



# **PolyMAT**

## **COMPLAINTS PROCEDURE**

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## **INTRODUCTION**

Under Part 7, Schedule 1 of the Education (Independent School Standards) Regulations 2014, the Trust is required to have in a place a procedure to deal with complaints relating to it and to any community facilities or service that it provides.

We may also, in appropriate circumstances, adjust or modify this procedure where the particular circumstances of the complaint warrant it.

### **Who can make a complaint?**

This Complaints Procedure can be used by parents or carers of children that are registered at one of the Trust schools.

Unless your specific complaint falls within the remit of a separate procedure (as detailed below), we will use the procedure outlined within this policy.

### **Scope of this policy**

The difference between a concern:

- A concern may be defined as "*an expression of worry or doubt over an issue considered to be important for which reassurances are sought*".
- A complaint may be defined as "*an expression of dissatisfaction however made, about actions taken or a lack of action*".

We take all concerns and complaints raised seriously and will make every effort to resolve the matter as quickly as possible. It is our intention to resolve concerns and complaints raised, at the earliest possible stage.

This procedure is made accessible to the public on the Trust and school websites.

This procedure does not apply to complaints raised about the below matters, which are dealt with under separate procedures:

- Admissions & Exclusions;
- Withdrawal from the curriculum;
- Statutory assessment of Special Educational Needs;
- Provision of Collective Worship and Religious Education;
- Allegations of bullying by pupils;
- Matters likely to require a Child Protection investigation;
- Individual School re-organisation proposals;
- Whistleblowing; and
- Complaints about services provided by other providers who may use the schools' premises or facilities.
- Complaints by employees of the Trust and Schools are usually dealt with via the Trust's Grievance Policy and Procedure.
- Complaints made about an employee's conduct will be dealt with under our Disciplinary Policy and Procedure. However, if complaints are raised by a parent/carer about employee conduct, they will proceed via this policy alongside any other disciplinary action that may result.

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

### **Purpose of this Policy**

It is the Trust's intention that this Complaints Procedure will:

- encourage resolution of problems by **informal** means wherever possible;
- be **simple** to understand and use;
- be impartial;
- be non-adversarial;
- allow **swift** handling with established **time-limits** for action and keeping people informed of the 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 schools' senior management teams so that services can be improved.

The Trust's Complaints Co-Ordinator is the Trust Business Manager

### **SPECIFIC PROVISIONS**

#### **Changes of Personnel**

Complaints against the Chair of the Local Academy Committees, Chair of Trustees, an individual Local Academy Committee Members, or a Trustee should be made in writing using the Complaint Form and sent to the Clerk to the Trust. The Clerk of the Trust will arrange for the complaint to be heard, usually by [PLEASE INSERT] at Stage 2. Complaints should be marked Private and Confidential.

If the subject of the complaint is one of the Heads of School, then the matter will be dealt by the Chief Executive Officer (CEO) in the first instance. The complaint should be made in writing using the Complaint Form and sent to the CEO's PA in the first instance. The complaint may then be handed to a Trust at Stage 2. Complaints should be marked Private and Confidential.

Complaints against the entire Local Academy Committees or Board of Trustees, should be made by writing to the Clerk to the Trustees who will determine the most appropriate action which may involve an independent person or the CEO handling the matter. Complaints should be marked Private and Confidential.

Complaints about the Chief Executive Officer (CEO) should be addressed to the Chair of Trustees, via the trust office. Please mark them as Private and Confidential.

## **Recording Complaints**

Complaints should be made using the complaint form at Annex 1 or clearly set out in writing; however, the Trust will allow alternative methods of contact where a complainant uses a different communication preference due to disability or a learning difficulty.

The Trust will record the progress of any formal complaint and the final outcome (including whether they are resolved following a formal procedure or proceeded to a panel hearing) and any action taken by the Trust as a result of the complaint. The Complaints Co-ordinator will be responsible for these records and will hold them centrally. Such records, including correspondence, statements, meeting notes and telephone records will be stored confidentially and in line with the principles of the Data Protection Act 2018. The Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008 may request access to these.

