

# COMPLAINTS POLICY

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## AtC

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## Introduction

- 1 Achievement through Collaboration Trust recognises that on occasions parents/carers, students or members of the public may need to raise a concern or complaint about the Trust or one of its establishments. The Trust takes all concerns and complaints seriously and is committed to seek to resolve any matter raised in a positive way and make any identified improvements.
- 2 This policy applies to all concerns and complaints made against AtC trust and its establishments about any provision of facilities or services provided with the following exceptions, for which there are separate procedures:-
  - Admissions to schools;
  - Exclusions from school;
  - Statutory assessments of Special Educational Needs (SEN);
  - School reorganisation proposals;
  - Matters likely to require a Child Protection Investigation;
  - Employee grievances;
  - Whistleblowing matters; and
  - External examination results.
- 3 A “concern” is defined as an “expression of worry or doubt over an issue considered to be important for which reassurances are sought”. A complaint may be generally defined as “an expression of dissatisfaction however made, about actions taken or lack of action.”
- 4 To enable a proper investigation, concerns or complaints should be brought to the attention of the Establishment or the Trust as soon as possible. In general, this should be no later than one month after the event (or latest event, in the case of a series of incidents) to which the concern or complaint relates.
- 5 Complaints should not be raised with members of the Local Governing Body who may be required to have a formal role if a complaint reaches an Independent Panel Hearing.
- 6 Anonymous complaints will not be investigated under this policy, unless there are exceptional circumstances. Any anonymous complaint received will be referred to the Trust Regulatory Team who will decide what action, if any, will be taken.

## Aims

- 7 To provide a fair complaint procedure which is clear and easy to use for anyone wishing to raise a concern or make a complaint.
- 8 how To publicise the existence of our complaints procedure so that people know to contact us to raise a concern or make a complaint.
- 9 To ensure all concerns and complaints are managed in an impartial and non-adversarial manner.
- 10 To encourage concerns to be resolved by informal means, without the need to use the formal stages of the Complaints Policy.

- 11 To ensure all complaints are thoroughly investigated, as quickly as possible and at an appropriate level.
- 12 To ensure that complaints are, wherever possible, resolved and that relationships are repaired.
- 13 To gather information which helps us to improve what we do.
- 14 To support the mission, vision and values of the Trust and its establishments.

### **Who is responsible for this policy?**

- 15 The Trust has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory or Trust framework. The Trust has delegated day to day responsibility for operating the policy to the Local Governing Body and the Head of each Establishment.
- 16 The Local Governing Body and Senior Leadership Team at each establishment has a specific responsibility to ensure the fair application of this policy and all members of staff are responsible for supporting colleagues and ensuring its success.

### **Complaint resolution through this policy**

- 17 An overview of the stages within our Complaints Policy can be found within the flowchart at Appendix 1.
- 18 There are four stages to the Complaints Policy:-
  - Stage One - Informal resolution;
  - Stage Two - Formal Procedure;
  - Stage Three - Trust Review (If a complaint is against the Head of Establishment the Stage Two investigation is undertaken by the Trust therefore there will be no Trust Review Stage)
  - Stage Four - Independent Panel Hearing or Chief Executive Review.
- 19 The aim of each stage is to ensure that the complaint is fully considered, and a clear finding is communicated to the complainant, which either resolves the matter to their satisfaction or explains why this is not possible.
- 20 New issues or complaints raised at Stage Two should be given the opportunity to go through Stage One in order to seek an efficient resolution for all parties involved. Complainants will be encouraged to seek resolution to the new issues or complaints through Stage One of the complaints process.
- 21 Complainants will be given the opportunity to complete the complaints procedure in line with the policy, unless there is clear evidence that the complaint meets the unreasonably persistent or vexatious criteria defined within this Policy.
- 22 Although every effort will be made to comply with the timescales within each stage of this policy, this may not always be possible, for example, due to the complexity of the investigation required or the unavailability of a witness to attend a meeting. Where a timescale cannot be complied with, the

complainant will be written to within the specified timescale to inform them of the reasons for delay and the new timescale that will apply.

- 23 Where the policy refers to “working days” in the cases of a school this will be “school days” ie: during term time excluding holidays and inset days.
- 24 Contact with the Trust Regulatory Team, for when required within this Policy, can be made via [info@atctrust.org.uk](mailto:info@atctrust.org.uk). Any complaint incorrectly directed to the Trust Central Team when it is not appropriate will be redirected to the Establishment.

