

In partnership to
Educate, Nurture & Empower



Abbey Multi Academy Trust

POLICIES & PROCEDURES

Complaints Policy

Date Policy Approved: 07 February 2024

Approving Body: Abbey MAT Board of Trustees

Next Review Date: 31 March 2025

Previous Review Date: 29 March 2023

Abbey MAT Complaints Policy

Contents

| | |
|--|----|
| 1. Aims | 3 |
| 2. Legislation and guidance | 3 |
| 3. Definitions and scope | 4 |
| Complaints not within the scope of this policy | 5 |
| Complaint campaigns | 5 |
| Anonymous complaints | 6 |
| 4. Principles | 6 |
| Time scales | 6 |
| Deviations from this policy | 6 |
| Resolving complaints | 7 |
| Right to be accompanied | 7 |
| 5. Complaint procedures at each stage | 8 |
| Stage 1: Informal Stage | 8 |
| Stage 2: Formal complaint | 9 |
| Stage 2: Formal complaint – <i>variation for complaints against a headteacher, executive principal or member of the Trust’s Central Services Team</i> | 10 |
| Stage 2: Formal complaint – <i>variation for complaints against the Chief Executive Officer, Chair of Governors or a local governing board (as a whole)</i> | 11 |
| Stage 3: Complaint review | 11 |
| Stage 3: Complaint review – <i>variation for complaints against the CEO, Trust Central Team, Chair of Governors, and Local Governing Boards (excluding individual members)</i> | 14 |
| 6. Referring complaints on completion of this procedure | 14 |
| 7. Confidentiality, data protection and records management | 15 |
| 8. Persistent, unreasonable or vexatious complaints and behaviour | 16 |
| 9. Learning lessons | 16 |
| 10. Monitoring arrangements | 16 |
| 11. Links with other policies | 17 |

Appendices

| | |
|---|----|
| Appendix 1: Complaints not within the scope of this policy and further information..... | 18 |
| Appendix 2: Where to direct your complaint..... | 19 |
| Appendix 3: Contact details..... | 20 |
| Appendix 4: Summary of complaints procedure | 21 |
| Appendix 5: Complaint review panel procedure..... | 22 |
| Appendix 6: Persistent and Vexatious Complaints Policy | 25 |
| Appendix 7: Abbey Multi Academy Trust: Meeting Request Form (Stage 1)..... | 29 |
| Appendix 8: Abbey Multi Academy Trust: Formal Complaint Form (Stage 2) | 30 |
| Appendix 9: Abbey Multi Academy Trust: Complaint Review Request Form (Stage 3)..... | 32 |

Abbey MAT Complaints Policy

1. Aims

Abbey Multi Academy Trust (Abbey MAT) aims to meet its statutory obligations when responding to complaints from parents of pupils at its academies, and others.

The aim of this policy is to ensure that a concern or complaint by a parent/carer is managed sympathetically, efficiently and at the appropriate level and resolved as soon as possible. Doing so is good practice, it is fair to those concerned and it helps to promote parents' and pupils' confidence in our ability to safeguard and promote welfare. We will try to resolve every concern or complaint in a positive way with the aim of resolving the issue in a transparent manner.

Abbey MAT expects that most concerns can be resolved informally and guarantees to treat seriously and confidentially all concerns whether raised informally or formally.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect and courtesy
- Keep complainants informed of the progress of the complaints process
- Ensure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Consider how the complaint can feed into academy improvement evaluation processes

Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

We will ensure we publicise the existence of this policy and make it available on the individual academy and Trust websites.

2. Legislation and guidance

This document meets the requirements set out in part 7 of the schedule to [the Education \(Independent Academy Standards\) Regulations 2014](#), which states

that we must have and make available a written procedure to deal with complaints from parents of pupils at our academies.

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).

This policy complies with our funding agreement and articles of association.

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.

English Language Requirement – Immigration Act 2016

A legitimate complaint received in respect of the above, whereby a member of the public feels that a public-facing member of staff has insufficient proficiency in English will be investigated in line with this policy and will adhere to the relevant Code of Practice.

Members of staff subject to the complaint will be notified of the complaint and given an opportunity to give their own account of the incident. A complaint will be assessed against an objective assessment of the level of fluency relevant to the role in question.

A complaint about a member of staff's accent, dialect, manner or tone of communication, origin or nationality will not be considered a legitimate complaint.

3. Definitions and scope

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

A **concern** is defined as *"an expression of worry or doubt over an issue considered to be important for which reassurances are sought"*.

Our academies will resolve concerns through day-to-day communication as far as possible.

A **complaint** is defined as *"an expression of dissatisfaction however made, about actions taken or a lack of action"*.

We intend to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

Complaints not within the scope of this policy

This policy does not cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding / Child Protection matters
- Suspension and permanent exclusions
- Whistle-blowing
- Staff grievances
- Staff conduct and discipline
- Withdrawal from the curriculum

Please see **Appendix 01** for further information about where to find our separate procedures relating to these types of complaint.

Arrangements for handling complaints from parents of children with SEN about the academy's support are within the scope of this policy. Such complaints should first be made to the class teacher or special educational needs co-ordinator (SENDSCO) they will then be referred to this complaints policy. The school SEN policy and information report includes information about the rights of parents of pupils with disabilities who believe that a has discriminated against their child.

