

COMPLAINTS POLICY

Approved by: Date	Board of Directors July 2017
Review date:	July 2018

1. Introduction

- 1.1 The Directors of the Accord Multi Academy Trust (Accord MAT) have a duty to establish a procedure for dealing with general complaints and to ensure these are publicised to parents/carers and other stakeholders.
- 1.2 The Accord MAT undertakes to provide a friendly and safe environment in all our Academies which students will be helped to achieve their potential, both academically and socially. We recognise, however, that sometimes, things can go wrong, and parents/carers, carers and members of the public may need to make a complaint or raise concerns they have with an individual Accord MAT Academy or with the Accord MAT.
- 1.3 This policy tells you what to do if this happens. This policy is intended to reflect the process for dealing with general complaints to an individual Accord MAT Academy or to the Accord MAT. However, some complaints are subject to separate statutory procedures instead of the general complaints procedure: Admissions, Special Educational Needs (SEN), Child Protection, Exclusions, Whistleblowing, Staff Grievances and Disciplinary Procedures. Moreover, this policy does not relate to matters where principles of civil contract law would normally apply e.g. service/supply contracts entered into with an Academy.
- 1.4 This policy is available via the Accord MAT website and each individual Accord MAT Academy websites.
- 1.5 If you wish to raise a concern, in the first instance you should contact the appropriate staff at the individual Accord MAT Academy. Should you have a general concern or wish for independent advice and guidance at any stage of the process, please contact complaints@accordmat.org.uk and the Accord MAT Director of Business, Operations and Compliance will advise you appropriately.

2. **General Principles**

- 2.1 The aim of this policy is to balance the rights and responsibilities of students, parents/carers and Academy staff, and to recognise that responsibilities rest with each of these.
- 2.2 The majority of issues raised by parents/carers, the community or students, are concerns rather than complaints. We are committed to taking concerns seriously, at the earliest stage, in the hope of keeping formal complaints to a minimum and without needing formal procedures.
- 2.3 Any formal complaint must be raised within 3 months of the incident occurring. If a complaint is older than 3 months, it will only be investigated in exceptional circumstances.
- 2.4 Complaints will be dealt with as quickly as possible, consistent with fairness to all.
- 2.5 Complaints will be treated seriously and courteously and given the time necessary for the complainant to feel that the matter has been dealt with properly. It is important that the complainant has confidence in these procedures and knows that the matter will be investigated fully.
- 2.6 Any member of staff who is complained about will have the opportunity to respond to the complaint during the investigation and will be able to see any response sent as a result of the investigation. If, however, during the course of considering a complaint, the Lead Investigator concludes that disciplinary procedures should be initiated, they will consider this as a separate action, as there is an entirely separate procedure to follow in terms of dealing with staff disciplinary matters.
- 2.7 Confidentiality must be maintained at all times. All conversations and correspondence must be treated with discretion. Parents/carers must feel confident a complaint will not disadvantage their child. All parties to a complaint will need to accept that some sharing of information will be inevitable if the complaint is to be investigated fully.
- 2.8 All designated staff, Governors and Directors are trained to raise awareness of the Academy's procedures and to develop their skills in dealing with people who wish to complain.
- 2.9 Complainants should limit the number of communications with the Academy while a complaint is being progressed.
- 2.10 All complaints will be recorded and monitored to allow any lessons to be learned by the Academy and the Accord MAT.
- 2.11 The Accord MAT reserves the right to determine that the Lead Investigator at each formal stage of the process is independent and appropriate for that stage

of investigation e.g. Headteacher/Principal, Chair of Governors, Accord MAT CEO or member of the Accord MAT Central Team.

2.12 All committees/panels will aim to be convened within the agreed timescales subject to the availability of the complainant and the committee/panel members. If a committee cannot be convened in a timely manner from the Governors of the Local Governing Body (LGB), Governors from other Accord MAT Academies may be asked to attend the committee meeting.