### **Stage One - Informal Resolution**

- 25 The Trust recognises that from time to time there may be normal and legitimate concerns about decisions within their establishments. For example, concerns from parents/carers regarding the progress, achievement, behaviour and welfare of their child; and they are encouraged to make their concerns known at the earliest opportunity so they can be addressed,
- 26 Concerns can often be resolved quickly and informally, through discussion, clarification, explanation or provision of further information, or sometimes simply by acknowledgement of the issue and an apology.
- 27 Concerns should be raised in the first instance with the relevant teacher (class teacher, form tutor, subject teacher, or Head of Year) or an appropriate member of staff according to the matter concerned. This may be by letter, email, telephone or requesting a meeting via the school office.
- 28 If the member of staff is unable to deal with the concern immediately, a note will be taken of the details and the individual will be contacted as soon as the matter has been looked into. If a concern is raised with a member of staff who feels that he/she is not the best person to deal with it, the matter will be referred to another member of staff as appropriate (still at Stage One of the policy).

### **Stage Two - formal procedure**

- 29 A Head of Establishment shall have a discretion, which will be exercised reasonably, not to allow a formal complaint to be pursued where an Informal Resolution had not been sought.
- 30 If the complainant feels that their concern has not been resolved during informal discussions within Stage One, they may raise a formal complaint under Stage Two of the Policy.
- 31 The Complainant must put the complaint in writing using the Trust’s Complaint Reporting Form, which can be found on the Establishment’s Website (copy Appendix 2), unless the complainant has a disability, learning difficulty or difficulties with the English language which prevents this, in which case the the complainant may contact the Establishment for assistance. The Complaint should be addressed to the Head of Establishment.
- 32 When completing the Complaint Reporting Form, the complainant should provide as much detail as possible about the matter; including dates and times

of events, potential witnesses, copies of any relevant documents, and a clear indication of the action(s) they are seeking to resolve their complaint.

- 33 Once received, the Head of Establishment should immediately forward a copy of the Complaint Reporting Form to the Complaints Lead Advisor at ATC Trust, who will oversee the progress of the complaint and provide advice and guidance as required.
- 34 The Head of Establishment will acknowledge receipt of the complaint within 5 working days, and pass the complaint to a nominated senior member of staff, as appropriate, for investigation.
- 35 An investigation of the complaint will be carried out by the nominated senior member of staff who will report to the Head of Establishment. The investigation should include contacting the complainant and seeking any clarification if require, to support an effective and thorough investigation. The investigation should involve gathering all relevant information to establish the facts of the matter. This may include interviewing and taking statements from any pupil or member of staff who is the subject of the complaint and from any witnesses involved in the matter.
- 36 The investigation should aim to be concluded within 15 working days of the complaint being received.
- 37 The Head of Establishment, supported by the nominated senior member of staff who undertook the investigation, will discuss the findings of the investigation with the complainant. This may be during a meeting or over the telephone. The complainant must agree to verbally discuss the findings of the investigation with the Head of Establishment (If the complainant has a disability, learning difficulty or difficulties with the English language, the Establishment will provide appropriate assistance). Wherever reasonably possible, such discussion will take place within 20 working days of the complaint being received. This discussion provides an opportunity to ensure clarity within the issues discussed and any misunderstandings which can occur through written communication, can be avoided.
- 38 The Head of Establishment will then put their findings in writing and indicate what steps, if any, should be taken in order to resolve the matter. Whenever reasonably possible, this will be done within 5 working days of the feedback discussion with the complainant.
- 39 A copy of the written response will be submitted to the Regulatory Team at ATC Trust by the Head of Establishment; this will support the monitoring of any agreed actions.
- 40 Where a complaint is against the Head of Establishment, in that they were directly involved in the the initial concern that has given cause for the complaint, a member of ATC Trust will take over this role under Stage Two. The Head of Establishment is not defined as being directly involved in a complaint through undertaking their management overview role.

### **Stage Three - Trust Review**

- 41 If the complainant is not satisfied with the outcome of the Establishment's investigation into their complaint at Stage Two, the complainant should contact the Trust Regulatory team in writing, clearly stating their reasons for requesting a review of their complaint within 5 working days of the date of the Head of Establishment's written response from Stage Two.
- 42 The Trust will carry out an independent review of the complaint. They may contact the complainant if they need any clarification or further information to assist with their review. The Trust may instruct the Establishment to carry out further investigation into areas of the complaint and will make recommendations regarding suitable resolution if they find that issues have been overlooked or not appropriately addressed at Stage Two.
- 43 The review will aim to be concluded within 20 working days of receipt of the complainant's request for a Trust review. The complainant must agree to verbally discuss the findings of the review with the investigating officer (If the complainant has a disability, learning difficulty or difficulties with the English language, the Establishment will provide appropriate assistance). This timeframe will include the complainant and Establishment receiving a written response confirming the outcome of the review.