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

Complaint campaigns

Where an academy or the Trust receives a large volume of complaints about the same topic or subject, we may respond to these complaints by:

- Publishing a single response on the academy's website and/or the Trust's website; or
- Sending a template response to all of the complainants.

If complainants are not satisfied with our response, or wish to pursue the complaint further, the normal procedures will apply.

Anonymous complaints

Any anonymous concern or complaint will not be investigated under this procedure unless there are exceptional circumstances.

4. Principles

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

Time scales

We expect that complaints will be made as soon as possible after an incident arises and no later than 3 months afterwards. If the complaint is about a series of related incidents, the complainant should raise the complaint within 3 months of the last incident.

We will only 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.

Timescales in this policy are given in **"school days"**. School days exclude weekends, bank holidays, school holidays, and training days. When complaints are made out of term time, we will consider them to have been received on the first school day after the holiday period.

Every effort will be made to comply with the timescales given at each stage of this policy. This may not be possible due to the complexity of any investigation required or the unavailability of any necessary participant. Where a timescale cannot be complied with, the complainant will be notified, usually via email, to inform them of the reasons for the delay and the new timescale that will apply.

Deviations from this policy

We expect our staff to be addressed in a respectful manner and for communication to remain appropriate at all times. Where it is reasonably believed that a complaint or a complainant is unreasonable, vexatious or making repeated complaints, the procedure outlined at Section 8 below will be applied.

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being

suspended until those public bodies have completed their investigations. If this happens, we will inform you of a proposed new timescale.

If a complainant commences legal action in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

Resolving complaints

At each stage in the procedure, our aim is to resolve the complaint. If appropriate, we will acknowledge whether the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- An explanation
- An admission that the situation could have been handled differently or better
- An assurance that we will try to ensure the event complained of will not happen again
- An explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- An undertaking to review Trust or academy policies in light of the complaint
- An apology

Right to be accompanied

Complainants have a right to be accompanied by a friend, relative or other third party to any meetings or hearings held under the stages in this Complaints Policy. These meetings are not legal proceedings and the Trust does not encourage either party to bring legal representation, but will consider it on a case-by-case basis. If a complainant does wish to be accompanied by someone who is legally qualified, they must notify the Governance Team (governance@abbeytrust.org) at least 5 school days prior to the meeting.

Any member of staff interviewed as part of the investigation process into a complaint has a right to be accompanied to the meeting by another colleague or trade union representative.

Any pupil interviewed as part of the investigation process or who is the subject of the complaint must be accompanied to the meeting/hearing by a parent/carer or teacher who they are comfortable with.

5. Complaint procedures at each stage

Stage 1: Informal Stage

It is hoped that most concerns can be expressed and resolved on an informal basis.

Concerns should be raised in the first instance with the relevant teacher (class teacher, form teacher, subject teacher, head of year, etc.) or an appropriate member of staff according to the matter concerned. This may be by letter, email, telephone, or in-person by requesting a meeting via the school/trust office.

Where a complainant wishes to hold a meeting to discuss their concern, they should explain the nature of their concern in advance using the **Stage 1 Meeting Request Form** provided (**Appendix 07**). If the complainant is unclear who to contact or how to contact them, they should contact the school office by telephone or email.

Complainants should not approach individual governors to raise concerns or complaints. Where the first approach is made to a member of the governing body, the complainant will be referred to an appropriate member of staff and advised of this procedure. Governors must not act unilaterally on an individual complaint outside the formal procedure or be involved at the earlier stages in case they are required to review the complaint at a later stage of the process.

If the member of staff is unable to deal with the concern immediately, or if they need to refer the matter to someone else, they will take a note of the date and details and subsequently ensure that appropriate action taken to deal with the matter without undue delay.

If a concern is raised with a member of staff who feels that they are not the best person to deal with it, the matter will be referred to the headteacher for them to determine the best person to deal with the matter. This does not escalate the stage of this policy the matter is being dealt with.

Where a concern is raised about a headteacher (Head of School, Principal, or Executive Principal), the Chair of Governors should initially refer the concern to the Chief Executive Officer (CEO) of the Trust. The CEO will review the concern. If it is decided that the concern requires a formal investigation, it will be dealt with as a formal complaint under Stage 2 of this procedure, otherwise it will be referred back to the academy for an informal resolution to be explored.

Any concern about the CEO should be referred to the Chair of Trustees. The Chair will review the concern. If it is decided that the concern requires a formal investigation, it will be dealt with as a formal complaint under Stage 2 of this

procedure, otherwise it will be referred back to the CEO for an informal resolution to be explored.

Wherever possible, concerns will be acknowledged within 3 school days and complainants will receive an informal response within 10 school days. If it is not possible to meet this deadline, the person raising the concern will be informed.

If the issue remains unresolved, the next step is to make a formal complaint (Stage 2).

Stage 2: Formal complaint

If a complainant feels that their concern or complaint has not been resolved to their satisfaction at the informal stage, or they wish the complaint to be dealt with immediately as a formal complaint as an informal resolution is unlikely, they may raise a formal complaint under this policy.

The complainant must put their complaint in writing to the headteacher (unless the complaint is about the headteacher) via the academy office. Complainant's should ensure that their letter of complaint provides as much detail as possible about the matter, including relevant dates, times and the names of witnesses of events, copies of any relevant documents, and a clear indication of the action(s) they seek to resolve the complaint. To assist with this, the Stage 2 Complaint Form (**Appendix 08**) should be completed.

