



The
Maltby Learning Trust

MLT Complaints Policy

Date Last Reviewed: May 2018
Reviewed by: Clerk to MLT Board
Approved by: MLT Board
Next Review Due: May 2020

1. INTRODUCTION

This policy applies to all employees of the Maltby Learning Trust.

The aim of this policy is to achieve a fair, effective and speedy resolution of concerns relating to the Trust, or to the services that it provides.

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

2. DEALING WITH COMPLAINTS – INITIAL CONCERNS

It is important to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

3. DEALING WITH COMPLAINTS – FORMAL PROCEDURES

The formal procedures will need to 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.

4. SCOPE

The policy will be applied to all complaints, except in the circumstances summarised below:

Admissions	Admissions authority – details relating to this are provided on the Academy website. Please contact the Academy if you cannot access the information.
Matters likely to require a Child Protection investigation	Designated Safeguarding Lead at the Academy – details relating to this are provided on the Academy website. Please contact the Academy if you cannot access the information.
Exclusion	Parents and carers may use Academy procedures to challenge permanent exclusions and fixed term exclusions. Details of the processes to follow are provided in the documentation provided at the time of the exclusion.
Whistleblowing	A copy of the Whistleblowing Policy is on the Academy website. Please contact the Academy if you cannot access the information.
Staff grievances and disciplinary procedures	The Trust has a Staff Grievance and Disciplinary Policy and Code of Conduct.
Complaints about services provided by external bodies using a school premises or facilities	Providers should be contacted directly and have their own procedures for such eventualities.

5. FRAMEWORK OF PRINCIPLES

Our Complaints Procedure will:

- Encourage resolution of problems by informal means wherever possible
- Be easy to obtain and clearly publicised
- Be simple to understand and use
- Be impartial
- Be non-adversarial
- Allow swift handling within agreed time limits for action and keeping people informed of progress
- Ensure a full and fair investigation by an independent person where necessary
- Respect people's desire for confidentiality
- Address all the points at issue and provide an effective response and appropriate redress, where necessary
- Provide information to the Trust's Executive Leadership Team so that services can be improved

6. INVESTIGATING COMPLAINTS

At each stage, the person investigating the complaint makes sure that they:

- 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 unsure whether further information is necessary)
- Clarify what the complainant feels would put things right
- Interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- Conduct the interview with an open mind and be prepared to persist in the questioning
- Keep notes of the interview

7. RESOLVING COMPLAINTS

At each stage in the procedure the Trust will keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- 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 of a review of procedures and policies in light of the complaint

An admission that the Academy could have handled the situation better is not the same as an admission of negligence.

8. VEXATIOUS, HARASSING, UNREASONABLE OR ABUSIVE COMPLAINTS

The MLT are committed to the improvement of our Academies. We welcome feedback from all stakeholders and will always try to resolve any concerns, requests for clarification or complaints as quickly as possible.

Sometimes, however, complainants may treat staff and others in a way that is unacceptable and or behave in an unacceptable matter. Whilst we recognise that some complaints may relate to serious and distressing incidents, we will not accept threatening, inappropriate or harassing behaviour.

What do we mean by 'an unreasonable complainant'?

- An unreasonable complainant may be anyone who engages in unreasonable behaviour when making a complaint. This will include the pursuance of complaints in an unreasonable manner and those who do not act in an appropriate manner towards staff at an Academy within the Trust. This may include:

Actions which are:

- Out of proportion to the nature of the complaint
- Persistent – even when the complaints procedure has been exhausted
- Personally harassing
- Unjustifiably repetitious
- Obsessive, harassing or prolific

An insistence on:

- Pursuing unjustified or unmeritorious complaints
- Pursuing justifiable complaints in an unreasonable manner e.g. using abusive or threatening language
- Making complaints in public or sharing information relating to the complaint, staff, students, the Trust or Academy inappropriately on social media
- Refusing to attend appointments to discuss the complaint
- Unrealistic outcomes to unjustified complaints

Responses to unreasonable persistent or vexatious complaints, unreasonable complaints or harassment.

- In cases of unreasonable persistent complaints or harassment, we may take any or all of the following steps, as appropriate:
 - Inform the complainant that the procedures have been exhausted and that the matter is now closed
 - Inform the complainant in writing that their behaviour is now considered to fall under the terms of this policy and that any complaint will not be investigated further until it is pursued in a manner we consider to be reasonable
 - Inform the complainant that, except in emergencies, we will respond only to written communication
 - Place restrictions on the individual's access to the Academy and/or staff
 - Require all future meetings with a member of staff to be conducted with a third person present. In the interests of all parties, notes of these meetings may be taken.

