DIOCESE OF SOUTHWELL & NOTTINGHAM
MULTI ACADEMY TRUST

SNMAT
COMPLAINTS
POLICY
(for parents, carers, visitors)

To be read in conjunction with:
SNMAT Code of Conduct (parents, carers, visitors)

Approved by the Board of Directors – May 2023

Policy:	
Approved by:	SNMAT Board of Directors
Date:	
Review cycle:	Annual/three yearly

VERSION CONTROL			
VERSION	**DATE**	**AUTHOR**	**CHANGES**
2020	October 2020 – January 2021	JS	Comprehensive changes made, to reflect the government's best practice guidance for academies complaints procedures (issued 16 July 2020). Incorporates legal advice and guidance from ESFA.
2022	November 2022	JS	Page 7. Amendment to Stage 2 Review by a Panel. Change in wording which states that the purpose of Stage 2 is to review the process undertaken at Stage 1 has been carried out correctly.
2023	May 2023	JS	Page 17, paragraph 18. inclusion of the following wording: 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.

Diagramatic Chart of Complaints Process

- Aim to seek resolution to concerns/complaint informally
- Move to stage 1 (formal process) only if resolution cannot be achieved

- Acknowledgement of complaint
- Formal investigation by headteacher/chair of governors as appropriate
- Notification of decision

No more than 30 working days total

- Acknowledgement of request to review the complaint
- Arrangements made for a review meeting
- The review meeting takes place
- Notification of the decision

No more than 40 working days total

Introduction

1. The Diocese of Southwell & Nottingham Multi Academy Trust endeavours to provide the best possible education for all of its pupils in an open and transparent environment. We welcome any feedback that we receive from parents, pupils and third parties, and we accept that not all of this will be positive. Where concerns are raised the academy intends for these to be dealt with:

    - Fairly
    - Openly
    - Promptly
    - Without Prejudice

2. In order to do so, the Board of the Diocese of Southwell & Nottingham Multi Academy Trust has approved the following procedure which explains what you should do if you wish to make a complaint about an academy. All members of staff will be familiar with the procedure and will be able to assist you.

3. This policy is based upon the government's best practice guidance for academies complaints procedures (16 July 2020). Changes made to the policy will be made in line with government recommendations.

Complaints that fall outside of this procedure

4. Complaints relating to the following issues are covered by a separate/specific policy.

    - Pupil admissions; please see the SNMAT Admissions Policy
    - Pupil exclusions; please see the academies local procedure (which will be covered within the local behaviour policy).
    - Staff grievance, capability or disciplinary; these are covered by the local policy set up in each academy, or the local authority policy which the academy TUPE'd across on when they academised.
    - Where the complaint concerns a third party used by the academy; please complain directly to the third party themselves.
    - Subject Access Requests and Freedom of Information Requests – please see the SNMAT Data Protection and Freedom of Information policy

These policies are available on the SNMAT and each individual academy's website, or on request from the academy.

<u>Staff conduct complaints</u>

5. Complaints about staff are dealt with under SNMAT's internal disciplinary procedures, if appropriate. However, a parent may raise a complaint about a staff member directly or indirectly.

6. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the academy will notify complainants that the matter is being addressed and allow the parent to progress through the complaint procedure.

Resolving concerns informally

7. For the purpose of this procedure, concerns are defined as having a worry or doubt over an issue considered to be important, for which reassurances are sought. The majority of concerns can be dealt with without resorting to the formal stages of the formal complaints procedure (see below). The governing board of *<insert academy name here>* encourages those that have concerns to raise them with the appropriate person at the academy (e.g. your child's class teacher, head of year) and to work constructively with that person towards resolving them. The extent to which this was both attempted and followed may be taken into consideration when assessing the reasonableness of a complaint during the formal stages of the procedure. At this stage, members of staff will initially meet with the person raising the concern. Any associated third-parties (including parents, children, staff or external agencies) may be called upon at a later stage if the concern merits further informal discussions.

8. If a complaint is received which seeks to move directly to stage 1 of the complaints processes, a member of staff will seek to meet with the complainant in order to explore an informal resolution and to better understand the issues being raised.

9. The formal stages of the procedure should be followed when attempts to resolve concerns informally have proved unsuccessful.

Complaints about the Headteacher, Governors, CEO or SNMAT

10. Where a complaint is about the headteacher or a governor, the complainant should notify the Chair of Governors (see contact details at the end of the document – each academy to add this in). The stage one process (see the formal stages below) will then commence, but with the Chair of Governors as the individual responsible for the investigation, rather than the headteacher.

11. Where a complaint concerns the Chair of the Governing Body or the whole of the Governing Body, the complainant should contact SNMAT (see contact details at the end of the document). SNMAT will then determine the most appropriate course of action, seeking advice as appropriate. This will depend upon the nature of the complaint.

12. Where a complaint concerns the Chief Executive Officer or SNMAT, the complainant should notify the Chair of the Board for SNMAT (see contact details at the end of the document).

The timescale for making a complaint

13. Notification of a complaint should be given as soon as possible after the issue that led to the complaint has occurred after informal attempts to seek resolution have proved unsuccessful and where possible, within three months.