### **Stage Four - Independent Panel Hearing or Chief Executive Review**

- 44 If the complainant is not satisfied with the outcome of the previous applicable stages, the complainant may request that the complaint be considered at Stage Four.
- 45 A request to use this stage must be in writing and addressed to the Trust within 10 working days of the previous Stage response being sent to the complainant. The request must set out clearly the reasons why the complainant is dissatisfied with the response and may include any evidence to support their reasons.
- 46 New allegations that have not been raised at Stage Two may not be brought before the Panel.
- 47 New evidence which was not provided before the completion of the Stage Two investigation will not normally be considered, however, the Chair shall have absolute discretion to permit evidence if it is relevant to the matters to be considered as part of the appeal.
- 48 Complaints from Parents/Legal Guardians of pupils within one of our Establishments, under this stage will have an Independent Panel Hearing of the Establishment which will comprise of two members of the Establishment's Governing Body who have no prior knowledge of the complaint, and one person independent of the management and running of the Establishment. The selection of the independent member will be supported by the ATC Trust Regulatory Team.
- 49 The role of the Panel is not to conduct a further investigation of the complaint. The Panel's role is to consider the procedural fairness of the investigation undertaken at Stage Two and the determinations made.

- 50 The Clerk to the Governing Body will convene the Independent Panel Hearing. The Hearing will be held as quickly as practicable given the need to find a date that is reasonably convenient for the complainant, the Establishment and the members of the Panel. Whenever possible, the hearing will be held within 30 days of receipt of the Hearing request.
- 51 The complainant must engage with the Clerk in providing details of convenient days for attendance.
- 52 All parties will be provided with a minimum of 8 working days' notice of the date of the Hearing.
- 53 The following are entitled to attend the Panel Hearing, submit written representations and relevant documentation, and address the Panel:-
- the complainant(s) and/or one representative;
  - the Head of Establishment and/or one representative;
  - the Trust's Complaints Lead Advisor to address any procedural questions which may arise;
  - any other interested person who the Complaint Appeals Panel considers to have a reasonable and just interest in the appeal and whose contribution would assist the Panel in their decision making.
- 54 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 at least 6 working days prior to the hearing. Any submissions or documents not submitted in accordance with this timescale will not be considered unless the Chair, in their absolute discretion, believes it is just to accept them.
- 55 All parties will be issued with papers 5 working days prior to the hearing.
- 56 The Panel may request to speak to witnesses and this decision will be at the discretion of the Chair.
- 57 After the hearing the Panel will formulate its response as quickly as reasonably possible, aiming to do so within 10 working days, and the Clerk to the Governing Body will notify all parties.
- 58 Complaints from non-parents/legal guardians of pupils within one of our Establishments may request a Chief Executive Review as Stage Four. The Chief Executive will review the procedural fairness of the investigation undertaken at Stage Two and the determinations made, they will not consider additional complaints. The Chief Executive may delegate this Review to senior member of Trust staff who has not previously been involved in the complaint. The Review will be undertaken within 15 working days of receipt of the review request.
- 59 The Panel or Chief Executive findings and recommendations will be sent in writing to the complainant and Establishment within a "Completion of Procedure" letter and
- sent, where relevant, to the person complained about; and
  - available for inspection on the Establishment's premises.



60 A written record will be kept of all Stage Two and above complaints by the Establishment and by ATC Trust Regulatory Team. The ATC Trust Regulatory Team will record at what Stage they have been resolved or progressed to. All recommended actions arising from the complaint investigations will be monitored by ATC Trust Regulatory Team.

### **Right to be accompanied**

61 The complainant has a right to be accompanied by a friend, relative or other third party to any meetings or hearings held under the formal stages of the Complaints Policy (Stages Two onwards)

62 These meetings or hearings are not legal proceedings and so legal representation is not usually necessary. However, if a complainant does wish to be accompanied by someone who is legally qualified this needs to be specifically mentioned, and they must notify the Head of Establishment or Trust as appropriate at least 5 working days prior to the meeting.

63 Any member of staff interviewed as part of the investigation process into a complaint has a right to be accompanied to the meeting, which includes representation by a recognised trade union.

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

### **Confidentiality and data protection**

65 All complaints will be handled in the strictest confidence by the Trust and its establishments and Data Protection principles will be applied in line with the Trust's Data Protection Policy.