## **Anonymous Complaints**

We will not normally investigate anonymous complaints. However, the CEO, Complaints Co-ordinator or Chair of Trustees, where appropriate, will determine whether an anonymous complaint warrants an investigation.

A complaint relating to matters more than 3 months in the past will normally only be accepted and investigated in exceptional circumstances.

## **Timescales**

You must raise a complaint within 3 months of the incidents or, where a series of associated incidents have occurred, within 3 months of the most recent incident. Where a complaint relating to matters more than 3 months in the past will normally only be accepted and investigated in exceptional circumstances.

In such cases, the Trust may either involve appropriate external agencies or conduct its own internal review to test whether there is any corroborative evidence, which might trigger a formal investigation.

The Trust will endeavour to abide by timeframes stated under each stage but acknowledges that in some circumstances, this is not always possible due to the complexity of information needed to review a complaint or difficulties regarding individual's availability to deal with the complaint, for example. If it becomes apparent that it is not possible to complete any stage of the complaints procedure within a given timeframe, the individual responsible for handling the complaint will contact the complainant as soon as possible and come to an agreed timeframe that works for all parties involved where possible.

## **Non attendance at meetings**

If the complainant rejects the offer of three proposed dates, without good reason, the Trust reserves the right to proceed with the meeting in the complainant's absence and/or to reach a conclusion in the interests of drawing the complaint to a close.

## **Complaints received outside of term time**

We will consider complaints made outside of term time to have been received on the first working day following the holiday period.

### **Withdrawal of a Complaint**

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

### **Unreasonable Conduct by a Complainant**

The Trust is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the Trust. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Complainants should limit the number of communications with the Trust while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Complainants (and/or anyone acting on their behalf) may be deemed to be unreasonable by the Head of School and/or the [Chair of Trustees](#) if they have behaved in any of the following ways (this list is not exhaustive):

- The complainant makes such frequent contact with the Trust or its schools that objective consideration of a "live" complaint is hindered;
- The complainant makes a string of further complaints about a "live" investigation or changes aspect of the complaint, during the investigation;
- The complainant exhausts all stages of the Trust's complaints procedure but continues to pursue the same matter;
- The complainant seeks an unrealistic outcome and persists in doing so despite being advised that this is the case.
- The complainant's communications are:
  - Malicious, abusive or aggressive;
  - Use threats, intimidation or violence;
  - Use offensive, abusive or discriminatory language;
  - Known by them to be false and/or contain falsified information;
  - Publish unacceptable information in a variety of media such as in social media websites and newspapers.
- The complainant makes insulting personal comments about, or threats towards, staff.
- The complainant makes unjustified complaints about staff who are trying to deal with the issues, and seek to have them replaced.
- The complainant refuses to articulate their complaint or specify their grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance.
- The complainant refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- The complainant makes excessive demands on school 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.

In these examples a "contact" may be in person, in writing, or by telephone or SMS text.

Whenever possible, the Head of School or Chair of LACs/Trustees will discuss any concerns with the complainant informally before applying an "unreasonable" marking to their communications.

Where a complainant continues to behave in an unacceptable fashion the Complaints Coordinator will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. The Trust may decide to deal with such complaints in one or more of the following ways, for example:

- Try to agree with the complainant a code of behaviour for the parties involved if the Trust is to continue processing the complaint.
- To require contact to take place with a named officer only.
- To restrict telephone calls to specified days and times.
- To restrict contact with the complainant to one form of contact only.
- To limit the number of times contact can be made per term.

If this behaviour continues then the Complaints Coordinator may authorise staff to terminate contact with the complainant (except in matters directly related to the education and welfare of their child) and they may discontinue any further investigation being carried out. The complainant will already have been given a clear statement of the Trust's position and have taken all reasonable steps to address the complainant's needs. Any further written contact from the complainant will be read and placed on file. Telephone calls relating to the complaint will be terminated and logged on the record. The Trust should usually review this position after 6 months.

