Moorlands Learning Trust

Complaints Policy

	Position/Committee	Date
Approved by	CEO	December 2024
To be Reviewed	CEO	December 2026

FOR WEBSITE

Moorlands Learning Trust

DEALING WITH COMPLAINTS

RATIONALE

Every well governed and managed Trust and school will from time to time have to deal with complaints relating to aspects of its operation. This complaints procedure is not limited to parents or carers of students that are registered at one of the Trust's schools. Any person, including members of the public, may make a complaint to the Trust / school about any provision of facilities or services that it provides, including support provided for SEND.

There is a difference between a concern and a complaint. A concern may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought' and which can be dealt with informally through the school or Trust without requiring this policy to be used.

It is in everyone's interest that concerns, and complaints are taken seriously at the earliest stage to make every effort to resolve the matter informally by the staff concerned; where they cannot be, these formal procedures can be followed.

TIMESCALES

Complaints must be presented within three months of the incident or where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this timeframe only if exceptional circumstances apply.

OBJECTIVES

1. To allow for swift handling of complaints within established time-limits and keeping people informed of the progress.
2. To ensure any complaint is handled within the law.
3. To ensure this policy and procedure is understood by staff, governors and Trustees.
4. To ensure that any complainant is given fair treatment and a chance to state their case either in writing or person.
5. To address all the points at issue and provide an effective response and appropriate redress where necessary.
6. To ensure sensitivity in handling potentially stressful situations.
7. To respect people's desire for confidentiality.
8. To ensure this Complaints Policy is published on the Trust / school website.
9. To meet the requirements in the standard of Schedule 1, Part 7 of the Education (Independent School Standards (England) Regulations 2014 .

GUIDELINES

Wherever possible, complaints will be dealt with at the informal stage in an attempt to resolve them as quickly as possible with the most appropriate member of staff or senior leader.

Only if the complainant is dissatisfied with the outcome, or the matter cannot be resolved by the individual, should the matter be referred to the formal stage, with a more senior member of staff.

Complainants should not approach individual governors or Trustees to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at the formal stage of the procedure should this be required.

For ease of reporting, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact school. You can also ask third party organisations like the Citizens Advice to help you.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

Anonymous complaints

We will not normally investigate anonymous complaints. However, the Headteacher, Chair of Governors, or Chair of Trustees as appropriate will determine whether the complaint warrants an investigation.

Complaints received outside of term time

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

Scope of this complaints procedure

This procedure covers all complaints about any provision of community facilities or services by The Trust and its schools other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
• Admissions to schools • Statutory assessments of Special Educational Needs • School re-organisation proposals	Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with the relevant local authority
• Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding.
• Exclusion of children from school	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.
• Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. The Department for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus. Volunteer staff who have concerns about our Trust / school should complain through this complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.
• Staff grievances	Complaints from staff will be dealt with under the Trust's internal grievance procedures.

• Staff conduct	Complaints about staff will be dealt with under the Trust's internal disciplinary procedures, as appropriate. 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.
• Complaints about services provided by other providers who may use school premises or facilities	Providers should have their own complaints procedure to deal with complaints about service. Please contact them directly.

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 the Trust 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.

Resolving complaints

At each stage in the procedure, the Trust / school wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school / Trust policies in light of the complaint
- an apology

Withdrawal of a Complaint

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

INFORMAL STAGE

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so.

If initial communication with the member of staff directly involved in the complaint cannot bring about a resolution, or the complainant feels it is more appropriate to refer the matter directly to a line manager, then the informal stage of this policy will commence.

<u>Complaint heard by line manager/other manager</u>

- The complainant should be given the opportunity to discuss their concerns with an appropriate more senior member of staff.
- In most cases, concerns and complaints are resolved at this early part of the informal stage.
- If the complaint remains unresolved the manager should advise the complainant that they may make a formal complaint to the Headteacher detailing:
  1. The reasons for their complaint.

2. Why they believe it is unsuccessfully resolved and;
3. What actions they believe would bring about a resolution.

Exception

If a complaint appears to be sufficiently serious then it can be referred straight through to the formal procedure.