Maintaining records

14. A confidential written record of complaints that are made in accordance with this procedure will be kept by the academy from Stage 1. The written record will include whether the complaint has

been resolved following a formal procedure and whether it proceeded to a panel review meeting. It will also refer to any action taken by the academy, as a result of the complaint, regardless of whether it has been upheld.

Maintaining confidentiality

15. Informal concerns and complaints will be dealt with confidentially at all stages and at the conclusion of the procedure. Confidentiality should be maintained all times by everyone involved. SNMAT/the governing body of *<insert academy name here>* requests that complaints are not discussed publically, including via social media.

16. Actions taken in relation to academy staff that arise as a result of the complaint will remain confidential to the academy and the member of staff concerned.

17. Written records taken and used throughout the complaints process, including correspondence, notes of meetings, telephone calls etc., will kept securely and in accordance with the principles of the General Data Protection Regulation (GDPR) and Data Protection Act 2018, as outlined in the SNMAT Data Protection Policy.

18. All correspondence, statements and records relating to individual 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.

Safeguarding

19. Wherever a concern indicates that a child's wellbeing or safety is at risk, the academy is duty bound to report this immediately to SNMAT and the local authority. Any action taken will be in accordance with the SNMAT Child Protection and Safeguarding Policy.

The formal stages of the complaints procedure

20. **The majority of concerns can be dealt with without resorting to the formal stages of the procedure**. If you need to raise a concern, then please do so with the relevant member of staff who will be happy to talk to you and seek to resolve it.

21. There are **two** formal stages of the complaints procedure.

Stage 1 – Formal Investigation

22. A request for a formal investigation of a complaint by the headteacher (or chair of the governing body, or SNMAT as appropriate) should be made in writing C/O the academy, by completing the formal complaints form that is included as Appendix 1 of this procedure.

23. The headteacher (or chair of the governing body, or SNMAT as appropriate) will acknowledge the request in writing no later than 10 working days (excluding those that fall in the school holidays) of receiving it. The written acknowledgment will, as far as possible, explain how the

complaint will be investigated and the timescale for completing the investigation.

24. A log of all correspondence in relation to the complaint will be kept in accordance with the Data Protection Principles as outlined in the SNMAT Data Protection Policy.

25. The headteacher (or chair of the governing body, or investigating officer, or SNMAT as appropriate) will consider all relevant evidence. This may include, but is not limited to:

    - obtaining statements from the complainant and those involved with the complaint
    - meeting with the complainant and those involved in the complaint
    - reviewing correspondence and other documents relating to the complaint

26. After considering the available evidence, the Headteacher (or chair of the governing body, or investigating officer, or SNMAT as appropriate) can decide to:

    - uphold the complaint and direct that certain action be taken to resolve it
    - uphold the complaint in part (in other words find an aspect or aspects of the complaint to be valid, but not the whole complaint) and direct that certain action to be taken, or
    - dismiss the complaint entirely.

27. The headteacher (or chair of the governing body, or investigating officer, or SNMAT as appropriate) will inform the complainant of their decision in writing, the grounds on which it was made and any actions taken as a result of the complaint. This will be within 20 working days (excluding those that fall in the school holidays) of having issued written acknowledgement of receipt of the complaint (see 2 above). The written notification shall also advise the complainant of their right to escalate the complaint to stage 2 of the formal complaints procedure if they are not satisfied with the outcome at stage 1

Stage 2 – Review by a Panel

28. The complainant is entitled to request a review of the decision taken at stage 1 and the actions taken to ensure that the process has been followed correctly. The review is carried out by a panel at a meeting convened by the Complaints co-ordinator. The panel will be made up of three members, one of which must be independent of the management and running of the school.

29. Requests for a review of the decision taken at stage 1 should be made in writing to the complaints co-ordinator (see contact details in Appendix 2) no later than 10 days after written notification of the decision taken has been received. The request should include a brief summary of the complaint, why the complainant is dissatisfied with the outcome of stage 1 and the outcome they are seeking.

30. The complaints co-ordinator will fulfil the role of organising the time and date of the review meeting, inviting all the attendees, collating all the relevant documentation and distributing this five days in advance of the meeting. Minutes of the review meeting will be taken by the complaints co-ordinator and provided to all relevant parties with the written notification of the decision taken at stage 2 (see point 36. below).

31. The following steps are taken at stage 2:

    a) The complaints co-ordinator will acknowledge the written request for Stage 1 to be reviewed no later than ten working days (not including the school holidays) after receiving it.

    b) The complaints co-ordinator will convene a panel of three members to undertake the review. All three panel members will have no prior knowledge of the content of the complaint.

    c) The review meeting will take place within 20 working days (excluding those which fall in the school holidays) of receipt of the written acknowledgement from the complaints co-ordinator (see 1 above).

    d) The complainant will be invited to attend the review meeting and the panel may also decide to invite the following:

        - the headteacher (or chair of the governing body as appropriate) who investigated the complaint and made the decision at stage 1
        - relevant persons involved in the complaint
        - persons whom, in the view of the panel, can provide relevant advice and information relating to the subject of the complaint and the review process at stage 2

32. Where the complainant, headteacher and/or relevant person involved in the complaint have been invited to attend the review meeting, they are entitled to be accompanied by a family member/friend/representative as appropriate. However, legal representatives are not permitted to attend the review meeting.

