



# **ESTEEM MAT COMPLAINTS PROCEDURE OCTOBER 2022**



## **Esteem Multi-Academy Trust Complaints Policy GUIDANCE AND RECOMMENDED PROCEDURES**

**October 2022**

### **Background;**

The attached Complaints Policy has been drafted in accordance with guidance from the Education and Skills Funding Agency (ESFA), Data Protection guidance and as set out in the Esteem Multi Academy Trust (EMAT) Funding Agreement.

All academy trusts must have a complaints procedure. This must meet the standards set out in the [Education \(Independent School Standards \(England\) Regulations 2014](#) Schedule 1, Part 7, which sets out how complaints procedures should be drawn up and used effectively to handle complaints from parents of pupils.

The Policy will be reviewed every 3 years unless a legislative or organisational change necessitates an earlier review.

# Esteem MAT Complaints Policy

## 1. Introduction

- 1.1 The Esteem Multi Academy Trust (EMAT) is committed to working in close partnership with parents and the community. However, we recognise that from time to time concerns or complaints may arise and it is our aim to work with all parties involved to resolve these as quickly and efficiently as possible. Usually, concerns can be resolved quickly through day to day communication between parents and school staff.
- 1.2 This policy sets out how we, as education providers, will respond to, and manage, complaints.

## 2. Principles

- 2.1 This policy sets out the procedure for anyone wishing to make a complaint about trust staff or practice, including parents and carers who wish to make a complaint about the EMAT academy attended by their child.
- 2.2 We will treat every complaint with fairness, honesty and impartiality.
- 2.3 This procedure exists to provide parents/carers, other stakeholders and external bodies or individuals with a formal structure to make a complaint about issues arising at trust or academy(school) level.
- 2.4 The EMAT seeks to ensure all concerns and complaints are dealt with efficiently, sensitively and, where possible, in confidence, at the appropriate level. All complaints are handled in a balanced and considered way.
- 2.5 Complaints will be managed in line with the Complaints Process set out within this procedure.
- 2.6 The aim of this policy is to:
  - provide a fair complaints procedures which is clear and easy to use
  - attempt to resolve concerns through informal discussions at the earliest stage
  - provide clarity of who will be co-ordinating the process in school
  - give clear timelines for resolution
  - encourage resolving the issues and finding a way to move forwards
  - demonstrate a fair approach to managing complaints and concerns
  - explain how vexatious and unreasonable behaviour by complainants is dealt with

### 3. Who can make a complaint?

- 3.1 The complaints process exists to enable parents, carers, pupils, former pupils, advocates and other individuals to complain about the application of policies, concerns about treatment or mistreatment or issues relating to prejudicial decisions to be properly reviewed in school and by an independent panel of governors.
- 3.2 Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

### 4. The difference between a concern and a complaint

- 4.1 It is important that there is clear understanding of how different forms of feedback are considered.
- 4.2 All complaints can initially start as a concern, which can be defined as;  
***“an expression of worry or doubt over an issue considered to be important for which reassurances are sought”.***
- 4.3 A complaint is defined as;  
**‘an expression of dissatisfaction however made, about actions taken or a lack of action’.**
- 4.4 It is in everyone’s interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. The EMAT takes concerns seriously and will make every effort to resolve the matter as quickly as possible.
- 4.5 If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, discuss the matter with the academy headteacher or arrangements can be made to refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, arrangements will be made to refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.
- 4.6 We understand however, that there are occasions when people would like to raise their concerns formally. In this case, the Trust and/or individual academy will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

## 5. Exceptions to the Complaints Procedure

- 5.1 This Complaints Procedure covers all complaints about any provision of facilities or services within the academies within the EMAT. In the event of complaints about non-academy based staff, please refer to page 13, 'Complaints about the Academy Trust'. If there is any doubt about whether an issue should be dealt with as a complaint or through another formal procedure, guidance can be sought from the EMAT Governance Manager.
- 5.2 The exceptions listed below are not covered because separate procedures exist. In certain circumstances, for example where the Local Authority or another public body is investigating the matters in a complaint, this process will be suspended until those investigations are concluded.
- 5.3 Exceptions include:

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>Admissions to schools</li> </ul>	Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority.
<ul style="list-style-type: none"> <li>Matters likely to require a Child Protection Investigation</li> </ul>	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.
<ul style="list-style-type: none"> <li>Statutory Assessment of SEN</li> </ul>	Please refer to appropriate Local Authority contact.
<ul style="list-style-type: none"> <li>Exclusion of children from school*</li> </ul>	Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a> .  <i>*Please refer to academy behaviour policy.</i>
<ul style="list-style-type: none"> <li>Whistleblowing</li> </ul>	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.  The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a> .
<ul style="list-style-type: none"> <li>Staff grievances</li> </ul>	Complaints from staff will be dealt with under the school's internal grievance procedures.