3. **Complaints dealt with outside of the Complaints Policy**

Complaint by member of Academy staff	Academy grievance procedure
Student exclusion	Right to make representations about fixed term exclusions to Governors' Exclusion Committee. Right of appeal to independent panel for permanent exclusion
Admission to Academy	MAT Admissions Policy with right of appeal to independent panel if admission refused
Child protection	MAT Child Protection Policy
Special Educational Needs	LA statutory assessment procedures apply if parent requests a EHCP. Right of appeal to independent SEN Tribunal via http://wakefield.mylocaloffer.org/education-health-and-care-plans

4. **Unreasonable Complaints**

4.1 The great majority of people with complaints or concerns about the Academy behave reasonably in pursuing their complaint. This means that they:

- treat all Academy staff with courtesy and respect;
- respect the needs of pupils and staff within the Academy;
- avoid the use of violence (including threats of violence) towards people and property;
- do not use intimidating/aggressive behaviour or inappropriate language towards Academy staff;
- recognise the time constraints under which members of staff work and allow the Academy a reasonable time to respond to a complaint;
- recognise that resolving a specific problem can sometimes take some time;
- follow the Academy's complaints procedures.

However, a small number of complainants may be deemed “unreasonably persistent complainants”. This means that, in complaining about issues, either formally or informally, they behave unreasonably, for example by:

- actions which are obsessive, persistent, harassing, prolific, repetitious; and/or
- prolific correspondence or excessive e-mail or telephone contact about a concern or complaint; and/or
- using social media to make comments in relation to the complaint, the Academy or individual that work with the Academy
- an insistence upon pursuing unmeritorious complaints and/or unrealistic or unreasonable outcomes; and/or
- an insistence upon pursuing meritorious complaints in an unreasonable manner.

4.2 A complaint may be regarded as unreasonable or disregarded if the complainant

- is anonymous
- refuses to articulate their complaint or to specify the grounds of the complaint
- refuses to co-operate with the Complaints investigation process while still wishing for their complaint to be resolved.
- refuses to accept that certain issues are not within the scope of the Complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or good practice
- introduced trivial or irrelevant information or raises large numbers of detailed but unimportant questions to be dealt with to their own timescales
- makes unjustified complaints about staff who are trying to deal with the issues and seeks to have them replaced
- changes the basis of the complaint as the investigation proceeds
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- refuses to accept the findings of the investigation into that complaint where the Accord MAT complaints procedure has been fully and properly

implemented and completed, including referral to the Education Skills and Funding Agency.

- seeks an unrealistic outcome
- makes excessive demands on Academy time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint, in person, in writing, by email and by telephone while the complaint is being dealt with

4.3 A complaint may also be considered unreasonable if the complainant does so in any circumstances

- Maliciously,
- Aggressively
- Using threats, intimidation or violence
- Using abusive, offensive or discriminatory language
- Knowing it to be false
- Using falsified information
- Publishing unacceptable information in a variety of media such as social media websites and newspapers

4.4 Whenever possible, the Headteacher/Principal (or representative) will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

4.5 If the behaviour continues, the Academy will write a formal letter explaining that their behaviour is unreasonable and asking the complainant to change it. The Academy may specify methods of communication and limit the number of contacts with the Academy in a communication plan. This will usually be reviewed after 6 months,

4.6 In response to any serious incident of aggression or violence, the concerns and actions will be put in writing immediately and the police informed. This may result in banning an individual from the Academy.

5. Summary for Dealing with General Complaints

The Accord MAT Complaints policy has four main stages

Each stage should be completed before progressing to the next stage

Stage	Detail	Outcome for complainant
Stage One: Informal	Expression of concern is raised to an appropriate member of Academy staff and escalated where	If a satisfactory outcome is reached, no further action required. If outcome is not

	appropriate at an informal stage to designated members of academy staff.	satisfactory, proceed to formal stages
Stage Two: Formal Investigation	<p>Complainant submits a Formal Complaint "Complaint Form" within 3 months of the incident</p> <p>Acknowledgement sent within 5 working days.</p> <p>Investigation conducted by Lead Investigator, with the outcome of the complaint to be reviewed by the Headteacher/Principal.</p> <p>Outcome reported to the complainant and the Chair of LGB in writing within 15 working days</p>	If a satisfactory outcome is reached, no further action required. If outcome is not satisfactory, proceed to Stage Three
Stage Three: Formal - Local Governing Body Complaints Committee	<p>Complainant submits complaint to Chair of Governors within 10 working days of receiving the response to Stage Two.</p> <p>Acknowledgement sent within 5 working days.</p> <p>Local Governing Body Complaints Committee of convened within 15 working days of complaint being received.</p> <p>Outcome reported to the complainant and the Accord MAT in writing within 5 working days,</p>	If a satisfactory outcome is reached, no further action required. If outcome is not satisfactory, proceed to Stage Four
Stage Four : Formal Appeal to Directors	<p>Complainant submits complaint to the Accord MAT within 10 working days of receiving the response.</p> <p>Acknowledgement sent within 5 working days.</p> <p>Within 15 working days, the complainant will be notified of the Directors decision.</p>	There is no further right of appeal. If the complainant considers that the complaints procedure has not been followed correctly, they may contact the EFSA