The academy will acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days. Investigation of the complaint will be undertaken by the headteacher or delegated to a nominated individual ("**the investigating officer**"), as appropriate. Where delegated, the investigating officer will be a senior member of staff, governor, or trustee, who has had no prior involvement with the complaint.

If further information is required, the headteacher/investigating officer will seek to clarify the nature of the complaint, ask what remains unresolved, and what outcome the complainant would like to see. The headteacher/investigating officer can consider whether a face-to-face meeting is the most appropriate way of doing this. If a meeting is offered, the complainant may be accompanied by one other person such as a friend or relative to assist them in explaining the nature of their concerns.

The headteacher/investigating officer will then proceed to investigate the complaint.

If necessary, this will include interviewing those involved in the matter and/or those complained of, allowing them to be accompanied if they wish:

- If the complaint centres on a pupil, the pupil should also be interviewed. Pupils should normally be interviewed with their parent present, but if this would seriously delay the investigation of a serious or urgent complaint or if the pupil (secondary academies only) has specifically said that they would prefer that their parents were not involved, another member of staff with whom the pupil feels comfortable should be present.
- If a member of staff is complained against, they must have the opportunity to present their case.

Once all the relevant facts have been established as far as possible, a written conclusion of the investigation will be sent to the complainant. Where reasonably possible, this will take place within 15 working days of receipt of the complaint.

If the headteacher/investigating officer is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the academy/trust will take to resolve the complaint. The outcome response will include:

- The findings of the investigation
- The outcome of the complaint, for example:
 - That, in the view of the investigating officer, the complaint requires no further action and the reasons why
 - That, in the view of the investigating officer there is insufficient evidence to reach a conclusion and therefore the complaint cannot be upheld
 - An acknowledgement that the situation could have been handled differently or better

If the complainant is not satisfied with the response and they wish to proceed to the next stage of this procedure, they should inform the clerk to the governing board, in writing to governance@abbeytrust.org, within 10 working days of receiving the Stage 2 complaint response.

Stage 2: Formal complaint – variation for complaints against a headteacher, executive principal or member of the Trust’s Central Services Team

If the subject of the formal complaint is a headteacher, then the complaint should be put in writing to the Chair of Governors. If the subject of the complaint is an executive principal or a member of the Trust’s Central Services Team/Central

Education Team, then the complaint should be put in writing to the CEO. In consultation with the Trust, an investigating officer not directly involved in the complaint will be appointed to review the matter. This may be the Chair of Governors in the case of complaints against a headteacher. Another headteacher, executive principal, or member of the Trust's Central Services Team will not be considered under this policy to be directly involved in a complaint through undertaking their management overview role.

The investigating officer will follow the procedure set out under Stage 2: Formal complaint above.

Stage 2: Formal complaint – *variation for complaints against the Chief Executive Officer, Chair of Governors or a local governing board (as a whole)*

If the subject of the formal complaint is the Chief Executive Officer, Chair of Governors, or a local governing board, then the complaint should be put in writing to the Chair of Trustees. The Chair of Trustees will appoint an investigating officer not directly involved in the complaint to review the matter. The Chair will also nominate a Trustee to make a recommendation or decision based on that report. The Chair of Trustees may fulfil either of these roles.

The investigating officer will follow the procedure set out under Stage 2: formal complaint above.

Stage 3: Complaint review

If the complainant is dissatisfied with the decision under the formal stage, they may request that a Review Panel is convened to consider the complaint at Stage 3. The complaint will only be considered if the relevant procedures at Stages 1 and 2 have been followed.

To request a hearing by the Review Panel, the complainant should submit a request to the Abbey MAT Governance Team (governance@abbeytrust.org) within 10 school days of the Stage 2 response being sent to the complainant, using the **Stage 3 Complaint Review Request Form (Appendix 09)**. The request must set out clearly the reasons why the complainant is dissatisfied with the response and may include evidence to support their reasons.

Complaints from parents/carers of pupils within one of the Trust's academies will have a school-level review panel hearing of the school's governing board. This will usually comprise of two members of the academy's governing board and one individual independent of the management and running of the academy. The selection of the independent member will be supported by the Abbey MAT Governance Team.

The independent member will not be an employee of the Trust. A member of a local governing board from a different academy in the Trust is considered to have no conflict or prior knowledge of the complaint.

New allegations that have not been raised at Stage 2 may not be raised at this point. New evidence which was not provided before the completion of the Stage 2 investigation will not normally be considered. The chair of the Review Panel shall have discretion to permit further evidence if it is relevant to the matters to be considered as part of the review.

The role of the Review Panel is not to conduct a further investigation of the complaint. The Review Panel's role is to consider the procedural fairness of the investigation undertaken at Stage 2 and the determination made.

The clerk to the local governing board and Abbey MAT Governance Team will convene the review panel hearing. Whenever possible, the Review Panel hearing will be held within 30 school days of receipt of the hearing request.

The complainant must have reasonable notice of the date of the Review Panel hearing; however, the Review Panel reserves the right to convene at their convenience rather than that of the complainant.

All parties will be provided with at least 5 school days' notice of the hearing. Where a complainant refuses or is unable to attend a meeting and reasonable attempts have been made to accommodate them, the meeting may proceed in their absence and reach a conclusion in the interests of drawing the complaint to close.