FORMAL STAGE 1

Complaint heard by Headteacher / designated member of Senior Leadership Team

Any complaint submitted to the Headteacher should be in writing and the Headteacher will appoint an investigative officer – either themselves or another senior member of staff - to formally investigate.

Once the written complaint is with the Headteacher's appointed Investigative Officer, they will ensure that the member of staff concerned is confidentially fully acquainted with the nature of the comments and informed of their right to be accompanied by a friend or union representative in any formal investigation proceedings at the earliest opportunity. The Investigative Officer is fully responsible for looking into the matter and normally has fifteen working days to investigate and consider whether the complaint is substantiated.

At the conclusion of the investigation, the Investigative Officer will respond in writing to the complainant, normally within ten working days of the completion of the investigation, outlining their findings and detailing any recommendations or actions to be taken as appropriate, in order to resolve the complaint. If the Investigative Officer is unable to meet this deadline, they will provide the complainant with an update and revised response date.

If this investigation and subsequent written response does not resolve the complaint the complainant can refer it to the next stage – Formal Stage 2 - as below – in writing within 10 days of the written response.

Complaints about the Headteacher / Governor / Trustee

If the complaint is about the headteacher, or a member of the governing body / Trust Board (including the Chair or Vice-Chair), a suitably skilled governor / Trustee will be appointed to complete all the actions at Formal Stage 1.

Complaints about the headteacher or member of the governing body / Trust board must be made to the Clerk who will liaise with Human Resources.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 1 will be considered by an independent investigator appointed by the governing body / Trust board. At the conclusion of their investigation, the independent investigator will provide a formal written response to the complainant.

FORMAL STAGE 2 (Appeal)

Complaint heard by Governors' / Trustees' Complaints Committee

This is the final stage of the complaints procedure. The request to escalate to stage 2 must be made to the Clerk within 10 days of receipt of the Stage 1 response. At this stage (the appeal) no further matters can be added to the original complaint.

Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

Details of, and reasons for, the complaint should be submitted in writing to the Chair of Governors / Trustees who will liaise with Human Resources / the Clerk and convene a complaints panel of at least 3, impartial, governors / Trustees, with no prior involvement or knowledge of the complaint. If there are fewer than three governors / Trustees available, the Clerk will source any additional, independent governors through another school, in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 2 if the board decides this.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 10 school days.
Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Committee is responsible for investigating the complaint and the handling of the complaint as appropriate. The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs and the nature of the complaint.

If the complainant is invited to attend a meeting, they may bring someone along to provide support. This can be a relative or friend.

Representatives from the media are not permitted to attend.

Prior to any meeting, the committee will decide amongst themselves who will act as the Chair of the Complaints Committee.

At least 10 school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the committee at least 5 school days before the meeting.

Any written material to be considered by the committee will be circulated to all parties at least 5 school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee 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.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 2 will be heard by a committee of independent governors / Trustees.

Making the decision

The Complaints Committee must determine their findings on the basis of the information in their possession and will respond in writing to the complainant, and, where relevant, the person complained about, normally within fifteen working days of the completion of the investigation.

The possible findings that the Complaints Committee can make include:

- 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 Academy/ Trust's systems or procedures to ensure that problems of a similar nature do not recur.

It may be possible for the Complaints Committee to recommend changes to school / Trust policies or procedures to prevent the same problem happening again in the future.

They should produce a written response to the complainant and, where relevant, the person complained about, which documents their findings. This would need to be produced if the complainant was to refer the matter to the Department for Education.

This response is usually written by the Chair of the Committee and will summarise actions taken to investigate the complaint and provide an explanation of the findings and the reason(s) for them. Where appropriate, it will include details of any recommendations or actions The Trust / school will take.

The response will be brief and will usually keep the names of any students, parents and people interviewed confidential. Its purpose is to:

- summarise the evidence gathered
- give the findings of by the Complaints Committee
- give any recommendations made by the Complaints Committee to prevent a similar problem happening again.

