



## COMPLAINTS POLICY

A POLICY TO BE ADOPTED BY ALL MITRE SCHOOLS

**Adopted:**

Spring 2020

**Date of next review:**

Summer 2023

**Signed by Chair of Trustees**

**Date:**

6<sup>th</sup> March 2020

*This policy has been written with due regard to the MITRE equality policy*



## **COMPLAINTS POLICY**

We aim to make every MITRE school a happy, safe and caring place so that pupils and students may benefit from the best possible education. All members of our staff are dedicated to this aim. If you think we are not living up to your expectations of us we want to know about it so that we may have the opportunity to put things right. We would also like to hear about the things you think we do well.

In the first instance any concern should be addressed informally with the school or Trust as relevant and most issues are resolved in this way.

### **Distinguishing between concerns and complaints**

The complaints policy should help to draw a distinction between a concern and a complaint. Taking informal concerns seriously at the earliest stage helps to support early resolution and can be beneficial to both the concerned party and Trust or school. Wherever possible, concerns will be handled without recourse to formal procedures.

The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. In most cases the class teacher or the individual delivering the service in the case of extended academy provision, will receive the first approach, and will seek to deliver early resolution, including apologising for any failure to deliver on the ordinary high MITRE standards where necessary.

Formal complaint 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.

Anonymous concerns or complaints will not normally be investigated under this policy, unless there are clearly distinguishing features including any safeguarding concern.

### **Complaints framework**

Complaints which relate to admissions, exclusions, SEND provisions and matters of child protection or whistleblowing are covered by other policies. There are also separate policies for managing employee discipline, grievance, harassment and bullying.

### **Resolution of initial concerns (informal)**

Initial or informal concerns can be made either in person, by telephone or in writing to the class teacher or other appropriate member of staff. The member of staff will undertake an initial investigation and decide on appropriate action, sharing the outcome with the concerned party. The concerned party will be advised how to make a formal complaint if they remain dissatisfied.

There is an expectation that initial concerns will be considered with the relevant staff, with the opportunity to address the concerns raised, prior to escalation to formal complaint being considered.

### **The formal complaints process**

If, through informal means, the complaint has not been resolved, the complaint should be submitted in writing, preferably using the complaints form and indicating the informal means already undertaken to resolve the issue. There is a two-stage process to be undertaken. This aims to ensure the complaint is handled in a confidential, swift, impartial and non-adversarial manner. Each stage of the procedure will be used to attempt to address the complaint before progressing to the next stage.

At school level, formal complaints should initially be raised with the Head. If a complaint is about the work of the Trust the complaint should normally be sent to the Chief Executive Officer. A complaint that concerns the Head Teacher should be addressed to the Chair of the Local Governing Body via the school office, marked 'private and confidential'. A complaint that concerns the Trust CEO should be addressed to the Chair of Trustees via the Trust office, marked 'private and confidential'.

Contact details for school and MITRE leadership teams can be found on their respective websites.

**Stage 1:**

Receipt of a formal complaint will be acknowledged within 10 working days. An investigation will be undertaken by the Head or their nominated representative, or by the Chair of Governors or their nominated representative for complaints about the Head or by the CEO or their nominated representative for complaints about the Trust.

Investigations undertaken will be concluded within 20 working days of receipt of the formal complaint form. Where the complaint is complex or requires further investigation, an extension to this timeframe may be considered.

At the point of conclusion, the complainant will be informed in writing of the findings. Where relevant, the person complained about will also be informed of the findings.

The complainant may be invited to discuss the resolution of the issue in person or on the telephone. Should a resolution meeting be planned, every effort will be made to find a mutually agreeable time and the complainant can choose whether to participate. Complainants may bring a companion who may be a relative or friend to a resolution meeting. Their identity must be confirmed before the meeting takes place. Some companions may not be allowed: for example, anyone who may have a conflict of interest, or whose presence may otherwise prejudice a meeting.

**Stage 2:**

If formal stage one complaint has been completed and the complainant is dissatisfied with the way in which their complaint has been handled or the outcome, the case may be referred for consideration at stage two of the formal process. The process for escalation to a stage two complaint is by letter to the school's governing body or the Trust board as relevant within 5 working days of the date of the written outcome from stage 1. The letter should cite the grounds on which the complainant deems that the stage one process has left the complaint unresolved. It is not possible to escalate a complaint to stage two of the complaints policy without grounds for this being supplied.