The Review Panel will have access to the existing record of the complaint's progress (see section 9). Any written representations/relevant documentation for consideration by the panel and the names of any representatives attending the hearing should be sent to the clerk to the local governing board at least 5 school days prior to the hearing. Any submissions or documents not submitted in accordance with this timescale will not be considered unless the Review Panel in their absolute discretion believes it is just to accept them.

If the complainant believes that a proposed member of the Review Panel is biased they should raise it with the Abbey MAT Governance Team as soon as possible. They should submit evidence of the bias in support of the suggestion. Local governors with no prior exposure to the complaint will usually be considered to be unbiased unless evidence is shown to the contrary.

All parties will be issued with papers at least 3 school days prior to the hearing. The Review Panel may request to speak to witnesses and this decision will be at the absolute discretion of the panel.

At the meeting:

At the Review Panel meeting, the complainant and representatives from the academy/trust (e.g. investigating officer and headteacher), as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant may be accompanied at the meeting by one other person such as a friend or relative. The clerk to the governing board will also attend the hearing in order to keep records of the proceedings.

At the meeting, each party will have the opportunity to give statements and present their evidence. Witnesses may also be called, as appropriate, to present their evidence.

The Review Panel, the complainant and the school representative(s) will be given the chance to ask and reply to questions. Once the complainant and school representatives have presented their cases, they will be asked to leave the meeting and the Review Panel will consider the evidence.

Unless otherwise communicated, the standard procedure for the Review Panel meeting will be as set out in **Appendix 07**.

After the Review Panel hearing, the Review Panel will consider their decision and inform the complainant of the decision within 10 school days. The Review Panel will also provide a copy to the academy/Trust and, where relevant, the individual who is the subject of the complaint. In coming to their decision, the panel can:

- Request further information from the complainant and/or the school to assist them in making their decision;
- Dismiss the complaint in whole or in part;
- Uphold the complaint in whole or part.

If the complaint is upheld (either in whole or in part), the Review Panel may:

- Make recommendations regarding suitable resolutions if they find that issues have been overlooked or not appropriately addressed at Stage 2;
- Where appropriate, recommend changes to the academy's systems or procedures to ensure that problems of a similar nature do not reoccur.

A copy of the Review Panel's findings and recommendations will be made available for inspection on the school premises by the Trust and headteacher.

Stage 3: Complaint review – variation for complaints against the CEO, Trust Central Team, Chair of Governors, and Local Governing Boards (excluding individual members)

To request a hearing by the Review Panel, the complainant should submit a request to the Abbey MAT Governance Team (governance@abbeytrust.org) (or the Chair of the Trustees in respect of complaints against the CEO) within 10 school days of the Stage 2 response being sent to the complainant, using the **Stage 3 Complaint Review Request Form (Appendix 09)**. The request must set out clearly the reasons why the complainant is dissatisfied with the response and may include evidence to support their reasons.

Depending on the nature of the complaint, and those involved in the investigation of the complaint at Stage 2, the Trust may decide that it is appropriate for the complaint to be reviewed at trust-level. Complaints against the CEO will always be reviewed at trust-level. A trust-level review panel will usually be comprised of two Trustees who have no prior knowledge of the complaint and one person independent of the management and running of the school and/or trust as appropriate. The selection of the independent member will be supported by the Abbey MAT Governance Team.

The independent member will not be an employee of the Trust. A member of a local governing board from a different school in the Trust is considered to have no conflict or prior knowledge of the complaint.

6. Referring complaints on completion of this procedure

If the complainant is not satisfied with the way their complaint has been handled, they may refer their complaint to the Education and Skills Funding Agency (ESFA). The ESFA will expect the complainant to have exhausted the Trust's complaints policy before complaining to them.

The ESFA will not overturn a Trust's decision about a complaint. However, it will look into:

- Whether there was undue delay, or the academy/trust did not comply with its own complaints procedure
- Whether the academy/trust was in breach of its funding agreement with the secretary of state
- Whether the academy/trust has failed to comply with any other legal obligation

If the academy/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.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-Academy>

7. Confidentiality, data protection and records management

Complaints will be handled in the strictest confidence by the Trust and its academies. Data protection principles will be applied in line with the Trust's Data Protection Policy.

Correspondence, statements, and records relating to individual complaints will be kept confidential except where the Secretary of State for Education or a body conducting an inspection under section 109 of the Education and Skills Act 2008 requests access to them or where the Trust is otherwise required by law to disclose them.

It is expected that complainants will also keep their complaint private and confidential. Complainants are expected not to discuss complaints publicly via any form of social media or with third parties.

Electronic recordings of meetings must not be made by either the Trust, its academies, or the complainant. A meeting to discuss a complaint may not go ahead if the complainant is insistent on recording the meeting.

Due to privacy rights under data protection legislation, the information disclosed to complainants relating to the outcome of a complaint may be limited if it relates to a third-party, for example, disciplinary action against a staff member or student.

Audio or video evidence from complainants will not be accepted unless informed written consent from all parties has been given.

