered. Role of CEO and Vice CEO investigating complaints against Headteachers transferred to LAC. Qualifying criteria for appeal set out. Other minor amendments to ensure policy consistency. Complaints Investigation Form added.

1. Introduction

- 1.1. The Dartmoor Multi Academy Trust values its relationship with pupils, parents, carers and our partners and local community. This Policy sets out the procedure for how complaints will be managed within all schools of the Dartmoor Multi Academy Trust.
- 1.2. This complaints procedure is not limited to parents or carers of children that are registered at a school within the Dartmoor Multi Academy Trust. Any person, including members of the public, may make a complaint to the school about any provision of facilities or services that we provide.
- 1.3. This policy does not cover complaints procedures relating to:
 - Admissions
 - Statutory assessments of special educational needs (SEN)
 - Safeguarding matters
 - Exclusion
 - Whistleblowing
 - Staff grievances
 - 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.
- 1.6. When responding to complaints, we aim to:
 - 1.6.1. Be impartial and non-adversarial
 - 1.6.2. Treat complainants with respect
 - 1.6.3. Ensure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
 - 1.6.4. Facilitate a full and fair investigation by an independent person or panel, where necessary
 - 1.6.5. Facilitate independent Reconciliation between all parties where there is an impasse and a complaint cannot be resolved
 - 1.6.6. Address all the points at issue and provide an effective and prompt response
 - 1.6.7. Respect complainants' desire for confidentiality
 - 1.6.8. Keep complainants informed of the progress of the complaints process
 - 1.6.9. Consider how the complaint can feed into school improvement evaluation processes
- 1.7. We will not normally investigate anonymous complaints. However, the headteacher or Chair of the Local Academy Committee, if appropriate, will determine whether the complaint warrants an investigation.
- 1.8. The Trust reserve the right to alter this process, in exceptional circumstances.
- 1.9. This Policy meets the requirements set out in part 7 of the schedule to [the Education \(Independent School Standards\) Regulations 2014](#), and is based on guidance published by the

Education and Skills Funding Agency (ESFA) and refers to good practice guidance from the Department for Education (DfE).

- 1.10. Where applicable, this policy complies with our funding agreement and articles of association.
- 1.11. 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.

2. Concerns and Complaints

- 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.
- 2.2. A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”.
- 2.3. We encourage concerns to be made known to staff in the child’s school about which the concern relates so that they can be addressed in partnership. Usually, concerns can be dealt with informally and can be resolved satisfactorily through discussion. Occasionally, a concern cannot be resolved in this way and it may become a complaint and the will be dealt with in accordance with this Policy.