5.1. Stage one: Informal

- 5.1.1. The vast majority of concerns and complaints can be resolved informally, often straight away by the appropriate member of staff.
- 5.1.2 Parents/carers must feel able to raise concerns with members of staff without any formality, either in person, by telephone or in writing. On occasion it may be appropriate for someone to act on behalf of a parent.
- 5.1.3 The complaint should be raised with the appropriate member of staff in the first instance.
- 5.1.4 It is important for the complainant to recognise that the Academy is a busy organisation and whilst we will do our best to offer face to face meetings, it may not be possible to offer an appointment immediately.
- 5.1.5 Where the concern relates to the specific actions of the Headteacher/Principal/ Chair of Governors, the Headteacher/Principal/Chair of Governors should be given the opportunity to respond as above before proceeding to Stage Two.
- 5.1.6 On occasion, the concern raised may require an informal investigation or discussion with other members of staff to refer the matter to someone else. In this case the member of staff will need to make a clear note of the date, name and contact address/phone number of the complainant. In this case we would expect you would receive an informal response within 5 working days. The vast majority of concerns will be satisfactorily dealt with in this way.
- 5.1.7 Where no satisfactory solution has been found within 10 Academy working days, the complainant should be asked if they wish their concern to be considered further. If so, they should be advised about how to proceed with their complaint and about any independent advice available to them.

5.2 Stage Two – Formal investigation

- 5.2.1 If the complaint cannot be resolved on an informal basis, a formal complaints form should be completed and sent to the Headteacher/Principal of the Academy. This should be completed within 3 months of the incident. This may be completed by the complainant or by a member of Academy staff on behalf of the complainant. (Appendix 1)
- 5.2.2 The Headteacher/Principal or appropriate Accord MAT central team member will appoint a Lead Investigator.

- 5.2.3 An acknowledgement of receipt of a complaints form will be sent within 5 working days of receipt of the form, with a copy of the complaints form and a target date for providing a response to the complaint by the Lead Investigator.
- 5.2.4 Where required, the Lead Investigator will interview witnesses and take statements from those involved. If the complaint centers on a student, the student should also be interviewed.
- 5.2.5 The Lead Investigator may designate another independent member of staff to collect some or all of the information from the various parties involved.
- 5.2.6 Once all relevant facts have been established, the lead investigator will then produce a written response. S/he may wish to meet the complainant to discuss/resolve the matter directly. A written response will include a full explanation of the decision and the reasons for it. Where appropriate, this will include what action the Academy will take to resolve the complaint.
- 5.2.7 The Headteacher/Principal/appropriate Accord MAT central team member will respond formally on behalf of the Academy or Accord MAT, to a Stage Two complaint, in writing. This will normally be within 15 working days. Where this is not possible, a letter will be sent to the complainant explaining the reasons for the delay and giving a revised target date.
- 5.2.8 If the Stage Two Complaint is in relation to the Headteacher/Principal, the Chair of Governors will manage and respond the Stage Two proceedings. If the formal complaint is in relation to the Chair of Governors, the Accord MAT will manage and respond to the Stage Two proceedings.
- 5.2.9 The Accord MAT reserves the right to ensure that the Lead Investigator at each formal stage of the process is independent and appropriate for that stage of investigation e.g. Headteacher/Principal, Chair of Governors, Accord MAT CEO or member of the Accord MAT Central Team.

5.3 Stage Three – Governing Body Complaints Committee

- 5.3.1 If a complainant is dissatisfied with the outcome of the Stage Two decision in respect of their complaint, s/he will need to write to the Local Governing Body, giving details of the complaint using the Stage Three Complaints Form (Appendix 2) within 10 working days of Stage Two decision.
- 5.3.2 The appeal should outline clearly why the complainant feels their case has not been dealt with satisfactorily by the Academy. For Academy related issues this should be addressed to the Headteacher/Principal. For Accord MAT related issues this should be addressed to the CEO of the Accord MAT.