Records of complaints, regardless of whether they are upheld, will be confidentially retained by the academy and/or Trust for a period of three academic years from the end of the academic year in which they were concluded. These records will include:

- Progress of the complaint and the final outcome
- Whether the case progressed to a panel hearing or the stage at which the complaint was resolved
- The action taken by the academy or trust, regardless of outcome

8. Persistent, unreasonable or vexatious complaints and behaviour

We define unreasonably persistent complaints as those which, because of the frequency or nature of the complainants' contacts with the Trust and its academies, hinder our consideration of their or other people's complaints.

Examples of unacceptable or vexatious behaviour include any action or series of actions which are perceived by a staff member or volunteer to be deceitful, abusive, offensive, or threatening whether they are delivered verbally, in writing, or a combination of the two. This includes not only behaviour directed at them, but also their colleagues, associates, academy or the Trust.

Single incidents may be unacceptable, but more often the difficulty is caused by unreasonably persistent behaviour that is time consuming to manage and interferes with proper consideration of the complaint.

In those cases where our pupils, staff, academies, or the Trust as a whole, suffer adversely from persons making repeated, frivolous, or persistent complaints, or who pursue complaints in a threatening or abusive way, our **Persistent and Vexatious Complainants Policy** detailed in **Appendix 06** will be applied.

9. Learning lessons

Local Governing Boards and the Trust Board will review any underlying issues raised by complaints with academy and Trust leadership where appropriate, and respecting confidentiality, to determine whether there are any improvements that the academy or Trust can make to its procedures or practice to help prevent similar events in the future.

10. Monitoring arrangements

The Head of Governance & Compliance is the owner of this policy. The Trust Board will monitor the effectiveness of this complaints procedure in ensuring that complaints are handled properly. Local Governing Boards will track the number and nature of complaints, and review underlying issues as stated in section 9.

Academy complaints records are logged and managed by the academy principal/headteacher. Trust complaints records are held by the Head of Governance & Compliance.

This policy will be reviewed at least every three years. At each review, the policy will be approved by the Abbey MAT Board of Trustees.

11. Links with other policies

Please refer to **Appendix 01** for details of our policies for dealing with other forms of complaints.

Complaints not within the scope of this policy and further information

| Exception | Further information |
|---|--|
| Admissions to our academies | Concerns about admissions are handled through a separate statutory process. Please refer to the academy's admissions arrangements for further information. |
| Suspensions and permanent exclusions from our academies | <p>Details of how to make representations regarding a suspension or exclusion can be found in the headteacher's letter notifying parents/carers of a suspension/exclusion from our academies. Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.</p> <p><i>Complaints about the application of the behaviour policy can be made through the Trust's complaints procedure.</i></p> |
| Statutory assessments of Special Educational Needs | Please refer to the academy's website for details of its SEND policy and the local offer. The Local Authority in which the academy is situated can also be contacted. |
| Academy reorganisation proposals and other matters where consultation is required or encouraged | Any consultation will provide an opportunity for comments from interested individuals. |
| Matters likely to require a Child Protection Investigation | Complaints about child protection matters are handled under our individual academy child protection and safeguarding policies and in accordance with relevant statutory guidance. |
| Staff grievances | Complaints from staff will be dealt with under the Trust's internal grievance procedures. |
| Staff conduct | Complaints about staff will be dealt with under the Trust's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken as a result of a complaint. However, the complainant will be notified that the matter is being addressed. |
| Whistleblowing | We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors which can be obtained from our academy and Trust websites. |
| External examination results | Details of the appeals procedure can be obtained from the academy at which the examination was sat. |
| Complaints about services provided by external bodies using an academy's premises or facilities | Complaints should be made to the provider of the service, club, or other activity under their own procedure. |
| Withdrawal from the curriculum | Where a parent/carer has withdrawn their student from Religious Education, the Trust will not usually investigate complaints where a religious matter has been spontaneously raised by pupils or has arisen in another subject such as history. |
| Breaches of the Trust's Code of Conduct for Governors and Trustees | Please refer to the Trust's Code of Conduct for Governors and Trustees available on our academy and Trust websites |

Where to direct your complaint

| Complaint refers to: | Stage 1 - Informal | Stage 2 - Formal | Stage 3 - Review |
|---|--|--|--|
| General school matters, including: progress, curriculum, provision, achievement, behaviour, and welfare | Relevant teacher, e.g. class teacher, form tutor, subject teacher | Headteacher/Principal | School-level review panel |
| Member of school staff/ individual governor (excluding chair) | Headteacher/Principal in first instance. Concern may be passed to the member of staff concerned or an appropriate alternative staff member for response at Stage 1 | Headteacher/Principal in the first instance. | School-level review panel |
| Headteacher/Principal/Executive Principal | Chair of Governors in first instance. Concern may be escalated to Stage 2 or passed back to the Headteacher for a response at Stage 1 | Chair of Governors | School-level or Trust-level review panel as appropriate to the circumstances |
| Member of Trust Central Services (not CEO) | Relevant staff member or head of department | CEO in the first instance | School-level or Trust-level review panel as appropriate to the circumstances |
| Chair of Governors/ complaint against entire governing board | Chair of Trustees in the first instance. Concern may be escalated to Stage 2 or passed back to school for Stage 1 | Chair of Trustees | Trust-level review panel |
| Chief Executive Officer | Chair of Trustees in the first instance. Concern may be escalated to Stage 2 or passed back to CEO for response at Stage 1 | Chair of Trustees | Trust-level review panel |

In all cases, Abbey MAT reserves the right to appoint appropriate alternative investigating officers to respond to a complaint.