<ul style="list-style-type: none"> <li>• Staff conduct</li> </ul>	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
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- 5.4 The EMAT will not investigate anonymous complaints under the procedure in this Complaints Policy. Anonymous complaints will be referred to the Headteacher of the appropriate academy who will decide what, if any, action should be taken.
- 5.5 If a complaint relates to an external service provider, this should be raised with the Headteacher of the academy in the first instance. It should be noted that, in some circumstances, the complainant or the school will have to follow the provider's own complaints policy thereafter.
- 5.6 If the issue concerns a serious safeguarding or child protection issue, an allegation of abuse or a matter with serious disciplinary consequences, the Headteacher should be informed immediately. The appropriate policy and procedures must be followed, and the school's Designated Safeguarding Lead must be informed.
- 5.7 When the EMAT adopts or approves a policy, and the academies within the Trust puts the policy into operation, that is part of the day to day running of the academies. If there is an objection to a policy, this is a matter that needs to be referred back to the Trust or Local Governing Board. It is separate to the complaint process.
- 5.8 Day to day operational decisions about curriculum and timetabling are related to operational duties that are expected of Headteachers and senior leaders by virtue of the Contract of Employment and expectations set out by the Department for Education. Such issues should be referred to the Trust or Local Governing Board.

## 6. Equality

- 6.1 The EMAT will deal with concerns, difficulties and complaints in accordance with its duty under the Equality Act 2010 (please refer to the Equality and Diversity Policy for further details).

## 7. Data Protection/ UK GDPR and DPA Complaints

- 7.1 Complaints sometimes include requests for information or documentation. Such requests will either be a 'subject access request' under the Data Protection Act 1998 (where the information requested relates to an identifiable individual) or a request under the Freedom of Information Act 2000 (where the information is general and not related to an identifiable individual).
- 7.2 Please refer to the EMAT Data Protection Policy, EMAT Freedom of Information Policy and EMAT Subject Access Request Policy for further details.
- 7.3 Should a complaint related to Data Protection be brought to the attention of a member of staff the complainant should be directed to the Data Protection Officer.
- 7.4 When a complaint is escalated to Stage 2 (as detailed in this policy) the complainant will be asked to give consent to share personal data that is relevant to the complaint with the investigator and with any panel that may be convened to deal with the complaint.
- 7.5 If the complainant does not give consent to share information, it is important to note that the scope of the complaint may be limited and, therefore, the actions available to conclude the complaints process may also be limited. In some instances, the complaint may not be able to proceed. The complainant will be informed if this is the case to give an opportunity to consider consent to share the material again.
- 7.6 The Data Protection Officer is responsible for dealing with all complaints in line with this procedure. This will be the basis for dealing with Data Protection complaints and appeals. A written outcome will be provided.
- 7.7 If the EMAT does not comply with a Subject Access Request within 1 month (subject to any extension), or refuses all or part of the request, written reasons will be provided, setting out the principles for the refusal. If you feel that the EMAT have not dealt with your matter satisfactorily you can complaint to the Information Commissioner;

By post: Customer Contact  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
SK9 5AF

Or by email: [casework@ico.org.uk](mailto:casework@ico.org.uk)

More information is on the ICO website [www.ico.org.uk/](http://www.ico.org.uk/)

## **8. Indicative Timetables**

- 8.1 It should be noted that at all stages, where possible, the EMAT will seek an informal resolution to the complaint. In complex cases, it might take longer to investigate a matter that has been brought to our attention, meaning the timings of the complaints process might be extended. The complainant will be informed should this happen.
- 8.2 Schools will always try to resolve any complaint as quickly as possible, but all involved must be mindful that teachers and support staff have many demands on their time. In complex cases, it might take longer to investigate than is provided for below – the investigating officer will communicate this to the complainant as soon as possible. A complaint will not be upheld solely because a deadline has been missed. In certain circumstances, for example where the Local Authority or another public body is investigating the matters in a complaint, this process will be suspended until those investigations are concluded.