3. How to complain

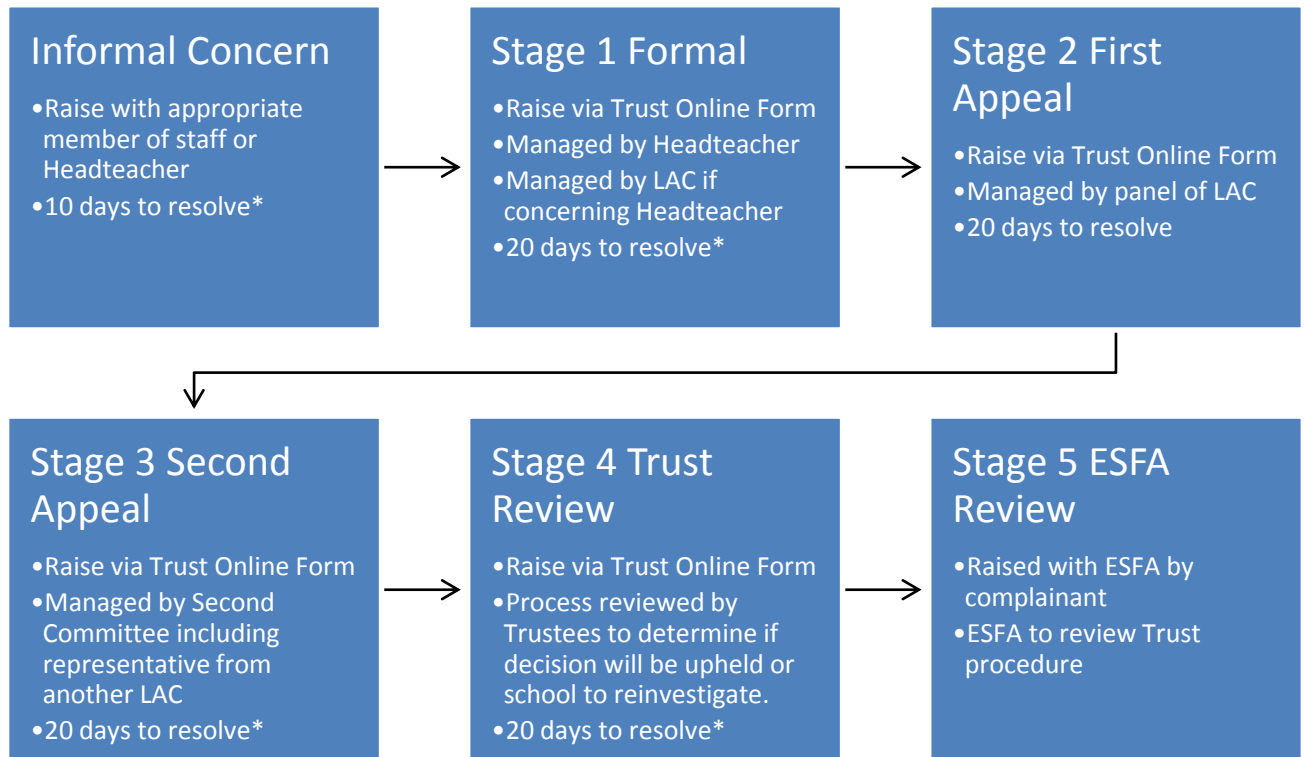
- 3.1. If you wish to make a complaint, we encourage complainants in the first instance to talk to their child’s school to resolve the complaint through the Informal process of this Policy.
- 3.2. Where a complaint remains unresolved, complainants can use the online form on the Trust’s website <https://www.dartmoormat.org.uk/feedback-and-complaints.html>.

4. Timescales

- 4.1. 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. We will consider complaints made outside of this time frame if exceptional circumstances apply.
- 4.2. We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

5. Complaints Procedure

The complaints procedure is summarised below.



* Timescales may be amended if the complaint is received within 20 days of the end of term/ half term or during holidays.

5.1. Informal

- 5.1.1. It is in all parties' interests to resolve a complaint or concern at the earliest possible stage. The school always wishes to resolve any complaints quickly by discussions with the complainant locally. We encourage complainants to meet in the first instance with the school to discuss their complaint and resolve the issue in partnership.
- 5.1.2. Concerns or complaints can be made to any member of staff within the school. For concerns, this may be the Tutor, Class Teacher, or Head of Year. For more significant concerns or complaints, this may be the Headteacher. Consideration will be given to the views of the complainant if they feel they would have difficulty discussing the complaint with an individual member of staff, likewise if the member of staff feels compromised to deal with the complaint. If a complaint is made directly to a Local Academy Committee member, it will be passed to the Headteacher as the Local Academy Committee member may need to be involved at a later stage in the process.
- 5.1.3. We aim to resolve all informal complaints **within ten working days**.
- 5.1.4. The school must record all actions taken using the Complaints Investigation form in Appendix 1 and pay due regard to the requirements of Section 7 Record Keeping.