Contact details

School Offices:

For contacting individual staff and headteachers

Abbey Grange CE Academy: info@abbeygrangeacademy.co.uk

Bishop Young CE Academy: info@bishopyoungacademy.co.uk

Christ Church Upper Armley CE Primary: office@ccuaprimary.co.uk

Holy Trinity Rothwell CE Primary: info@holyltrinityce.co.uk

Lightcliffe Academy: contactus@lightcliffeacademy.co.uk

Lightcliffe CE Primary: admin@lightcliffeceprimary.co.uk

Manston St James Primary: info@manstonstjames.co.uk

St Chad's CE Primary: office@stchadsprimary.net

Trust Office:

For contacting the Co-CEOs, Central Services Team, or the chair of trustees

- Email: Please use our contact form on our website at www.abbeytrust.org and select 'Governance/Chair of the Trust Board' (or individual department for central services staff members) or email enquiries@abbeytrust.org
- Post: C/o Abbey MAT Governance Team, The Moyes Centre, Bishops Way, Seacroft, Leeds, LS14 6NU

Abbey MAT Governance Team:

For contacting the Abbey MAT Governance Team, clerks to governors, clerk to the trustees, chair of governors, chair of trustees

- Email: governance@abbeytrust.org
- Post: C/o Abbey MAT Governance Team, The Moyes Centre, Bishops Way, Seacroft, Leeds, LS14 6NU

Summary of complaints procedure

| | |
|--|---|
| Stage 1: Informal Concerns/ Complaints | Complainant brings complaint to attention of relevant member of staff in person or in writing. Contact school office or Trust office (enquiries@abbeytrust.org) for contact details. |
| | Acknowledgement within 3 school days |
| | Issue to be resolved within 10 school days |
| | Where no satisfactory solution has been found, complainant may move to Stage 2 |
| Stage 2: Formal Complaints | Complainant to put complaint in writing using Complaint Form to contact in Appendix 2 |
| | Complaint to be acknowledged within 5 school days |
| | (Optional) Meeting with complainant |
| | Response to the complaint sent within 15 school days |
| Stage 3: Referral to Review Panel | Complainant to request hearing within 10 school days of receiving notice of the outcome of Stage 2 |
| | Complainant to put complaint in writing using Complaint Form c/o Abbey MAT Governance Team (governance@abbeytrust.org) to: <ul style="list-style-type: none"> • Chair of local governing body • Chair of Trust Board |
| | Request to be acknowledged within 5 school days |
| | Hearing to take place within 30 school days of receipt of request |
| | Notification of date, time and place of the hearing and details of the Review Panel present sent at least 5 school days before the hearing |
| | Trust/Academy and complainant to submit evidence in support of their case to Clerk at least 3 school days before the hearing |
| | Review Panel decision sent not more than 10 school days after the hearing |

Complaint review panel procedure

This document is intended to set out best practice for the operation of a review panel and it is recognised that, where circumstances dictate, it may be necessary to depart from this.

The Clerk to the Governors / Trustees will constitute a Review Panel made up of three members. The constitution of the panel is set out in Section 5 of the complaints policy.

Once a Review Panel is identified, the panel should elect a Chair. The Chair will work in conjunction with the Clerk to make arrangements for the panel hearing, including:

- Setting the date for the hearing;
- Identifying an appropriate venue for the hearing giving thought to, amongst other matters, the need for 'breakout' rooms and the safeguarding of children. In all but exceptional circumstances, the venue should be within the estate of Abbey MAT however it is recognised that in some circumstances it may be necessary to hear a complaint at an external venue;
- Setting a date for the exchange of documentation between the parties and the Review Panel;
- Carrying out an initial review of documents to ensure all documentation is available to the Review Panel and the parties for the hearing. It should be remembered that a number of policies and procedures are available on the academy/trust websites and these documents can be called up during the course of the hearing where necessary;
- Identifying any support which is necessary for the Review Panel including HR advice, legal advice, clerking and/or minute taking;
- Setting an agenda for the hearing which provides for each party to open their case and question the other party on their case. The Chair will ensure that this agenda is followed during the hearing in order to enable each party to fairly set out their case without interruption;
- Where either party requests a change of dates or provides documents after the specified deadline, a decision on the same will be at the Review Panel's absolute discretion. Where repeated or unreasonable adjournment requests are received from one party the Review Panel may proceed in the absence of a party;

- The scope of the Review Panel's inquiry will be as set out in the complaints policy. The Review Panel has discretion to consider matters beyond the scope of the policy where, in the view of the Review Panel, it will assist the parties to have a determination in order to achieve reconciliation between the parties;
- The Review Panel will make a decision on the matter in issue and may also make recommendations to the academy/trust which will assist, for example, in achieving reconciliation between the parties or in avoiding future similar incidents. Such recommendations may arise from the matter in issue or from matters which become apparent during the course of the panel hearing;
- The hearing will be non-adversarial in style. All parties and their representatives should ensure that they communicate appropriately throughout the hearing. The Review Panel has the absolute discretion to halt proceedings if an inappropriate approach is taken by any party.
- After the hearing the Review Panel will deliberate in private accompanied by any advisor. The decision may be communicated orally after these deliberations where appropriate. In all circumstances the decision will be communicated in writing within 10 working days.