## **9. Timeline for raising a complaint and withdrawal**

- a. Please note that when we refer to working days, we mean Monday to Friday when the academies within EMAT are open during term time. The dates of terms are published on the academies' websites.
- b. We will consider complaints made outside of term time to have been received on the first school day after the holiday period.
- c. If a complainant wishes to withdraw their complaint, they will be asked to confirm this in writing.

### **Stage 1: Informal complaint**

- d. A complainant should raise an informal complaint within 10 working days of the incident in question
- e. The complaint will be acknowledged, either verbally or in writing, within 7 working days of receipt
- f. The complaint will be investigated and responded to, either verbally or in writing, within 21 working days of receipt of the informal complaint

### **Stage 2: Formal complaint**

- g. If the complainant is not satisfied with the response to an informal complaint, they should escalate to a formal complaint (following the process described in this document) within 5 working days of receiving the response to Stage 1
- h. The formal complaint will be acknowledged within 7 working days of receipt

- i. The formal complaint will be investigated and responded to within 21 working days of receipt

### **Stage 3: Panel**

- j. If the complainant remains unsatisfied, they may request referral to a Complaint Panel stage following the process described in this document) within 10 working days of receiving the response to Stage 2
- k. A panel will be convened within 20 working days of receiving the request
- l. A final response will be given within 5 working days of the date of the panel meeting

## **10. Esteem MAT Complaints Procedure**

- a. Complaints made about an EMAT Academy (a school that has academy status that is part of EMAT);

### **Stage 1: Informal complaint**

- b. In the first instance, it is essential each complaint is directed at a level appropriate to the nature of the complaint. Therefore, if for example a class teacher, the Head of Department or Head of Year cannot resolve an informal complaint, it should be passed to the Headteacher.
- c. EMAT recognises that most concerns and complaints can be resolved at an initial informal stage. In this instance the complainant can speak to a member of staff or the Headteacher.
- d. At this stage, the Headteacher or staff member must seek clarification on the complaint, identifying the outcome the complainant is requesting. Even though this is likely to be a spoken exchange, it is important that all parties agree on outcomes and agreed actions.
- e. The final resolution to the complainant may be provided orally or through a written response, however a written record of the response will always be kept by the Academy.

### **Stage 2: Formal complaints**

#### **(i) Formal complaints not about the Headteacher;**

- 9.6 If all attempts to resolve the issue remain unsuccessful at Stage 1, the complainant may then follow the formal process by placing their complaint in writing to the Headteacher. This written document should include:
  - The complainant's name, contact details, and nature of complaint

- Any attempts made to raise/resolve the complaint (including who they have communicated with)
- Any reasonable actions they feel may resolve the issue

If the complainant has a disability and needs a reasonable adjustment, they can contact the school by telephone, or in person and arrangements will be made to meet at a mutually convenient time/date to help write out the complaint.

- 9.7 The complaint will be investigated by a staff member (not the subject of the complaint) nominated by the Headteacher. The complaint will be acknowledged within 7 working days. The formal complaint will be investigated and responded to within 21 working days. This timescale may be reasonably extended if the nature of the complaint is judged by the investigating officer and the Headteacher to be of a complex nature. Where there are exceptional circumstances resulting in a delay, the complainant will be notified of this and informed of the new timescales as soon as possible.
- 9.8 An accurate log must be maintained throughout.
- 9.9 The resulting investigatory report will be presented to the Headteacher for final determination. The Headteacher will then respond in writing to the complainant and will, as a matter of good practice, make the Chair of the Local Governing Board and the Deputy CEO aware of the Stage 2 Complaint and the response provided to the complainant.
- 9.10 Please note that any complaint received within one month of the end of a term or half term is likely to take longer to resolve owing to the presence of school holidays and the unavailability of personnel required for the investigation to be undertaken properly.