5.2. Stage 1: Formal Complaint

- 5.2.1. If a complaint has not been resolved at the Informal Stage, the complainant may request that their complaint is dealt with under the Formal Stage. Formal complaints can be made to the Trust using the Trust's Online complaints form at <https://www.dartmoormat.org.uk/feedback-and-complaints.html>. The complainant should state what they feel remains unresolved and what they feel would put things right.
- 5.2.1. A complaint may also be escalated straight to the Formal stage 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.
- 5.2.1. The Online Complaints Form is received by the Trust's Chief Finance and Operating Officer and will be forwarded to the most appropriate person in the school. This will usually be the Headteacher. In the case of a complaint against the Headteacher, this will be the Chair of the Local Academy Committee.
- 5.2.2. Complaints against the Chair of the Local Academy Committee will be directed to the Vice Chair of the Academy Committee.
- 5.2.3. Complaints against the Chief Executive Officer will be directed to the Board of Trustees.
- 5.2.4. Where a complaint is against the Chair of the Local Academy Committee or any member of the Academy Committee or the entire Academy Committee, it will be forwarded to the Clerk to the Academy Committee in the first instance.
- 5.2.5. The complaint will be acknowledged **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.
- 5.2.6. The school will appoint an appropriate Investigating Officer. The Investigating Officer may request additional information from the complainant in order to fully investigate the complaint. We encourage the complainant to meet with the Investigating Officer to discuss the matter.
- 5.2.7. The Trust aims to inform the complainant of the outcome of an investigation and the resolution to the complaint **within 20 working days** from the receipt of the complaint.
- 5.2.8. If the complainant is still not satisfied with the outcome, they may submit a further complaint via the [Trust's Online Complaints Form](#) stating what they feel remains unresolved and confirmation on what they feel would put things right. This will escalate the complaint to Stage 2.

5.3. Stage 2: First Appeal (Academy Committee)

- 5.3.1. Complaints will be escalated to Stage 2 First Appeal if the complainant is not satisfied with the response to the complaint at Stage 1, provided that the complainant has:
 - a) Sought to resolve the concern through approaches to the school as described in the preceding stages
 - b) Allowed reasonable time for investigation of the concern
 - c) Accepted any reasonable offer by the school to discuss the result of the investigation
 - d) Taken part in any process of Mediation offered by the school
 - e) Put the complaint clearly in writing within three months of the event.
- 5.3.2. The request must be made in writing by the complainant via the [Trust's Online Complaints Form](#).

- 5.3.3. An appeal panel will be convened by the Local Academy Committee and must consist of at least **three** people who were not directly involved in the matters detailed in the complaint.
- 5.3.4. The Clerk to the Local Academy Committee will act as Clerk to the Complaints Appeal Panel.
- 5.3.5. Receipt of an Appeal will be acknowledged to the complainant within **3 working days** by the clerk, setting out the next steps in the process.
- 5.3.6. The Clerk will be the main contact point for the complainant.
- 5.3.7. The panel will have access to the existing record of the complaint's progress (see section 'Record Keeping').
- 5.3.8. The Clerk will aim to convene the Appeal Panel hearing as soon as possible, normally no later than **20 working days** after receipt of the Appeal request.
- 5.3.9. The complainant must have reasonable notice of the date of the Appeal Panel hearing. Complainants are strongly recommended to attend the Appeal Panel meeting. The panel will take reasonable steps to agree a date convenient to all parties but reserve the right to convene a hearing if mutual agreement of a date cannot be reached.
- 5.3.10. At the Appeal Panel hearing, the complainant and representatives from the Academy Committee will be invited. The complainant is entitled to attend the Appeal Panel hearing and may be accompanied if they wish. This can be a relative or friend. Generally, neither party is encouraged to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate. This will be at the discretion of the panel.
- 5.3.11. All parties may submit written or oral submissions prior to the meeting. All written evidence must be received by the Clerk no later than **5 working days** in advance of the Appeal Panel hearing. The Clerk will distribute the evidence to all parties no later than **3 working days** in advance of the Appeal Panel hearing.
- 5.3.12. At the hearing, all parties will have the opportunity to give statements and present evidence, or call witnesses to present evidence, as appropriate. 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.
- 5.3.13. The Appeal Panel will summarise its findings and recommendations. The panel will 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 Headteacher.
- 5.3.14. The Panel can:
 - a) dismiss the complaint in whole or in part;
 - b) uphold the complaint in whole or in part;
 - c) decide on the appropriate action to be taken to resolve the complaint; this may include Mediation through an independent Mediation service
 - d) recommend changes to the Trust's or school's systems or procedures to ensure that problems of a similar nature do not recur.
- 5.3.15. The school will inform those involved of the decision in writing **within 10 days**.

