



**EDUCATION
CENTRAL**
MULTI ACADEMY TRUST

Education Central Multi Academy Trust

COMPLAINTS POLICY

Author	ECMAT Policy Team
Date Approved	7th July 2015
Version	1
Reviewed	11th April 2016
Review	By 31st August 2017

Contents

1. Purpose	3
2. Expressing Concerns (Stage 1).....	3
3. Formal Complaints	3
4. Stage 2 (Head Teacher or Chair of Local Advisory Board).....	3
5. Stage 3 (Chief Executive, Education Central Multi Academy Trust)	4
6. Outcomes of Investigations	4
7. The Role of the Local Authority.....	4
8. The Role of the Secretary of State for Education (the Department for Education).....	5
9. Persistent or Vexatious Complaints.....	5
10. Dealing with Persistent and/or Vexatious Complaints	5

1. Purpose

All Academies are required by law to have a complaints policy. This policy should help resolve problems and provide a means for issues of concern to be raised and subsequently addressed. All complainants will be treated respectfully during and after the course of any complaints investigation and will receive a written response to their complaint, unless appropriate and reasonable measures have been put in place as a result of the 'Persistent and/or Vexatious Complainants' policy set out below.

2. Expressing Concerns (Stage 1)

There are inevitably issues that arise that, if dealt with promptly and in a considerate manner, will avoid the need for a formal complaint. Any problem or concern should be raised promptly with the class teacher or member of staff responsible for the area you are concerned about. If your concern is more serious you may prefer to make an appointment to discuss it with the headteacher or a member of the school's leadership team. All staff will make every effort to resolve your problem promptly at this informal stage.

3. Formal Complaints

Formal procedures will be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further. All details of a complaint will be kept confidential except in so far as they need to be shared with people who might contribute to their resolution. The complaint will be dealt with in line with the Academy's complaints procedure.

In most cases it will be your choice as to whether to mount a formal complaint, but the Academy reserves the right to utilise the formal complaint procedures where the Academy feels that 'informal' methods of resolving concerns have been exhausted but a complainant clearly remains dissatisfied.

It should be noted that some outcomes of a complaint may lead to action being initiated under other formal procedures, such as safeguarding or disciplinary matters. Where this is the case you will be advised and informed of the procedures that are to be followed. It should be noted, however, that the Academy will not necessarily be able to provide you with the details of the outcome of those procedures for data protection reasons or otherwise, depending on the circumstances.

If a formal complaint is made to the Academy you will be provided with a copy of this complaints policy. It is not a requirement that a formal complaint is made in writing, but the school will need to be clear what the complaint is about, and may therefore request written clarification from you before investigating the complaint.

4. Stage 2 (Head Teacher or Chair of Local Advisory Board)

It may be that the head teacher has not been aware of the concern raised prior to this point. At this stage the headteacher will seek to investigate your concerns, as well as

attempting to resolve the matter to the satisfaction of all concerned. This may involve having a discussion/meeting with you.

If the complaint is about the head teacher it will be considered by the Chair of Governors (“the Chair”) at this stage. The Chair will seek to resolve the matter through discussion with the head teacher and you. In doing so and, if considered appropriate, the Chair may wish to meet with you in person.

The Academy will endeavour to respond, in writing to a Stage 2 complaint within 14 days after receiving the complaint.

Where concerns cannot be resolved by the headteacher (or the Chair if applicable) then you will be advised that details of your continuing concerns will be accepted either in writing or verbally and then referred to the Chief Executive, Education Central Multi Academy Trust (**Stage 3**). The attached form **Appendix 1** may be used for this purpose if you wish, and it would also be useful if you were able to state what actions you feel might resolve the problem.

5. Stage 3 (Chief Executive, Education Central Multi Academy Trust)

If a complaint has been referred the Chief Executive, Education Central Multi Academy Trust they will consider the complaint and endeavour to provide you with a written response within 14 days.

You will be given the opportunity to meet with the Chief Executive, Education Central Multi Academy Trust to make representations in person and you will have the right to bring a friend/family member or other supporter. The meeting will therefore meet at a time and a venue convenient to all parties. If you decide not to meet with the Chief Executive, Education Central Multi Academy Trust then a decision will be made in your absence.

6. Outcomes of Investigations

Whether the complaint has been investigated by the head teacher, chair of LAB or the Chief Executive, Education Central Multi Academy Trust a written response will be sent outlining the outcome of the investigation and how the conclusion has been reached. The letter will also tell you where to next take the complaint, if not satisfied with the response provided.