- 5.3.3 The Chair of Governors will instruct the designated member of staff acting as Clerk to the Governing Body to convene a complaints committee. This will usually take place within 15 working days of the request for a Stage Three investigation.
- 5.3.4 All committees/panels will aim to be convened within the agreed timescales subject to the availability of the complainant and the committee/panel members. If a committee cannot be convened in a timely manner from the Governors of the LGB, Governors from other Accord MAT Academies may be asked to attend the committee meeting.
- 5.3.5 The aim of the Complaints Committee hearing is to impartially resolve the complaint and to achieve reconciliation between the Academy and the complainant.
- 5.3.6 The complainant will be given the opportunity to present their case to the Committee. The complainant may wish to be accompanied. The Headteacher/Principal will also be given the opportunity to present their case. The Headteacher/Principal and the Complainant will not be present when the Committee is making their decision. The committee will be supported by the designated member of staff acting as Clerk to the Governing Body, and may refer to the Accord MAT Director of Business, Operations and Compliance for impartial advice if required.
- 5.3.7 All parties will be notified of the Committee's decision in writing within 5 working days after the date of the Committee meeting.
- 5.3.8 Where the complaint is in relation to the Accord MAT, a committee of Directors will undertake the Stage Three Procedures.

6. Stage Four– Appeal to Accord MAT

- 6.1 Should the complainant be unhappy with outcome of the Governing Body Complaints Committee, an appeal can be made to the Accord MAT using Appendix 3.
- 6.2 A request in writing should be made to the Accord MAT within 10 working days of receipt of the findings at Stage Three. The request for appeal must include the reasons why they believe the complaint is unresolved by the Stage Three procedure, along with solutions suggested to resolve the complaint.
- 6.3 The request for appeal will be acknowledged in writing within 5 working days stating the date of the Appeal Panel
- 6.4 The Stage Four Appeal Panel will consider whether the Academy has complied with the complaints procedure. The Panel will be made up of the Accord MAT CEO and two other members of the Board of Directors; or in the case of a complaint against the MAT CEO, three members of the Board of Directors/Members Committee.

- 6.5 Given the nature of the Appeals Panel meeting, the Directors will endeavour to hold this meeting and notify the complainant of the outcome within 15 working days of the Stage Four Appeal.
- 6.6 The Stage Four Panel findings will be sent in writing to the complainant; the Academy LGB, the Academy Headteacher/Principal and where relevant the person complained about. It will also be reported to the Directors

7 Further Action

- 7.1 We hope that we will be able to resolve any complaint concerning the Accord MAT or its Academies using this policy.
- 7.2 If you feel this is not the case, you can complain to the Education Skills and Funding Agency which handles complaints about Academies and Free Schools.
- 7.3 The following link provides guidance on this:
<https://www.gov.uk/government/publications/complain-about-an-academy>

8. Policy Review

- 8.1 This policy will be implemented at all Accord MAT Academies. Directors will review the policy and its implementation and effectiveness every two years.

<p>Signature: Chief Executive</p>	 <p>A Warboys</p>
<p>Signature: Chair of Board of Directors</p>	 <p>B Kelly</p>
<p>Date:</p>	<p>July 2017</p>

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

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

Signature:

Date:

Academy Use Only

Date acknowledgement sent:

By who:

Complaint referred to Lead Investigator:

Date:

APPENDIX TWO

ACCORD MAT STAGE THREE COMPLAINT FORM

If you are not satisfied with the decision of the Stage Two Investigation, please complete this form and return it to Chair of Governors.

This form should be completed and submitted within 10 working days of receipt of the Stage Two response for the complaint to be progressed.

Your Name	
Date Stage Two response received	
Please give details of why you are not satisfied with the Stage Two response.	
What actions do you feel might resolve the problem at this stage?	

Are you attaching any new paperwork/evidence? If so, please give details.

Signature:

Date:

Academy Use Only

Date acknowledgement sent:

By who:

Complaint referred to Chair of Governors/Accord MAT

Date:

APPENDIX THREE
ACCORD MAT STAGE FOUR COMPLAINT FORM

If you are not satisfied with the decision of the Stage Three response, please complete this form and return it to Director of Business, Operations and Compliance complaints@accordmat.org.uk

This form should be completed and submitted within 10 working days of receipt of the Stage Three response for the complaint to be progressed.

Your Name	
Date Stage Three response received	
Please state the reason you are not satisfied with the Stage Three response.	
Signature:	
Date:	
Academy Use Only	
Date acknowledgement sent:	
By who:	
Complaint referred to Accord MAT	
Date:	

APPENDIX FOUR

Complaints Flowchart