**(ii) Formal complaints made about the Headteacher;**

- 9.11 EMAT recognises that in exceptional circumstances parents/carers, other stakeholders or external bodies or individuals may wish to complain formally about a Headteacher.
- 9.12 If all attempts to resolve the issue remain unsuccessful, the complainant may then follow the formal process by placing their complaint in writing to either the Chair of the Local Governing Board at the relevant academy or to the Deputy CEO of EMAT.
- 9.13 This written document should include:
- The complaint
  - Any attempts made to raise/resolve the complaint (including who they have communicated with)
  - Any reasonable actions they feel may resolve the issue

- 9.14 The complaint will be investigated by the Chair of the Local Governing Board and/or a senior member of the EMAT staff nominated by the Deputy CEO. The formal complaint will be acknowledged within 7 working days, be investigated and responded to within 21 working days. This timescale may be reasonably extended if the nature of the complaint is judged by the Investigating Officer and the Chair of the Local Governing Board / the Deputy CEO to be of a complex nature. Where there are exceptional circumstances resulting in a delay, the complainant will be notified of this and informed of the new timescales as soon as possible.
- 9.15 An accurate log must be maintained throughout.
- 9.16 The resulting investigatory report will be presented to the Deputy CEO. The Deputy CEO will then respond in writing to the complainant.

### **Stage 3: Final panel stage**

- 9.17 The last stage of the EMAT complaints process is a referral to a Complaint Panel. The complainant must request this within 10 working days of receiving the response to Stage 2 of the process. The EMAT Governance Manager or nominated officer, if appropriate, will convene a panel at the earliest appropriate opportunity, but within 20 working days. The request will only be considered if the procedures at Stages 1 and 2 have been completed.
- 9.18 The written request should include:
- a copy of all relevant documents and full contact details;
  - details of all the grounds of the complaint and the outcome desired;
  - a list of the documents which the complainant believes to be in the Academy's possession and wishes the panel to see; and
  - notification if the complainant proposes to be accompanied to the hearing by someone who is legally qualified.
- 9.19 If assistance with the request is required, for example because of a disability, the complainant (or representative) must inform the Governance Manager/nominated officer of this so that appropriate arrangements can be made.
- 9.20 The Governance Manager/nominated officer will acknowledge the request for a hearing in writing within 7 working days of receipt during term time and as soon as practicable during the holidays.

## **11. Constitution of the panel**

- a. The Governance Manager/nominated officer will convene a complaints panel as follows:

- b. The panel will consist of at least three members.
- c. Typically, at least two members will be EMAT governors with no prior direct involvement with the issue. Governors may be drawn from any EMAT Local Governing Board. Staff governors may not be included in the panel as they might not be regarded as impartial.
- d. At least one panel member must be independent of the management and running of the Academy. This is likely to be a member of the Trust Board.
- e. No member of the panel can have been directly involved in previous considerations of the complaint. This includes the Chair of Governors of the Local Governing Body if they have been involved at any stage.

## **12. Planning the hearing**

- a. As soon as reasonably practicable, and in any event at least 10 working days before the hearing, the Governance Manager/nominated officer will send written notification to each party of the date, time and place of the hearing.
- b. Copies of any additional documents the complainant wishes the panel to consider should be sent to the Governance Manager/nominated officer to be received at least 10 working days prior to the hearing.
- c. The complainant may be accompanied to the hearing by another person, for example a relative, teacher or friend. The panel hearing is not legal proceedings and so legal representation is not usually necessary. If the complainant wishes to be accompanied by someone who is legally qualified, they should notify the Governance Manager/nominated officer of this in their initial request for a panel hearing. If the complainant did not do so in their initial request but wishes to be accompanied by a legally qualified person, they must inform the Governance Manager/nominated officer of this at least 5 working days prior to the hearing.
- d. The Governance Manager/nominated officer will circulate a copy of the bundle of documents to be considered by the panel to all parties at least 3 working days prior to the hearing.

## **13. Proceedings of the panel**

- 12.1 All parties will attend the meeting in the same room. The meeting will include:
- the complainant;
  - the panel;
  - the respondent (usually the Headteacher or Executive Headteacher, Deputy CEO in the case of complaints about the Headteacher);

- any other staff/witnesses who will be invited to make representations concerning the complaint.
- a clerk (if required)

12.2 The appeal will be closed to the public.

12.3 Parties may be questioned by the panel members so that they can form a clear and unbiased view of the complaint. Whilst it will be for the Chair of the panel to decide exactly how the meeting will proceed, the procedure at the meeting will allow:

- the complainant to explain their complaint;
- the respondent to explain the academy's/EMAT's response;
- the panel to have an opportunity to question both the complainant and the other party;
- all involved to call witnesses (subject to the approval of the Chair of the panel), and the panel to question all the witnesses;
- the complainant, the respondent and staff/witnesses to be accompanied at the meeting if they so wish (other than by a legal representative).