The standard Review Panel hearing procedure is as follows:

The papers for the hearing will be circulated by the Clerk five working days prior to the panel hearing. Any additional material should be provided to the Clerk no later than three working days before the panel hearing for distribution to relevant parties.

The hearing will be as informal as possible commensurate with the fact that it is part of a formal procedure. The style will not be confrontational or adversarial and will be a genuine attempt to allow the complainant and the respondent to present their sides on the issue.

- The Chair of the panel will welcome the complainant and the representative(s) of the academy/Trust.
- The Chair will check that all parties have received and read all previously distributed submissions.
- The Chair will invite the complainant to present their case.
- The academy/Trust may ask questions.
- The panel may ask questions.
- The Chair will then invite the academy/Trust to present its case.
- The complainant may ask questions.
- The panel may ask questions.

- The academy/Trust will then sum up their case without adding anything new.
- The complainant will then sum up their case without adding anything new.
- The complainant and the academy/Trust will then leave the hearing.
- The panel will then deliberate to reach a decision which, if a vote is needed, will be determined by a simple majority. If the voting is tied the Chair will have the casting vote.

As a result of the hearing, the Review Panel can:

- 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.
- Make findings and recommendations that can include, recommending action or procedures to ensure that issues of a similar nature do not recur.

The Chair of the Review Panel will ensure that the complainant and, where relevant, the person complained about is notified of the panel's findings and recommendations, in writing.

Persistent and Vexatious Complaints Policy

We define unreasonably persistent complaints as those which, because of the frequency or nature of the complainants' contacts with the Trust and its academies, hinder our consideration of their or other people's complaints.

Examples of unacceptable or vexatious behaviour include any action or series of actions which are perceived by a staff member or volunteer to be deceitful, abusive, offensive, or threatening whether they are delivered verbally, in writing, or a combination of the two. This includes not only behaviour directed at them, but also their colleagues, associates, academy or the Trust.

Single incidents may be unacceptable, but more often the difficulty is caused by unreasonably persistent behaviour that is time consuming to manage and interferes with proper consideration of the complaint.

In those cases where our pupils, staff, academies, or the Trust as a whole, suffer adversely from persons making repeated, frivolous, or persistent complaints, or who pursue complaints in a threatening or abusive way, our Persistent and Vexatious Complainants Policy detailed in this section will be applied.

Unreasonably persistent or vexatious complainant behaviour

The following list, whilst not exhaustive, provides examples of behaviour by complainants which may be described as unreasonably persistent or vexatious. In these examples, a contact may be in person, by telephone, letter, email, SMS text message, or via social media. We will not tolerate behaviours such as:

- Communicating in an unacceptable way with staff, members of the Local Governing Body or Trustees, for example, the complainant's contact is abusive, harassing, offensive or threatening;
- Refusing to articulate or specify the grounds of a complaint, despite offers of assistance;
- Refusing to accept that certain issues are not within the scope of the complaints procedure;
- Refusing to co-operate with the complaints procedure or the complaints investigation process;
- Insisting that the complaint is dealt with in ways which are incompatible with the complaints procedure or with good practice
- Mis-using academy/trust email addresses and telephone numbers, for example, contacting staff on mobile numbers or cc'ing multiple staff into communications regarding their complaint
- Demanding special treatment or immediate escalation of their complaint;

- Making excessive demands on the time and resources of staff with frequent, detailed, or lengthy phone calls, emails or letters, and/or insisting on immediate responses, hindering the consideration of their or other people's complaints and/or the proper running of the academy/trust;
- Raising numerous, detailed but unimportant questions and insisting they are all answered, or repeatedly arguing points with no new evidence;
- Pursuing a complaint which is unfounded, vexatious, or has patently insufficient grounds;
- Pursuing a complaint which is the same, similar or based on the same facts of a complaint which has already been considered in full by the academy/trust;
- Submitting repeat complaints with minor additions/variations that the complainant insists make these 'new' complaints;
- Seeking unrealistic outcomes in relation to their complaint, or a solution that lacks any serious purpose or value;
- Making unjustified complaints about staff who are trying to deal with issues, and seeking to have them replaced;
- Changing the basis of the complaint as the investigation proceeds, denying or changing statements they made at an earlier stage, or introducing trivial or irrelevant new information at a later stage;
- Covertly recording meetings and conversations;
- Adopting a 'scatter gun' approach, pursuing parallel complaints on the same issue.

How we will respond

When we believe a complainant to be unreasonably persistent or vexatious, we will tell them why and ask them to change their behaviour. If their behaviour continues, we will take action to restrict the complainant's contact with the academy and/or Trust. Any such restrictions will be evidence based, appropriate, and proportionate.

Examples of actions we may implement include:

- Restrict the complainant's access to the Trust/Academy e.g. requesting contact in a particular form (for example, letters only), requiring contact to take place with a named person only, restricting telephone calls or emails to specific days or times or banning the complainant from an academy's premises;
- Conduct a Stage 3 review of the complaint on the papers only, i.e. not hold a hearing;
- Close or refuse to consider the complaint and refer it directly to the EFSA;

In cases where this becomes necessary, we will write to tell the complainant why we believe their behaviour is unacceptable, what action we are taking and its planned duration.