The Minster Trust for Education reserves the right to decline escalation of a complaint to stage two of the process where it can be reasonably shown that further investigation is unlikely to result in the offer of an alternative outcome or investigation report.

Where stage two of the formal process is initiated, the panel will consist of not less than three people, none of whom were directly involved in the matters detailed in the complaint. This will be constituted from local governors and Trustees and where the complaint relates to conduct within a school, at least one member of the panel will be independent of the management and running of the school.

The complainant will be invited to the hearing. They will be given not less than 10 working days' notice of the date of the hearing and the right to be accompanied. Complainants may bring a companion who may be a relative or friend to any formal meeting under stage one or stage two of this policy. Their identity must be confirmed before the meeting takes place. Some companions may not be allowed: for example, anyone who may have a conflict of interest, or whose presence may otherwise prejudice a meeting.

Findings from stage 2 will be shared within five days of the panel meeting. The complainant will be informed in writing of the findings. Where relevant, the person complained about will also be informed of the findings.

## **Reasonable outcomes from the complaints panel meeting**

The complaints panel may:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide appropriate action to be taken to resolve the complaint;
- recommend changes to the Trust or school systems or procedures to ensure that any lapse in standards does not recur.

Stage two concludes the complaints policy. There is no further right of appeal under this or any other Trust or school policy.

## **Record keeping**

A written record will be kept of all formal complaints and whether they are resolved following a formal procedure or proceed to a panel hearing.

The record will:

- record action taken by the school/Trust as a result of those complaints (regardless of whether they are upheld);
- and provide that correspondence, statements and records relating to individual complaints are to be kept confidential except where a duly mandated external body conducting an inspection requests access to them.

## **Principles of complaint investigation**

The person investigating a complaint at any stage of the formal process will:

- identify areas of agreement and clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues establish what has happened so far, and who has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them if further information is necessary;
- clarify what might rectify the situation;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish.

## **Complaint resolution**

At each stage in the procedure the ways in which a complaint can be resolved will be considered. This might involve any of the following, as appropriate to the situation:

- acknowledgement that the complaint is valid in part or whole;
- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review school policies in light of the complaint;

## **Vexatious complaints**

A complaint is considered to be vexatious as set out below:

- Complaints which are obsessive, persistent, harassing, prolific, repetitious;
- Insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason;
- Insistence upon pursuing meritorious complaints in an unreasonable manner;

- Complaints which are designed to cause disruption or annoyance;

We do not expect staff to tolerate unacceptable behaviour by complainants. Unacceptable behaviour includes behaviour which is abusive, offensive or threatening and may include:

- Using abusive or foul language on the telephone;
- Using abusive or foul language face to face;
- Any form of intimidating or threatening behaviour;
- Sending multiple emails or messages;
- Any other behaviour which causes an employee or external partner of the Trust to feel victimised, concern for their safety, or physical or professional integrity.

Where the Trust considers a complaint is vexatious in nature, appropriate action will be taken to manage such behaviour. This may include (but is not limited to) placing limits on contact with staff or excluding the complaint from further consideration.

### **Referral to the Education Funding Agency**

Once a complaint has been through all the stages of this complaints policy, if the complainant believes that the management of the complaints policy does not comply with the Regulations, or that an Academy has not followed the correct procedure in an individual case, the complainant may refer the complaint to the ESFA for further consideration.

The ESFA may accept complaints about academies where:

- there is undue delay in the response;
- the academy did not comply with its own complaints procedure when considering a complaint;
- there is evidence that an academy has failed to comply with other legal obligation.

The ESFA will not overturn an academy's decision about a complaint. However, if it finds an academy did not deal with a complaint properly it may request that a complaint is reviewed again. Evidenced concerns about the resolution of a complaint can be registered through the ESFA website.

**COMPLAINT FORM FOR SCHOOL FORMAL COMPLAINTS – STAGE 1**

Please complete and return to ..... (Head) who will acknowledge receipt and explain what action will be taken

**Your name:**

**Student's/Pupil's name:**

**Your relationship to the student/pupil:**

**Address:**

**Postcode:**

**Day time telephone number:**

**Evening telephone number:**

**Please give details of your complaint (continue on separate sheet if necessary):**

**What action have you already taken to try and resolve your complaint (who did you speak to and what was the response)?**

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

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

**Signature:**

**Date:**

**Official use**

**Date acknowledgement sent:**

**By who:**

**Complaint to be investigated by:**

**Date:**