### **Barring from the Individual School Premises**

If a parent's behaviour is a cause for concern, the schools can ask them to leave the premises. In response to any serious incident of aggression or violence, the police may be informed.

The schools can notify a parent, in writing, that their implied licence to be on the premises has been temporarily revoked; however, the parent will be able to formally express their views on the decision to bar, in writing.

The decision to bar will be reviewed, taking into account any representations made by the parent, and will either be confirmed or lifted. If the decision to bar is confirmed, the parent will be notified in writing, explaining how long the bar will be in place.

## **THE PROCEDURE**

### **Stage One (informal): Complaint Heard by Staff Member**

Where an individual has a concern regarding a member of staff, it should in most cases be raised with that member of staff directly. This should generally enable a concern to be resolved at the earliest possible stage and avoid any need for it to escalate into a formal complaint.

You should not approach individual Trustees to raise concerns or complaints.

Members of staff dealing with such concerns should keep a record of the concern and the steps taken to deal with it. This is particularly important where the concern is raised (and resolved) verbally.

If an acceptable resolution is not reached, the member of staff should direct the individual to this procedure.

The Trust does recognise that there may be circumstances in which:-

- it would be difficult for a particular complainant to discuss a complaint with a particular member of staff; or
- the member of staff directly involved feels too compromised to deal with the complaint.

In these cases, the complaint should be directed to the Complaints Co-ordinator who can refer the complainant to another staff member (or, in the case of a complaint concerning the Head of School, the CEO for informal resolution. Such alternative member of staff may be more senior, but does not have to be, and they are simply required to consider the complaint objectively and impartially.

Where a complaint is received, which does not appear to have explored this stage of the procedure (such as where the first approach is made to a governor) and which does not indicate that there is good reason (as indicated above) why this has not been done, the usual next step would be to refer the complainant to the appropriate person and advise them about the procedure.

### **Stage Two (formal): Complaint Heard by Head of School**

A formal complaint must be issued to the Trust or one of its schools in the form set out at Annex 1, or at least including all the information requested within that form. Complaints should be made as soon as possible following the exhaustion of Stage One (where possible).

The Trust or one of its schools will promptly acknowledge the complaint (usually within five term-time days), setting out its proposed next steps and timeframes and the Head of School will be the person to consider it and reach the decision upon any action to be taken. Within that response, the Head of School will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see.

The Head of School may also investigate the complaint; however, the Head of School may if appropriate appoint another suitable member of staff to investigate the complaint and produce a report, which the Head of School will consider in reaching their decision. If an investigation is necessary, the amount of any investigation required will depend on the nature of the allegations and will vary from case to case and may include meeting with the complainant, the subject of the complaint and/or any witnesses.

During the investigation, the Head of School (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish; and
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of the investigation, the Head of School will confirm their decision in writing which will usually be within 20 term-time days of the date of the acknowledgment of the complaint sent by the Trust or one of its schools. If this deadline cannot be met, the complainant will be provided with an update and revised response date.

The response will detail any actions taken to investigate the complaint and give a full explanation of the decision made and reason(s) for it. Where appropriate, it will also include details of actions the Trust or one of its Schools will take to resolve the complaint. It will also outline how the complainant can appeal the decision if they be dissatisfied with the outcome.

The Complaint Co-ordinator dealing with the formal complaint must keep a written record of the complaint and any action taken as a result of the formal complaint, which will be kept in accordance with the Data Protection Act 2018.

### **Stage Three (formal): Appeal Panel**

If the complainant remains dissatisfied with the outcome of Stage 2, they can escalate their complaint to Stage 3 by writing to the Chair of the Local Academy Committees or Trustees giving detailing their complaint and the reasons why they disagree with the Head of School's decision at Stage 2, no later than 10 working days from the date of the decision letter. Requests received outside of this timeframe will only be considered if exceptional circumstances apply

The Trust or one of its schools will record the date the complaint is received and acknowledge receipt of your complaint in writing (either by letter or email) within 10 term-time days.

The Complaints Co-ordinator will convene a Complaints Appeal Panel, consisting of at least three people who have not been directly involved in the matters detailed in the complaint.