12.4 The Chair of the panel will explain to the complainant and the respondent that the panel will consider its decision based on the information and evidence presented to them, and a written response will be sent to both parties as quickly as possible and in an expeditious manner. The panel will be mindful that some parent/carers are unused to dealing with groups of people in formal situations and may feel inhibited. Parents/carers may also feel emotional about discussing an issue that affects their child. The Chair of the panel will ensure that the proceedings are as informal as the situation allows.

## **14. Remit of the panel**

13.1 The panel can:

- Dismiss the complaint in whole or in part;
- Uphold the complaint in whole or in part;
- Decide on the appropriate action to be taken to resolve the complaint;
- Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

## **15. The decision**

- a. The panel will reach a decision on a balance of probabilities unless there is an agreed position.
- b. The decision, findings and any recommendations will be confirmed in writing to the complainant by email or letter, normally within 7 working days of the hearing.
- c. A copy of the decision, findings and any recommendations will also be made available to the subject of the complaint, where relevant.
- d. The decisions, findings and any recommendations will also be available for inspection on the Academy premises by the Governing Body and the Headteacher/ Principal.
- e. This represents the conclusion of the EMAT's complaints procedure.
- f. If the complainant remains unsatisfied, they may complain to the Education Skills Funding Agency (ESFA). Guidance on how to do this is available from the ESFA website: <https://www.gov.uk/government/publications/complain-about-an-academy>

## **16. Complaints about the Academy Trust**

- 16.1 Complaints about operational aspects of the Academy Trust and/or non-school based EMAT staff will be managed using the same three step complaints process. Complaints of this type should be addressed to the CEO ,unless the complaint is about the CEO, in which case complaints should be addressed to the Chair of EMAT Board c/o the Clerk to the Trustees.
- 16.2 Complaints in relation to the Esteem Family and Student Support Team (FASST) service will be managed using the same three step complaints process. Complaints of this type should be addressed to the CEO.

## **17. Vexatious, persistent, duplicate or unreasonable complaints**

- a. EMAT is committed to dealing with all complaints fairly and impartially. Whilst contact between the Academy/Academy Trust and the complainant will not be limited, we do not expect our teaching and operational staff to tolerate unacceptable behaviour deemed abusive, threatening or offensive.
- b. Please refer to the Families and Visitors Code of Conduct for further details.
- c. In the case of vexatious or persistent complaints, if the complainant remains dissatisfied after all stages have been properly followed, the EMAT Governance Manager will inform the complainant in writing that the procedure has been exhausted and the matter is now closed.

- d. If a complaint has been resolved under this procedure and a duplicate complaint on the same subject from a partner, family member or other individual is received, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and the local process is complete
- Direct them to the DfE if they are dissatisfied with our original handling of the complaint

If there are new aspects, we will follow this procedure again.

- e. Should an individual's approach to their complaint become disturbing, intimidating or harassing, legal advice may be sought. EMAT has a duty of care to its employees and this will be upheld.

## **18. Reporting and recording complaints**

- a. All formal complaints must be logged. The EMAT is mindful of its obligations under the Equality Act 2010 and will endeavour to facilitate alternative methods of communication where these are necessitated by disability or other unavoidable circumstance.
- b. Once a complaint is received, the academy will record all issues, with the Headteacher holding responsibility for ensuring staff consistently and accurately record all complaints, including resolution and any further actions taken as a result of the complaint. All records of complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.
- c. The Headteacher will report any Stage 2 complaints to the Chair of the Local Governing Board at their academy and the Deputy CEO on a monthly basis.
- d. Each Academy's Local Governing Board monitors the level of complaints and reviews the outcomes on a regular basis through the mechanism of performance and data reporting.
- e. Complaints about the Trust will be recorded as above. The Deputy CEO will report any complaints to the CEO on a regular basis or as required.
- f. The Trust Board of Directors monitors the level of complaints and reviews the outcomes on a regular basis through the mechanism of performance and data reporting.

## **19. Policy review details**

Version: 4

Reviewer(s) : Governance Manager

Approval body: Trust Board

Due for review: October 2025

## **20. Related**

Child Protection, Adult Protection and Safeguarding Policy and Procedures

Data Protection Policy

Freedom of Information Policy

Subject Access Request Policy

Equality & Diversity Policy

Freedom of Information Policy

Staff Code of Conduct

Confidential Reporting/Whistleblowing Policy