9. TIME FRAME AND REVIEW

Complaints need to be considered and resolved as quickly and efficiently as possible using time limits published in this policy. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

10. CONFIDENTIALITY

The investigation of any complaint will be kept confidential at all stages and any papers provided to those investigating, or adjudicating on complaints will be marked confidential and destroyed, except for the file copy, which itself, will be confidential.

11. COMPLAINTS PROCEDURE

STAGE ONE – INFORMAL RESOLUTION

- Complainants have an opportunity to discuss their concern with the appropriate member of staff (e.g. class teacher, support staff or Senior Leader) who clarifies the nature of the concern and reassures them that the Academy wants to hear about it. The member of staff may explain to the complainant how the situation occurred. It can be helpful to identify at this point, what sort of outcome the complainant is looking for.
- The appropriate member of staff will make a record of all concerns and complaints and the date on which they were received.
- The staff member dealing with the concern makes sure that the complainant is clear what action (if any) or monitoring of the situation has been agreed.

- If the concern relates to the Principal, the complainant is advised to contact the Chair of the Local Governing Body, via the Academy. The Chair of the Local Governing Body will inform the CEO of the Trust.
- Should the matter not be resolved, or in the event that the appropriate responsible person and the complainant fail to reach a satisfactory resolution, then the complainant will be advised to proceed with their complaint in accordance with Stage Two of this procedure.

STAGE TWO – FORMAL RESOLUTION – REFERRAL TO THE PRINCIPAL

- If the complaint cannot be resolved on an informal basis then the complainant should put their complaint in writing to the Principal.
- Complainants include details which might assist the investigation such as names of potential witnesses, dates and times of events, copies of relevant documents and a clear statement of the actions that you would like the Academy to take to resolve the issue.
- A Complaint Form is provided at Appendix 1 and should be completed and returned either via e-mail or post. If you are unable to complete the form yourself, please contact us so we can make alternative arrangements.
- The Principal will normally delegate responsibility for undertaking an investigation of the complaint to an appropriate member of the team unless he/she deems it appropriate for him/her to deal with the matter personally.
- On receipt of a written complaint, the Designated Officer will acknowledge the complaint orally or in writing within three school days.
- If necessary, the Designated Officer should interview witnesses and take statements from those involved. If the complaint centres on a student, the student should also be interviewed. Students would normally be interviewed with parents/carers present. In some situations, circumstances may prevent this e.g. where this would seriously delay the investigation of a serious/urgent complaint or where particular circumstances mean that a student has specifically said s/he would prefer that parents/carers were not involved. In such circumstances, another member of staff with whom the student feels comfortable should be asked to attend. If a member of staff is complaint against, the needs of that person should be borne in mind.
- The Designated Officer will keep written records of meetings, telephone calls and other documentation.
- Once all the relevant facts have been established, the Designated Officer should then produce a written report for the Principal to consider and this will be discussed with the complainant.
- A written response including a full explanation for the decision and the reasons for it will be provided for the complainant. Where appropriate, this includes what action the Academy will take to resolve the complaint. The complainant is advised that should s/he wish to take the complaint further, s/he should notify the Chair of the Local Governing Body within 10 working days of receiving the outcome letter.

- If a complainant is against the action of the Principal, the Chair of the Local Governing Body should carry out the Stage two procedures.

STAGE TWO A – REVIEW BY THE CHAIR OF THE LOCAL GOVERNING BODY

- At this stage, the complainant has the opportunity to seek resolution of their complaint with the Chair of the Local Governing Body. On receipt of the complaint, the Clerk of the Local Governing Body will acknowledge the complaint within three school days and invite the complainant to meet with the Chair of the Local Governing Body and the Principal to find a way to move forward.
- Any relevant documentation, including the Designated Officer's report on the investigation to date, should be provided for the Chair of the Local Governing Body prior to the meeting.
- The Chair of the Local Governing Body will keep written records of meetings, telephone conversations and other documentation relating to the complaint.
- Once all the relevant facts have been established from the original investigation and this further meeting, the Chair of the Local Governing Body should then adjourn the meeting and produce a written response to the complainant to discuss/resolve the matter directly.
- A written response includes a full explanation of the decision and the reasons for it. Where appropriate, this includes what action the Academy will take to resolve the complaint. The complainant is advised that should s/he wish to take the complaint further, s/he should notify the Chief Executive Officer (CEO) of Maltby Learning Trust within 10 working days of receiving the outcome letter.