One panel member will be independent of the management and running of the Trust or one of its schools (see the policy for collaborative working).

A letter will be sent to the complainant inviting them to attend the hearing, which will provide reasonable notice, and the complainant may be accompanied to the hearing by a friend or family member. The letter will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- confirm the complainant may bring a relative or friend to the meeting to support them;
- request copies of any further written material to be submitted to the committee at least 5 term-days before the meeting;

In order for the Panel to prepare for the hearing, the Panel should receive in advance (in particular, but not exclusively):-

- A summary of the steps taken at Stage 1;



- The formal complaint lodged at Stage 2;
- The investigation steps taken by the Trust or its School;
- The Head of School's outcome at Stage 2; and
- The complainant's appeal correspondence and any supporting documentation.

Any written material will be circulated to all parties before the date of the meeting.

The Panel will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

In most cases, the Stage 3 Hearing will be attended by:-

- The panel (with one governor chosen to act as the Panel Chair);
- The complainant;
- The complainant's companion;
- An appropriate individual to advise the panel;
- A clerk.

The Complainant has the right to request an independent panel if they believe there is likely to be bias from the appointed panel. This request must be made no later than three school days in advance of the Stage 3 Hearing together with reasons why they feel this to be the case. This request should be put in writing to the Clerk.

The request will be considered by the Trustees but the final decision as to whether to accept the request for an independent panel is for the Trustees to determine.

The Head of School may attend, if it is considered appropriate, to explain his/her actions and/or decision at Stage 2. However, it will not normally be expected for the subject of the original complaint to attend, nor for witnesses to attend and give evidence in person.

### **CONDUCT OF THE PANEL HEARING**

At the hearing, the complainant will be given a full and fair opportunity to present the grounds of their complaint and any supporting evidence, together with their reasons for rejecting the decision of the Head of School's decision at Stage 2. It should be made clear what resolution is sought by the complainant and why this is considered appropriate.

No Local Academy Committee member or Trustee will sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.

The Panel's decision will usually be reached on the basis of the documentary evidence available, although the panel may adjourn the hearing if necessary to conduct further investigation. The Panel's role is not to re-investigate the case, but to review the steps taken to date.

In order to retain the non-adversarial approach recommended by the DfE, the following principles will apply to the hearing:

- The Panel will act independently and impartially;

- The hearing will be as informal as possible and the Panel will endeavour to put and keep the complainant at their ease;
- Witnesses will not normally be required to attend to give evidence in person, and the written evidence (as recorded in notes of any investigation interview) will usually be taken as read;
- Should the complainant want a particular witness to attend in person, this request should be justified with reasons and the Panel should make the decision as to whether to proceed in this way. In such cases, the witness will only be required to attend for the part of the hearing in which they give their evidence and can afterwards be excused;
- The focus of the hearing will be on hearing from the complainant. The Head of School, if attending, can respond to points raised by the complainant;
- The panel may ask questions at any point;
- The complainant will not be present whilst the Panel deliberates; and
- The Panel's decision will be confirmed in writing following the hearing.

The welfare of any child/young person is paramount.

### **The Panel's Decision**

The Panel will have to consider the issues raised by the complainant and the evidence supporting their complaint.

It will often be the case that the evidence of two or more witnesses' conflict, and in such cases, the Panel will have to make a finding of whose evidence to prefer and the reasons why they have reached this decision.

The Panel will consider the complainant's appeal and may:-

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part.

If the complaint is upheld in whole or in part, the Panel will:-

- decide on the appropriate action to be taken to resolve the complaint; and/or
- where appropriate, recommend changes to the Trust or one of its school's systems or procedures to ensure that problems of a similar nature do not recur.

Dismissal of a complaint may be done where (without limitation):-

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld.
- The concern is not substantiated by the evidence.
- The matter has been fully investigated and that appropriate procedures are being followed, which are strictly confidential.

Where a complaint is substantiated in part or in full, some details may then be given of action the Trust or one of its schools may be taking to review procedures etc. but details of the investigation or of any disciplinary procedures will not be released.