The Trust recognises that individuals who feel dissatisfied by the academy's/Trust's actions may feel angry about their treatment. However, the Trust has a duty of care to its staff and volunteers and will take all necessary steps to ensure the safety and wellbeing of its employees, governors, and trustees.

Where a complainant's behaviour is so extreme that it threatens the immediate safety and wellbeing of staff, members of the Local Governing Body or Trustees, we will consider other options, for example reporting the matter to the police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

Closing a complaint

Where a complainant:

- Tries to re-open an issue with an academy or the Trust after the complaints procedure has been fully exhausted and the academy/Trust has done everything it reasonably can in response to the complaint; or
- Has behaved in a way which has invoked the application of the Persistent and Vexatious Complainants Policy and their behaviour continues to hinder our consideration of their or other people's complaints or the proper running of the academy/Trust;

the chair of governors (or other appropriate person) will inform the complainant that the matter is closed.

If the complainant subsequently contacts the academy or Trust again about the same issue, the academy/Trust can choose not to respond. The normal circumstance in which we will not respond is if:

- Every reasonable step has been taken to address the complainant's needs, *and*
- The complainant has been given a clear statement of the academy's or the Trust's position and their options (if any), *and*
The complainant is contacting the academy or Trust repeatedly but making substantially the same points each time.

However, this list is not intended to be exhaustive.

The academy/Trust will be most likely to choose not to respond if:

- We have reason to believe the individual is contacting the Academy with the intention of causing disruption or inconvenience, and/or
- The individual's letters/emails/telephone calls are often or always abusive or aggressive, and/or
- The individual makes insulting comments about, or threats towards, staff or volunteers.

Once the academy/Trust has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email. We may also advise the complainant that any further contact on the matter provided in writing will be read and placed on file without acknowledgement and telephone calls will be terminated and logged.

The academy/Trust will ensure when making this decision that complainants making any new complaint are heard, and that the academy/Trust acts reasonably.

Abbey Multi Academy Trust: Meeting Request Form (Stage 1)

| | |
|---|--|
| Name of Academy (if applicable): | |
| Name of staff member I wish to meet to discuss the following matter: | |
| Brief details of topic to be discussed: | |
| | |
| Dates/times when it would be most convenient to attend a meeting: | |
| | |

| | |
|---|--|
| Your name: | |
| Relationship with the Trust/Academy (e.g. parent/carers of pupil on roll): | |
| Pupil's name (if relevant to the matter to be discussed): | |

| | |
|-------------------------------------|--|
| Address, including postcode: | |
| Daytime telephone number: | |
| Evening telephone number: | |
| Email address: | |

| | | | |
|-------------------|--|--------------|--|
| Signature: | | Date: | |
|-------------------|--|--------------|--|

Please complete this form and return it to the academy office or Abbey MAT office as appropriate.

| | |
|------------------|--------------------|
| Admin use | |
| Date received | Date response sent |
| Received by | Response sent by |

Abbey Multi Academy Trust: Formal Complaint Form (Stage 2)

Please complete this form and return it to the academy office or Abbey MAT office (as appropriate) who will acknowledge its receipt and inform you of the next stage in the procedure.

You may continue on separate paper, or attach additional documents, if you wish.

Number of additional papers attached = _____

| | |
|---|--|
| Your name: | |
| Relationship with the Trust/Academy (e.g. parent/carers of pupil on roll): | |
| Pupil's name (if relevant to the matter to be discussed): | |

| | |
|-------------------------------------|--|
| Address, including postcode: | |
| Daytime telephone number: | |
| Evening telephone number: | |
| Email address: | |

| | | | |
|-------------------|--|--------------|--|
| Signature: | | Date: | |
|-------------------|--|--------------|--|

| |
|--|
| Please give concise details of your complaint (including dates, names of witnesses, etc.) to allow the matter to be fully investigated: |
| |

**What action, if any, have you already taken to try and resolve your complaint?
(i.e. who have you spoken with or written to and what was the outcome?)**

| |
|--|
| |
|--|

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

| |
|--|
| |
|--|

| Admin use | |
|-----------------------|--------------------|
| Date received | Date response sent |
| Received by | Response sent by |
| Complaint referred to | Referred on |

Abbey Multi Academy Trust: Complaint Review Request Form (Stage 3)

Please complete this form and return it to governance@abbeytrust.org who will acknowledge its receipt and inform you of the next stage in the procedure.

You may continue on separate paper, or attach additional documents, if you wish.

Number of additional papers attached = _____

| | |
|--|--|
| Your name: | |
| Relationship with the Trust/Academy (e.g. parent/carer of pupil on roll): | |
| Pupil's name (if relevant to the matter to be discussed): | |

| | |
|-------------------------------------|--|
| Address, including postcode: | |
| Daytime telephone number: | |
| Evening telephone number: | |
| Email address: | |

| | | | |
|-------------------|--|--------------|--|
| Signature: | | Date: | |
|-------------------|--|--------------|--|

| | |
|---|--|
| I submitted a formal complaint to the academy/Trust on: | |
| My complaint was submitted to: | |
| I received a response on: | |
| From: | |
| I am dissatisfied with the way in which the procedure was carried out because: | |
| | |

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

Please ensure that you attach copies of your formal complaint and of the response(s) from the academy/Trust.

| Admin use | |
|-----------------------|--------------------|
| Date received | Date response sent |
| Received by | Response sent by |
| Complaint referred to | Referred on |