5.4. Stage 3: Second Committee Appeal (Academy Committee)

- 5.4.1. If the complainant is dissatisfied with the findings of the First Appeal Panel, they may request that the complaint is heard by a Second Appeal Panel, clearly stating their specific objections to the findings of the First Appeal panel.
- 5.4.2. The process will follow those steps outlined in the preceding stage of this Policy.
- 5.4.3. The Second Committee Appeal panel must include at least **one** panel member who is a member from another Academy Committee within the Dartmoor Multi Academy Trust and at least **two** additional Academy Committee members for the school, who did not hear the complaint at First Committee stage and who were not involved in the complaint previously.

5.5. Stage 4: Review (Trust)

- 5.5.1. Stage 3 concludes the complaint process. If the complainant is unsatisfied with the outcome of the Complaints procedure, they can request that their complaint is considered by the Trustees.
- 5.5.2. A panel of no less than three Trustees will investigate whether the complaint has been dealt with properly by the school and Local Academy Committee.
- 5.5.3. The Trustees will not overturn a school's decision about a complaint. However, it will investigate whether there was undue delay, or the school did not comply with the Complaints procedure.
- 5.5.4. If the school did not deal with the complaint properly, it will be asked to re-investigate the complaint.

5.6. Referring complaints on completion of the Trust procedure

- 5.6.1. If the complainant is unsatisfied with the outcome of the Trust's Complaints Procedure, they can refer their complaint to the ESFA at <https://www.gov.uk/complain-about-school>.
- 5.6.2. The ESFA will check whether the complaint has been dealt with properly by the Trust. The ESFA will not overturn a school's decision about a complaint. However, it will investigate:
 - a) Whether there was undue delay, or the Trust did not comply with its own Complaints Policy;
 - b) Whether the Trust was in breach of its funding agreement with the secretary of state;
 - c) Whether the Trust has failed to comply with any other legal obligation.
- 5.6.3. If the school or Trust did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the Trust's complaints procedure is found to not meet regulations, the Trust will be asked to correct its procedure accordingly.

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. Record Keeping

- 7.1. 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 outcomes. The records

will also include copies of letters and emails, and notes relating to meetings and phone calls.

Appendix 1 provides the Complaint Investigation Template that must be used.

- 7.2. This material will be treated as confidential and will be viewed only by those involved in investigating the complaint or on the review panel.
- 7.3. 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.
- 7.4. 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.
- 7.5. The details of the complaint, including the names of individuals involved, will not be shared with the whole Academy Committee in case an Appeal Panel needs to be organised at a later point.
- 7.6. Where the Academy Committee is aware of the substance of the complaint before the Appeal panel stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint.
- 7.7. 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 Academy Committee, who will not unreasonably withhold consent.

8. Monitoring and Review

- 8.1. The Academy Committee will review any underlying issues raised by complaints, and respecting confidentiality, determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future. Recommendations for changes to this policy will be forwarded to the Trustees for consideration.
- 8.2. 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 any underlying issues.
- 8.3. This policy will be reviewed by the Audit Committee every two years and will be approved by Full Trustees.

Complaint Investigation Report

This document will be created at Stage 1 and will remain the 'master' document. The file name will be the surname of the complaint and the date of the initial complaint. All subsequent notes relating to the complaint will be added to the form.

Complainant Name / Date of initial complaint	e.g. 'Smith /14 Oct 2019'
Summary	Investigator:
	Date investigation began:
	Details of the complaint:

Process of investigation	The investigation process:
	Evidence collected:
	Evidence not collected:

Complaint Investigation Report

	Persons interviewed:
	Persons not interviewed:
	Anonymised statements:

The investigation findings	Summary of written and physical evidence: <i>[list and summarise each document contained, set out how the evidence supported or did not support your findings and why]</i>
	Summary of witness evidence:
	Facts established: 1. 2. 3.
	Facts that could not be established:
	Mitigating factors:
	Other relevant information: [detail any other information that is relevant to the matter]

Conclusion [if required]	Recommendation: Informal action-
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Complaint Investigation Report

	Further details on recommendation:
	Investigator's signature: Date:
	Investigator's signature: (stage 2) Date:
	Investigator's signature: (stage 3) Date:
	Investigator's signature: (stage 4) Date:
Supporting documents	[List all documents collected as part of investigation and included in report]
File location	List file path or filing location where documents pertaining to complaint will be held. Complaints must be held for six years from the date of resolution and then reviewed for further retention in cases of contentious disputes.