The decision will be confirmed in writing to the complainant as soon as reasonably practicable and usually within 10 term-time days of the Appeal Hearing. The response will detail any actions taken to investigate the complaint and give a full explanation of the decision and the reason(s) for it and where appropriate, details of actions we will take to resolve the complaint. It will also give details of how the complainant can contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by us. A copy of the minutes of the meeting will also be enclosed.

A copy of the panel's findings and recommendations will also be provided, where relevant, to the person complained about, where relevant. A copy of the letter will be held centrally and available for inspection by the proprietor and Head of School and will form part of the written record which shall be kept in accordance with the Data Protection Act 2018.

The Stage Three Panel Hearing is the last stage of the Trust's complaints process.

Once a complaint has been addressed formally following this procedure, the matter will be closed.

### **MONITORING AND REVIEW**

The Head of School will report on the operation of the Complaints Procedure to the Local Academy Committee once a year. This report will include:

- the number of formal complaints that have been made.
- the number that have been satisfactorily dealt with at the point of the original investigation.
- the number of occasions on which the Appeal Panel has met.
- any significant amendments to Trust or one of its school's policy or practice as a result of the complaints made.
- any issues that have arisen in the operation of the Complaints Procedure.

The Head of School's report will respect the confidentiality of the individual.

In the light of the Head of School's report, the Board of Trustees will consider whether or not the complaints procedure should be amended in any way.

### **Education and Skills Funding Agency (ESFA)**

If a complaint has completed the local procedures and the complainant believes the Trust or its schools did not handle their complaint in accordance with this complaints procedure or that it acted unlawfully or unreasonably in exercising our duties under education law, they have the right to refer their complaint to the ESFA.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by us. They will, however, consider whether we have adhered to education legislation and any statutory policies connected with the complaint and whether we have followed Part 7 of the Education (Independent School Standards) Regulations 2014.

Further information can be obtained from the ESFA by going online at [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by telephone on 0370 000 2288 or by writing to:

Academy Complaints and Customer Insight Unit  
Education and Skills Funding Agency  
Cheylesmore House  
5 Quinton Road  
Coventry  
CV1 2WT

## Annex 1 Complaint form

This is a Complaint Form intended to instigate Stage 2 of the Complaints Procedure, after attempts to resolve the concern informally under Stage 1 have not provided you with a resolution you consider satisfactory.

Stage 1 should only be omitted in exceptional circumstances (and in such cases the reasons why should be set out below). If the Trust or one of its schools does not consider that Stage 1 has been appropriately omitted, it reserves the right to refer your complaint back to that stage.

Please complete and return to the Complaints Co-ordinator who will acknowledge receipt and explain what action will be taken.

Your name:		Pupil's name:	
Address:		Your relationship to the pupil:	
		Daytime telephone number:	
		Evening telephone number:	
<p>Please give concise details of your complaint.</p> <p>Please include, where possible, dates, names of witnesses, etc. as this will enable the Trust or one of its schools to properly investigate your complaint.</p>			
<p>What action, if any, have you already taken to try and resolve your complaint.</p> <p>(Who did you speak to and what was the response)?</p>			

<p>If you have not taken such action, please set out here your reasons.</p>	
<p>What actions do you feel might resolve the problem at this stage?</p>	
<p>Are you attaching any paperwork? If so, please give details.</p>	
<p>Signed:</p>	
<p>Dated:</p>	
<p><b><u>Official Use</u></b></p>	
<p>Date acknowledgement sent:</p>	
<p>By who:</p>	
<p>Complaint referred to:</p>	
<p>Date:</p>	

## **Annex 2 The Remit of The Complaints Appeal Panel**

Any governor sitting on a complaints panel should bear the following in mind:

- a. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.
- b. The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the Trust or one of its schools and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations, which will satisfy the complainant that his or her complaint has been taken seriously.
- c. An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.
- d. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
- e. The governors sitting on the panel need to be aware of the complaint's procedure.