STAGE THREE – APPEAL

- If the complainant is dissatisfied with the Principal or Chair's decision in respect of their formal complaint, they may request that their complaint be further considered by a Stage Three Appeal. This request must be made in writing addressed to the CEO of the Trust
- Complainants must lodge their appeal in writing and within 10 working days of the date of the Stage Two A decision. Complainants should provide details of the complaint made and the reasons why they believe the complaint has not been resolved by the Stage Two A procedure. Complainants should also outline how they wish their complaint to be resolved.
- The Stage Three appeal is only obliged to consider the complaint (s) lodged in the initial submission, although they may use their discretion to consider other relevant and related matters that may subsequently arise.
- When a request to move to a Stage Three Appeal is received, the CEO will write to the complainant within 3 working days to acknowledge receipt of the written request. The acknowledgement should inform the complainant that the complaint is to be heard by the Complaints Panel within 20 working days of receiving the complaint. The letter should also explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received in time for the documents to be sent to the members of the panel.

- The Clerk to the Board will arrange to convene a Complaints Panel where the members should be 3 to 5 governors who have had no prior involvement with the complaint. One member of the panel will be independent of the management and running of the Trust. If s/he has not previously been involved, the Chair/Vice Chair of the Board should chair the Panel. If not, a Chair must be elected for this purpose. It is not appropriate for the Principal to have a place on the Panel. Governors will want to be sensitive to issues of race, gender and religious affiliation.
- The Chair of the Panel will ensure that the complaint is heard by the Panel within 20 working days of receiving the letter. All relevant correspondence regarding the complaint should be given to each Panel member when the composition of the Panel is confirmed.
- The Chair of the Panel will write and inform the complainant, Principal, any relevant witnesses and members of the Panel at least 5 working days in advance of the date, time and place of the meeting. The notification to the complainant will also inform him/her of the right to be accompanied to the meeting by a friend/advocate/interpreter. The letter will also explain how the meeting will be conducted.
- The Chair of the Panel will invite the Principal to attend the Panel meeting and prepare a written report for the Panel in response to the complaint. The Principal may also invite members of staff directly involved in matters raised by the complainant to respond in writing or in person to the complaint. Any relevant documents including the Principal's report should be received by all concerned, including the complainant, at least 5 working days prior to the meeting.
- The involvement of staff other than the Principal is subject to the discretion of the Chair of the Panel.
- It is the responsibility of the Chair of the Panel to ensure that the meeting is properly minuted.
- The aim of the meeting is to resolve the complaint and achieve reconciliation between the Academy and the complainant. However, it has to be recognised that sometimes it may only be possible to establish facts and make recommendations which will satisfy the complainant that his or her complaint has at least been taken seriously.
- The Panel should remember that many complainants are not used to dealing with groups of people in formal situations and may feel inhibited when speaking to the Panel. It is therefore recommended that the Chair of the Panel ensures the proceedings are as informal as possible.
- If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interests of natural justice to adjourn the meeting so that the other side has time to consider and respond to the new evidence.
- The meeting should allow for:
 - The complainant to explain their complaint
 - The Panel to question the complainant
 - The Principal to explain the Academy's response

- The Panel to question the Principal and/or other members of staff about the Academy's response
 - Any party to have the right to call witnesses (subject to the approval of the Chair)
 - Final statements by both the complainant the Principal
- The Chair of the Panel will explain to all concerned that the Panel will now consider its decision, and a written decision will be sent to both parties within 15 working days.
 - The Panel will then consider the complaint and all the evidence presented and (a) reach a unanimous, or at least a majority, decision on the complaint and (b) decide upon the appropriate action to be taken to resolve the complaint and (c) where appropriate, suggest recommended changes to the Academy's systems or procedures to ensure that problems of a similar nature do not happen again.
 - The written statement outlining the decision of the Panel must be sent to the complainant and Principal. The letter to the complainant should explain whether a further appeal can be made, and if so, to whom.
 - The Academy should ensure that a copy of all correspondence and notes are kept. These records should be kept separately from the student's personal records.

12. DEPARTMENT FOR EDUCATION

We hope that we will be able to resolve any complaint concerning Maltby Learning Trust or its Academies using this complaints procedure. If you feel this is not the case, you can complain to the Education and Skills Funding Agency, which handles complaints about Academies. Please refer to the ESFA website for further information regarding Academy complaints.

Complaint Form

Your name:	
Student's Name: (If Applicable)	
Your relationship to the Student (If Applicable)	
Address	
Postcode	
Contact Number	
Please give details of your complaint:	
What action, if any, have you already taken to 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? (What do you want the resolution to be?)	

Are you attaching any paperwork? (If so, please give details)

Signature:

Date:

Official Use

Date Acknowledgement Sent:

By Whom:

Complaint Referred to:

Date: