

drb Ignite Multi Academy Trust

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# Complaints Policy and Procedures

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## drb Ignite Multi Academy Trust Vision

The drb Ignite Multi Academy Trust has been established through a shared belief that lives can be transformed by what goes on in schools. We believe that the process of teaching and learning shapes futures.

### Vision

*All pupils achieve the highest standards of educational outcomes regardless of circumstance or background.*

### 1. Aims

Our Trust aims to meet its statutory obligations fairly and transparently when responding to complaints from parents of pupils at Trust school and other stakeholders.

When responding to complaints, we aim to:

- be impartial and non-adversarial
- address all the points at issue and provide an effective and prompt response
- respect a complainant's desire for confidentiality
- treat complainants with respect and courtesy
- facilitate a full and fair investigation by an independent person or panel when necessary
- ensure that any decisions made are lawful, rational, reasonable, fair and proportionate
- keep complainants fully informed of the progress of the complaints process
- consider how a complaint can feed into school evaluation processes to improve our service/systems in the future

The Trust and its schools try to resolve concerns and complaints through informal means wherever possible. Where this is not possible, formal procedures are followed in line with this Policy.

The Trust aims to give complainants the opportunity to complete the complaints procedure in full as required.

To support this, the Trust and its schools will publicise the existence of this Policy and make it available on the Trust website and school websites.

## 2. Legislation and guidance

This Policy meets the requirements set out in part 7 of the schedule to [the Education \(Independent School Standards\) Regulations 2014](#), which states that Trusts and their schools must have and make available a written procedure to deal with complaints from parents of pupils at Trust schools and other complainants. In creating this Policy and procedures the Trust has used the DfE *Guidance Creating an Academy Complaints Policy 2015*. This can be accessed using the following link [creating a complaints procedure that complies with the above regulations](#) and refers to the DfE Best Practice Guidance for School Complaints Procedures 2019 [good practice guidance on setting up complaints procedures](#)

This Policy complies with the Trust's Funding Agreement with the Secretary of State.

## 3. Definitions and scope

### 3.1 Definitions

For the purposes of this Policy:

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

### 3.2 Scope

The Trust intends to resolve both concerns and complaints informally wherever possible and at the earliest possible stage.

However, there may be occasions when complainants would like to raise their issues formally. This Policy outlines the procedure relating to handling such complaints when informal resolution has not been possible. This ensures that where a complainant is not satisfied with the response to the concern or complaint the Trust/school has provision for a formal process and a complaints panel hearing to be held where necessary.

The Policy does **not** cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Exclusion
- Whistle-blowing
- Staff grievances

- Staff discipline

Please see the Trust's separate policies for procedures relating to these types of complaint.

Arrangements for handling complaints from parents of children with special educational needs (SEND) about a school's support **are** within the scope of this Policy. Such complaints should first be made to the special educational needs co-ordinator or headteacher.

Complaints about services provided by other providers who use Trust school premises or facilities should be directed to the provider concerned.

## 4. Roles and responsibilities

### 4.1 The complainant

The complainant will receive a more effective and timely response to their complaint if they:

- follow the procedures set out in this Policy
- co-operate with the Trust/school throughout the process, and respond to deadlines and communication promptly
- treat all those involved with respect
- do not publish details about the complaint on social media

### 4.2 The investigator

An individual will be appointed by the Trust/school to look into the complaint to establish the facts. The investigator will:

- interview all relevant parties and keep notes
- consider records and any written evidence and keep these securely
- prepare a comprehensive report to the headteacher or Trust complaints panel (as required) which includes the facts and potential solutions

### 4.3 The administrator

An administrator will be appointed by the Trust/school. He/she will:

- be the contact point for the complainant and the complaints panel , including circulating the relevant papers and evidence before complaints panel meetings
- ensure the complainant is aware that they are allowed to be accompanied at the panel hearing if they wish
- arrange the complaints panel hearing
- record and circulate the minutes and outcome of the complaints panel hearing to the complainant
- keep a written record of all complaints

## 4.4 Complaints panel chair

The complaints panel chair will:

- chair the panel meeting, ensuring that everyone is treated with respect throughout
- make sure all parties see the relevant information, understand the purpose of the panel, and are allowed to present their case

## 5. Principles for all investigations

When investigating a complaint, the Trust/school will aim to clarify:

- What has happened
- Why it happened
- Who was involved
- What the complainant feels would put things right

### 5.1 Time scales

The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, the complaint must be raised within 3 months of the last incident. The Trust/school will consider exceptions to this time frame in circumstances where there are valid reasons for not making a complaint at that time and the complaint will still be investigated in a fair manner for all involved. When a complaint is made out of term time, the Trust/school will consider it to have been received on the next school day. If for any reason, the Trust/school cannot meet the time scales set out in this Policy it will:

- set new time limits in agreement with the complainant
- send the complainant details of the new deadline and explain the reasons for the delay

## 6. Stages of complaint

### 6.1 Stage One : Informal

The Trust and its schools take concerns seriously and make every effort to resolve matters quickly. It is often the case that the provision or clarification of information and improved communication will resolve the concern before it becomes a complaint.

However if the complainant should raise a complaint this should be as soon as possible with the relevant member of staff or the headteacher as appropriate, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the Trust/ school office by phone, email or a direct visit. The Trust/school will acknowledge complaints within two school days and investigate providing a response within five school days.

At this Stage One, the Trust/school intends, that on most occasions, the complainant will be able to meet with a member of the School Senior Leadership Team promptly to resolve the situation.

If, following discussion with the complainant, it is decided that further information needs to be gathered, the Trust/ school will aim to ensure this will be completed within five school days and the complainant informed either through a meeting or via the telephone. In certain situations, the collation of information may take longer, and the complainant will be advised if this is the case.

The informal stage is likely to involve a meeting between the complainant and the Trust or school.

If the complaint is not resolved informally, it can be escalated to a formal complaint.

## **6.2 Stage Two: Formal**

Formal complaints can be raised:

- by letter or email
- over the phone
- in person
- by a third party acting on behalf of the complainant

The complainant should provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents, and what they feel would resolve the complaint.

If complainants need assistance raising a formal complaint, they can contact the Trust/ school office by phone, email or direct visit.

The Trust/school will call a meeting to clarify issues and seek a resolution. The complainant may be accompanied to this meeting and should inform the Trust/ school of the identity of their companion in advance.

In certain circumstances, the Trust/ school may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a clear conflict of interest. If this is the case, the school will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

In some cases, the Trust/school may appoint an independent reviewer of the complaint. This person must not, at any time, have been a trustee at the Trust or governor of the school, or a member of staff or supply staff at the school, and must not have been the parent of a registered or former registered pupil at the school. They must also not have been directly involved in any matter detailed in the complaint. This ensures fairness, transparency and independence.

The independent reviewer will convene a review meeting with the complainant and representatives from the school, as appropriate. Each will have an opportunity to set out written or oral submissions prior to the meeting.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called as appropriate to present their evidence. The independent reviewer, the complainant and the school representative(s) will be given the chance to ask and reply to questions. The complainant, Trust and headteacher, and where relevant, the subject of the complaint, will be given a copy of the findings and recommendations made by the independent person. If the complainant wishes to proceed to the next stage of the procedure, the Trust/school administrator should be contacted within ten school days either in person or by letter, telephone or email. The administrator will acknowledge receipt of the request within five school days.

### **6.3 Stage 3: Submit the complaint to a panel hearing**

#### **Convening the panel hearing**

- Where a complainant is not satisfied with the Trust/school response to the complaint, the Trust/school will make provision for a panel hearing before a panel appointed by or on behalf of the Trust/school and consisting of at least three people who have not been directly involved in the matters detailed in the complaint.
- These individuals will have access to the existing record of the complaint's progress. The panel will also select a panel chair from amongst themselves.
- The Trust/school will ensure that one panel member is independent of the Trust/school management and running of the Trust/school. The Trust/school is clear that a panel consisting only of trustees/local governors does not comply with the regulations. The Trust/school will make sure the individuals invited to be panel members are suitably skilled and can demonstrate that they are independent and impartial.
- The complainant will have reasonable notice of the date of the panel hearing. However, the panel reserves the right to convene at their convenience rather than that of the complainant. The administrator will aim to find a date within twenty school days of the request, wherever possible.
- If the complainant rejects the offer of 3 proposed dates without good reason, the administrator will set a date. The hearing will go ahead using written submissions from both parties.

Any written material will be circulated to all parties at least five school days before the date of the meeting.

#### **At the panel hearing**

At the panel hearing, the complainant and representatives from the Trust/school, as appropriate, will be present.

Each will have an opportunity to set out written or oral submissions prior to the hearing.

The complainant may be accompanied by a suitable companion if they wish.

At the hearing, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called as appropriate to present their evidence.

The panel, the complainant and the Trust/school representative will be given the chance to ask and reply to questions. Once the complainant and Trust/school representatives have completed presenting their cases, they will be asked to leave and evidence will be considered.



The panel will then put together its findings and recommendations from the evidence. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and make a copy of the findings and recommendations available for inspection by the Trust/ headteacher.

### **The outcome**

The panel can:

- Uphold the complaint, in whole or in part
- Dismiss the complaint, in whole or in part
- If the complaint is upheld, the panel will:
  - decide the appropriate action to resolve the complaint
  - where appropriate, recommend changes to the Trust/ school systems or procedures to prevent similar issues in the future

The panel will:

- make a copy of findings and recommendations available to the complainant and, where relevant, the person complained about
- make a copy of findings and recommendations available for inspection on the Trust/ school premises
- provide for a written record to be kept of all complaints that are made

The Trust/ school will inform those involved of the decision in writing within five school days.

### **Referral of a school complaint to the Trust**

If, after Stage 3, a school complainant continues to remain dissatisfied with the way in which the complaint has been managed and handled by a Trust school, then a written letter outlining concerns should be sent to:

The CEO  
drb Ignite Multi Academy Trust  
3 Brindley Place  
Birmingham  
B1 2JB.

The Trust will acknowledge the complaint within 5 school days and then investigate the way in which the complaint has been handled and dealt with. **The Trust will not re-investigate the nature of the complaint.** The Trust CEO will write to the complainant within 20 working days, explaining the outcome of the investigation. The Trust CEO will also contact the school to advise them of the outcome and, where appropriate, the steps needed to improve complaints processing and management.

## 7. Complaints against the CEO, a headteacher or a trustee

Complaints made against the CEO, a headteacher or a trustee should be directed to the Trust administrator in the first instance.

If the complaint is against the CEO, a headteacher or a trustee a suitably-skilled and impartial executive leader or trustee will carry out any investigation.

If the complaint is about the Trust Board, an independent investigator will be appointed by the Trust Members to carry out any investigation. If required, an independent panel will hear the complaint. They will be sourced from other academy trusts, the local authority or diocese.

## 8. Referring complaints on completion of the Trust's procedure

If the complainant is unsatisfied with the outcome of the Trust's complaints procedure, they can refer their complaint to the ESFA. The ESFA will check whether the complaint has been dealt with properly by the Trust. The ESFA will not overturn a Trust's decision about a complaint. However, it will look into:

- whether there was undue delay, or the Trust did not comply with its own complaints procedure
- whether the Trust was in breach of its Funding Agreement with the Secretary of State
- whether the Trust has failed to comply with any other legal obligation

If the Trust has failed to manage a complaint properly, it may be asked to re-investigate the complaint. If the Trust's complaints procedure is found to not meet regulations, the Trust will be asked to correct its procedures accordingly.

A complainant can contact the ESFA using the following link [schools complaints form](#).

For more information see the following webpage:

<https://www.gov.uk/complain-about-school>

This referral information will be included in any outcome letter sent to complainants.

## 9. Managing persistent complaints

### 9.1 Unreasonably persistent complaints

Most complaints raised will be valid, and therefore will be treated seriously. However, a complaint may become unreasonable if the complainant:

- has made the same complaint before and it has already been resolved by following the Trust's complaints policy and procedure
- makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive

- knowingly provides false information
- insists on pursuing a complaint that is unfounded or out of scope of the complaints procedure
- pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refuses to co-operate with this complaints policy and procedure, or insists that the complaint is dealt with in ways that are incompatible with this policy and procedure and the time frames it sets out
- changes the basis of the complaint as the investigation goes on
- makes a complaint designed to cause disruption, annoyance or excessive demands on Trust and/or school time
- seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

### Steps the Trust will take

The Trust/school will take every reasonable step to address the complainant's concerns and give them a clear statement of its position and their options. The Trust/school will follow this complaints procedure as normal wherever possible.

If the complainant continues to contact the school or Trust in a disruptive way, the Trust/school may put communications strategies in place. We may:

- give the complainant a single point of contact via an email address
- limit the number of times the complainant can make contact, such as a fixed number per term
- ask the complainant to engage a third party to act on their behalf, such as [Citizens Advice](#)
- put any other strategy in place as necessary

### Stopping responding

The Trust/school may stop responding to the complainant when certain factors are met:

- The Trust/school believes it has taken all reasonable steps to help address concerns/complaints
- The Trust/school has provided a clear statement of its position and the complainants options
- The complainant contacts the Trust/school repeatedly and it is considered their intention is to cause disruption or inconvenience

Where the Trust/school stops responding, it will inform the complainant of its intention. It will also explain that it will still consider any new complaints.

In response to any serious incident of aggression or violence from a complainant, the Trust/school will immediately inform the police and communicate its actions in writing. This may include barring an individual from the Trust/ school site.

## 9.2 Duplicate complaints

If the Trust/school has resolved a complaint under this Policy and receives a duplicate complaint on the same subject from a partner, family member or other individual, it will assess whether there are aspects that have not previously been considered, or any new information it needs to take into account.

If the Trust/school is satisfied that there are no new aspects, it will:

- inform the new complainant that the Trust/school has already investigated and responded to the issue and the local process is complete
- Direct them to the DfE if they are dissatisfied with the original handling of the complaint

If there are new aspects, the Trust/school will follow its Policy and procedure again.

### 9.3 Complaint campaigns

Where the Trust/school receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the Trust/school, the Trust/school may respond to these complaints by:

- publishing a single response on the Trust/school website
- sending a template response to all of the complainants

**If complainants are not satisfied with the Trust/school response, or wish to pursue the complaint further, the normal procedures will apply.**

## 10. Record keeping

The Trust/school will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally. It will be viewed only by those involved in investigating the complaint or on the hearing panel.

This is except where the Secretary of State (or someone acting on their behalf) or the complainant requests access to records of a complaint. This may be through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, the Trust's privacy notices and record retention schedule.

Where Trust Board is aware of the substance of the complaint before the panel hearing stage, they will arrange for a fully independent panel to hear the complaint.

Complainants have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the Trust Chair, who will not unreasonably withhold consent.

## 11. Learning lessons

The Trust Board/CEO will review any underlying issues raised by complaints to the Trust and its schools to determine whether there are any improvements that the Trust/school can make to procedures or practice to help prevent similar events in the future.


## 12. Links to other Trust policies

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Exclusions policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEND policy and information report
- Privacy notices
- Staff Code of Conduct
- Trustees Code of Conduct

## 13. Monitoring arrangements and approval

The Trust Board will monitor the effectiveness of the Complaints Policy and Procedures to ensure complaints are handled properly. The Trust Board will track the number and nature of complaints, and review underlying issues as stated in Section 11 above.

<b>Monitoring and review</b>	Board of Trustees
<b>Links</b>	The Department for Education ESFA
<b>Staff responsible</b>	Central Trust Team and headteachers
<b>Committee responsible</b>	Trust Board
<b>Approved</b>	 Date: November 2019
<b>Reviewed</b>	November 2019
<b>Next Review</b>	November 2021

\*Please note that should there be any changes/further national guidance issued relevant to this policy, it will be updated accordingly prior to the review date shown above and referred to the next Trust Board meeting.

## 14. Change Management

<b>Issue No.:</b>	<b>Change date:</b>	<b>Change description:</b>
1.0	Nov 16	Initial release
2.0	Nov 18	Rebranded, updated, signed off and released to schools.
3.0	May 19	Updated to meet new <i>Guidance for Schools on Managing Complaints</i> , April 2019
4.0	Nov 19	Reviewed to comply with Part 7 of the Education (independent School Standards) Regulations 2014 (the regulations)