66 Correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under Section 162A of the Education Act 2002 requests access to them or where the Trust is otherwise required by law to disclose them.

67 It is expected that complainants will also keep their complaint private and confidential. In particular, complainants are not expected to discuss complaints publicly via any form of social media or with third parties. The posting of any defamatory, offensive or derogatory comments by parents on social media sites by parents/carers will be dealt with under the Parent Code of Conduct.

68 Electronic recordings of meeting must not be made by either the Trust/Establishment or the complainant. A meeting to discuss a complaint may not go ahead if the complainant is insistent on recording the meeting. The Trust/Establishment will take notes of any meetings to discuss a complaint, which may be shared afterwards, and complainants may do likewise.

69 Due to privacy rights under data protection legislation, information disclosed relating to an outcome if it relates to a third party individual, ie: disciplinary action of a member of staff or another pupil, may sometimes be limited.

## **Dealing with unreasonably persistent or vexatious complaints and behaviour**

- 70 We define unreasonably persistent and vexatious complaints as those which, because of the frequency or nature of the complainants ' contacts, hinder our concentration of their or other people's complaints. The description "unreasonably persistent" and "vexatious" may apply separately or jointly to a particular complaint.
- 71 Features of an unreasonably persistent and/or vexatious complaint include those detailed within Appendix 3. Please note that this list is not exhaustive, nor does one single feature on its own necessary imply that the complaint will be so defined.
- 72 The Establishment will ensure that the complaint is being, or has been, investigated in accordance with this Complaints Policy. If there are concerns that a complaint may fall within the category of unreasonably persistent and/or vexatious the Head of Establishment will seek guidance and advice from the ATC Trust Regulatory Team.
- 73 If a complainant is found to be unreasonably persistent and/or vexatious the ATC Trust Regulatory Team will write to the complainant advising them of the decision and the reasons for this. The letter should state that all future correspondence from them with regards to complaints should be directed to the ATC Trust Regulatory Team who will consider whether it raises any substantive new issue/s.
- 74 The complainant will be advised that if no substantive new issue is raised, any future complaints will not receive a response. They will also be advised of their right to complain about the decision to the Education and Skills Funding Agency (ESFA).
- 75 There is no internal route of appeal against the decision that a complaint is persistent and/or vexatious.
- 76 If future complaints do raise substantive new issues, these will be investigated in accordance with The Complaints Policy.
- 77 The Trust will investigate complaints professionally and with respect towards all individuals involved. The Trust expects anyone raising a complaint to be respectful and avoid aggression or intimidating behaviour. If a parent/carer's behaviour is unacceptable, the matter will be dealt with under the Parent Code of Conduct.

## **Complaints to the ESFA/OIA**

- 78 If the complainant is not satisfied with the way their complaint has been handled, they may escalate their complaint to the to the Education and Skills Funding Agency (ESFA) in the case of schools or the Office of the Independent Adjudicator (OIA) in the case of SCITT provision. Both agencies will expect the complainant to have first exhausted the Trust's Complaints Policy.
- 79 ESFA will not overturn a Trust's decision about a complaint. However, if they find that a Trust did not comply with its own Complaints Policy when

considering a complaint, they will request the complaint is looked at again. ESFA can be contacted via the Department for Education's online school complaint form ([www.gov.uk/complain-about-school](http://www.gov.uk/complain-about-school)) or in writing to the following address: Ministerial and Public Communications Division, Department for Education, Piccadilly Gate, Store Street, Manchester, M1 2WD.

80 Complaints to the OIA should be submitted via the OIA complaint form, which can be found on the website <https://www.oiahe.org.uk/students/how-to-complain->

### **Accountability**

81 The Head of Establishment holds delegated responsibility for discharging the sound application of all establishment policies.

82 The Head of Establishment should inform the ATC Trust Regulatory Team and their Governing Body or all matters relating to serious breaches of this policy including any major incident to be addressed under the policy promptly, preferably prior to action being taken insofar as is reasonably practicable.