The aim of the investigation or review will always be to resolve the complaint and achieve reconciliation between you and the Academy. Nevertheless, it is acknowledged that sometimes you may not be satisfied with the outcome if matters are not found in your favour.

7. The Role of the Local Authority

The Local Authority does not have a statutory duty to consider Academy complaints and you do not have a right of appeal to the Local Authority should you disagree with the decision. You may, however, raise the matter with the Local Authority if you

consider the complaint wasn't investigated properly or fairly. So long as the method of investigation followed a proper procedure and considered the complaint in a reasonable manner, then the Local Authority will simply inform you of that fact. It cannot reverse a decision of the governing body.

8. The Role of the Secretary of State for Education (the Department for Education)

If you still remain dissatisfied and feel the Academy has acted unreasonably, or that it has failed to discharge a statutory duty, you may wish to refer your complaint to the Secretary of State for Education.

Please go to the website www.gov.uk for the different avenue you may wish to take

9. Persistent or Vexatious Complaints

You may remain dissatisfied despite all the procedures having been followed and reasonable responses being provided. It may be the case that it is not possible to resolve all your concerns and meet all your wishes. Sometimes it is preferable to 'agree to disagree' and move on.

If you continue to make representations to the Academy or continue correspondence into the same issues, Education Central Multi Academy Trust Board reserves the right to inform you, in writing, that the appropriate procedures have all been followed, that all reasonable actions have been taken to try to resolve the issue and that the matter is now closed.

10. Dealing with Persistent and/or Vexatious Complaints

A vexatious or persistent complainant is **not** someone who raises legitimate concerns or criticisms of a complaints procedure as it progresses, for example, with regard to timescales, nor are they someone who is unhappy with the outcome of a complaint and are therefore seeking to challenge it.

Occasionally however there may be situations where the head teacher and/or LAB have done all they can to resolve matters, and it is therefore appropriate to consider closing a complaint as it has been on-going for some time. Alternatively, there may be some circumstances in which there will be a valid reason for not following the full complaints process. Closing complaints may be appropriate in particular where responding to continual communications from a complainant is detracting from the school's responsibility to look after the interests of all the children in its care.

The Education Central Multi Academy Trust Board therefore reserves the right to close complaints from those who demonstrate any of the following behaviours:

- frequently complaining about a variety of different matters, or the same issue through a number of different channels in an obsessive, persistent, harassing, prolific and/or repetitious manner;
- seeking unrealistic outcomes relative to the issue being raised, and stating that their intention is to persist until that outcome is achieved;
- insisting upon pursuing valid complaints in an unreasonable manner;
- persistently making the same complaint with minor differences but never accepting the outcome of any investigation into their complaint;
- challenging a historical decision/action which cannot be changed;
- contacting the school frequently in a lengthy and/or complicated way;
- behaving aggressively and provocatively towards the school and individual members of staff;
- changing aspects of the complaint or the desired outcome part way through the investigation and/or after the investigation is completed and a conclusion has been reached;
- refusing to co-operate with the investigation process;
- insisting on the complaint being dealt with in ways which are incompatible with the adopted procedure or with good practice;
- making what appear to be groundless complaints about the staff dealing with the complaint, and seeking to have them replaced by someone more senior or with a person the complainant names;
- refusing to accept information provided, for no justifiable reason;
- making statements the complainant knows are not true or persuading others to do so;
- supplying manufactured 'evidence' or other information the complainant knows is incorrect;
- raising a large number of detailed but unimportant questions and insisting that they are all fully answered;
- lodging a number of complaints in batches over a period of time, resulting in related complaints being at differing stages of the complaints procedure;
- pressing for further investigation of matters that have already been addressed;
- electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved;
- using obscene, racist, offensive or threatening language in written or verbal communications;
- threatening or aggressive or abusive behaviour in direct personal contacts with staff;
- using the vehicle of valid new complaints to resurrect issues which were included in previous complaints; and/or
- persistently sending communications which demand responses, or making telephone calls seeking interview with staff, after the school has closed the investigation into a complaint and all rights of review and appeal have been exhausted.

Any complainants demonstrating such behaviour will be given an opportunity to modify their behaviour before correspondence is closed. Correspondence received from the complainant subsequent to closure will be kept on file, indefinitely, as will notes of telephone calls and any further personal calls referring to the matter.