Where conflicting versions of events have been given it should be clear from the report why one version has been preferred over the other.

In very few cases it could happen that one of the recommendations is for the school to hold a formal disciplinary investigation to find out if staff disciplinary action is necessary. In this case the Complaints Committee should seek the advice of HR before the investigation report is issued.

The findings and recommendations of the Committee should be:

- Sent to the Headteacher of the relevant school
- Sent to the person(s) complained of
- Sent to the person making the complaint with the information that if the Board of Governors' / Trustees response has failed to satisfy the person making the complaint he or she may escalate their complaint should they remain dissatisfied to the Department for Education for Education on the grounds that the Board of Governors / Trustees has failed to discharge its statutory duties – see below

Records

A copy of the findings and recommendations must also be available for inspection on the school premises by the proprietor and the headteacher.

A written record must be kept of all complaints that are made, whether they are resolved following a formal procedure, or proceed to a panel hearing, as well as a record of any action taken by the school / Trust as a result of those complaints (regardless of whether they are upheld).

All correspondence, statements and records relating to individual complaints are to 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.

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 2.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by the Trust / school. They will consider whether the Trust / school has adhered to education legislation and any statutory policies connected with the complaint.

A complaint may be made to the Department for Education if a person believes that a Board of Governors / Trustees is acting 'unreasonably' or is failing to carry out its statutory duties properly (Sections 496 and 497 Education Act 1996). However, intervention can only occur if the Board of Governors / Trustees has failed to carry out a legal duty or has acted unreasonably in the performance of a duty. Intervention would have to be expedient in the sense that there would have to be something that the Department for Education could instruct either party to do to put matters right.

The Department for Education must be satisfied that a decision is unreasonable in the sense that no reasonable authority or Board of Governors / Trustees, acting with due regard to its statutory responsibilities, would have reached that decision.

The complainant can refer their complaint to the Department for Education online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD.

Reporting back the decision to Governors / Trustees

The outcome of the complaint should be reported back to the full Board of Governors / Trustees, for information only, as with any delegated decision.

The report back should take the form of a paragraph briefly summarising the complaint, the investigation and the outcome. The Committee's recommendations should be given. No names should be given in the report back and the details may be marked as a confidential note within the minutes of that meeting.

Complaint Form

Please complete and return to *Headteacher / Human Resources / Clerk* who will acknowledge receipt and explain what action will be taken.

Your name:
Student's name (if relevant):
Your relationship to the student (if relevant):
Address: **Postcode:** **Day time telephone number:** **Evening telephone number:**
Please give details of your complaint, including whether you have spoken to anybody at the school about it.

What actions do you feel might resolve the problem at this stage?
Are you attaching any paperwork? If so, please give details.
Signature: **Date:**
Official use
Date acknowledgement sent:
By who:
Complaint referred to:
Date:

Suggested Complaints Committee Process

The Complaints Committee should try to meet as soon as possible after the complaint is received to agree and be clear about what needs to be done and draw up a timetable for doing it.

The Chair of the Complaints Committee should write to the person making the complaint to:

a) explain that the Committee is now dealing with the complaint
b) confirm that the Committee has received a copy of the written complaint
c) set out what appears to be the nature of the complaint and to invite the complainant to send any further written information about the complaint
d) set out the Committee's timescales for dealing with the complaint
e) invite the person making the complaint to meet the Committee to give full details of their complaint, and inform them they may be accompanied by a friend or representative
f) set a reasonable deadline for reply by the person making the complaint and make it clear that if there is no response by this deadline the Committee will proceed on the basis of the information it already has.

If the person making the complaint accepts the invitation to meet the Committee, arrangements should be made to make this as easy as possible. The Committee may wish to consider the most appropriate time and place for the meeting to take place and whether other facilities such as providing an interpreter would be helpful.

The Committee should also write to the person(s) complained of informing him/her of the complaint and explaining that they will be given the opportunity to give their version of events.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

N.B. The Clerk may correspond with the complainant on the Committee's behalf for any or all of the above actions.