## Appendix 1 - Stages within our Complaints Policy

<b>Stage 1</b>	
Concern raised with teacher/relevant member of staff and informal resolution sought	
<b>Yes</b>	<b>No</b>
Implement any agreed resolution	Proceed to Stage Two

<b>Stage 2</b>	
Formal complaint raised with Head of Establishment (HoE) via Complaint Reporting Form. <i>(Acknowledged within 5 working days)</i>	Complaint against (HoE) Formal complaint raised with Trust Regulatory Team via Complaint Reporting Form <i>(Acknowledged within 5 working days)</i>
Notify Trust School led (HoE/SLT) Investigation of complaint	Trust led investigation of complaint
Meeting/telephone call with complainant to discuss findings of investigation and, if applicable, proposed resolutions <i>(Within 20 working days of receipt of complaint)</i>	
Is the Complainant satisfied with the outcome?	
<b>Yes</b>	<b>No</b>
Implement any agreed resolution	School led investigation - Proceed to Stage 3  Trust led investigation - Proceed to Stage 4

<b>Stage 3</b>	
Complainant writes to the Trust Regulatory Team within 5 working days of HoE's written response to request Trust review of complaint with reasons for requesting a review.	
Regulatory Team undertakes review and writes to Complainant with outcome of review <i>(Within 20 working days of receipt of request for Trust Review)</i>	
Is Complainant satisfied with the outcome	

<b>Yes</b>	<b>No</b>
Implement any agreed resolution	Proceed to Stage 4

<b>Stage 4 Parent/Legal Guardian Complaints only - Independent Hearing</b>	
Complainant writes to the Trust Regulatory Team within 10 working days of receipt of written outcome.	
Independent Panel Hearing	
Panel convened and hears complaint ( <i>Within 30 working days of receipt of request</i> )	
Completion of Procedures Letter sent ( <i>Within 10 working days of hearing</i> )	
Is the Complainant satisfied with the outcome?	
<b>Yes</b>	<b>No</b>
Implement any agreed resolution	Complainant can refer to ESFA/OIA

<b>Stage 4 Non-Parent/Legal Guardian Complaints - Chief Executive Review</b>	
Complainant writes to the Trust Regulatory Team within 10 working days of receipt of written outcome.	
Chief Executive Review ( <i>Within 15 working days of receipt of request</i> )	
Completion of Procedures Letter sent ( <i>Within 10 working days of Chief Executive Review</i> )	
Is the Complainant satisfied with the outcome?	
<b>Yes</b>	<b>No</b>
Implement any agreed resolution	Complainant can refer to ESFA/OIA



**What action, if any have you already taken to try and resolve your complaint?  
To whom did you speak to and what was the response? (*An informal resolution should have been sought*)**

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

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

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**Signature**

**Date**

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**For Official Use only**

Date acknowledgement sent		Complaint referred to	
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Acknowledgement sent by		Complaint referred on (date)	
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### **Appendix 3 Examples of unreasonably persistent and/or vexatious complaints**

*Please note that this list is not exhaustive, nor does one single feature on its own necessarily imply that the complaint will be so defined.*

- a) There are insufficient or no grounds for the complaint and it is made only to annoy (or for reasons that the complainant does not admit or make obvious).
- b) There are no specified grounds for the complaint despite offers of assistance.
- c) The complainant refuses to cooperate with the complaints investigation process while still wishing their complaint to be resolved.
- d) The complaint is about issues not within the power of the Establishment to investigate, change or influence and where the complainant refuses to accept this.
- e) The complainant insists on the complaint being dealt with in ways which are incompatible with the Complaints Policy (insisting for example, that there must not be any written record of the complaint or insisting the complaint is only dealt with by the Trust Chief Executive)
- f) There appears to be groundless complaints about the staff dealing with the complaint investigation, and an attempt to have them replaced.
- g) There is an unreasonable number of contacts with us, by any means, in relation to a specific complaint or complaints.
- h) There are persistent and unreasonable demands or expectations of staff and/or the complaints process after the unreasonableness has been explained to the complainant (an example of this could be a complainant who insists on immediate responses to numerous, frequent and/or complex communication).
- i) Attempts to harass, verbally abuse or otherwise seek to intimidate staff dealing with their complaint by use of foul or inappropriate language or by the use of offensive or discriminatory language.
- j) Subsidiary or new issues are raised whilst a complaint is being addressed that were not part of the complaint at the start of the complaints process.
- k) Trivial or irrelevant new information is introduced whilst the complaint is being investigated and an expectation that this is to be taken into account and commented on.
- l) There is a change to the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed.
- m) The complainant denies statements he or she made at an earlier stage of the complaints process.
- n) The complainant electronically records meetings and conversations without the prior knowledge and consent of the other person involved.



- o) The complainant refuses to accept the outcome of the complaint process after its conclusion, repeatedly arguing the point, complaining about the outcome, and /or denying that an adequate response has been given.
- p) The same complaint is made repeatedly, perhaps with minor differences, after the complaints process has been concluded and where the complainant insists that the major differences make those “new” complaints which should be put through the full complaints process.
- q) Documented evidence is not accepted as factual by the complainant.
- r) The complaint relates to an issue based on a historic and irreversible decision or incident.