33. Where the relevant persons involved in the complaint include pupils at the school, and their attendance at the review meeting has been requested by the panel, parental permission must be sought if they are under the age of 18. Extra care will be taken to consider the vulnerability of children where they are present at a complaints hearing.

34. Where the complaint is about the CEO or SNMAT, the complainant may request that the review meeting is held by an independent panel. This is at the discretion of the Chair of the Board of SNMAT who will notify the complaints co-ordinator of their decision. Where an entirely independent panel is required, timescales may be affected while the academy source appropriate individuals for the review.

35. After carrying out the review, the panel can decide to:

    - uphold the complaint and direct that certain action be taken to resolve it;
    - uphold the complaint in part (in other words find an aspect or aspects of the complaint to be valid, but not the whole complaint) and direct for certain action to be taken, or
    - dismiss the complaint entirely.

- Recommend steps that the complainant and the academy should take to move forward from the presenting issues, in the best interests of all concerned.
- Recommend steps to be taken that reduce the likelihood of a similar complaint being made in future.

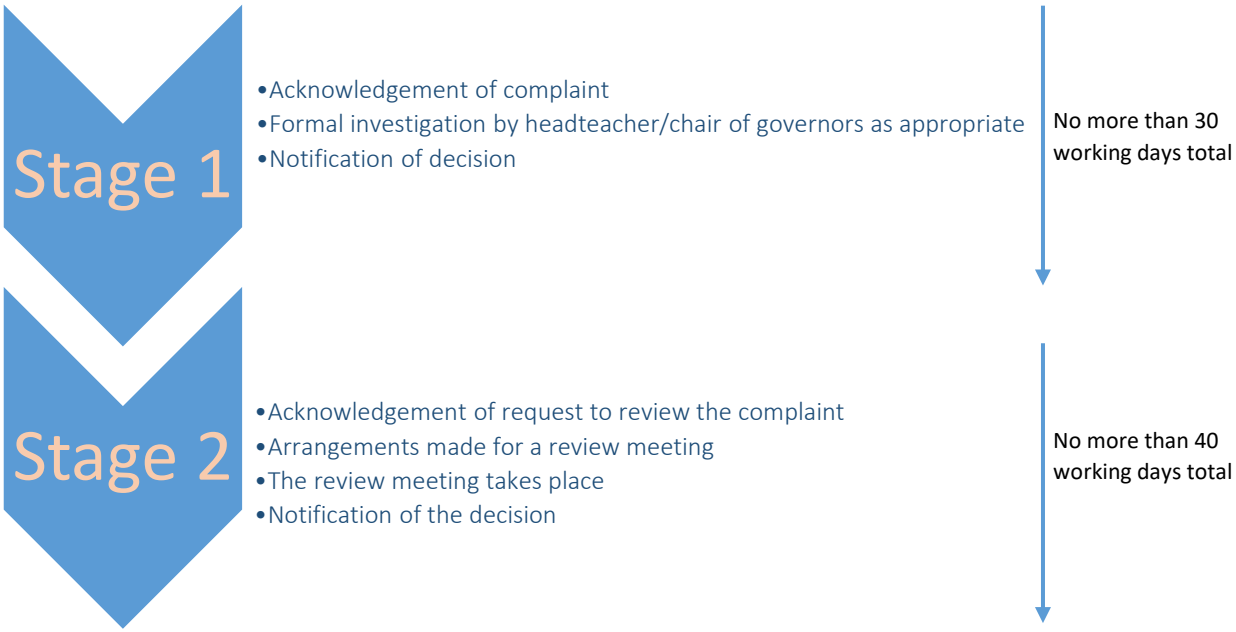
36. Irrespective of the decision taken, the panel must provide:

    i) a copy of the findings and recommendations to the complainant and where relevant, the person complained about
    ii) a copy of the findings and recommendations available for inspection on the school premises

37. The complaints co-ordinator will inform the complainant, the headteacher (or chair of the governing body, or SNMAT as appropriate) who investigated the complaint and made the decision at stage 1, and, where relevant, the person complained about, in writing of the outcome of the review meeting no later than 10 working days (excluding those which fall in the school holidays) after the review meeting has taken place.

38. This is the final stage at which the academy will consider the complaint.

Timescale for completing the formal stages of the procedure



39. The <academy name> will endeavour to complete the formal stages of its complaints procedure in a timely manner and within the timescale for each stage that is referred to above. However, if it becomes clear that for any reason <academy name> is unable to meet the timescale for completing a stage of the procedure, the complainant will be advised of this immediately, along with the reason for the delay and the revised timescale.

Managing serial and persistent complaints

40. There may be occasions when a complainant remains dissatisfied, despite all stages of the complaint procedure having been followed. If a complainant tries to re-open the same issue, they will be informed in writing that the procedure has been completed and that the matter is now closed.
41. If the complainant makes contact again on the same issue, the correspondence may then be viewed as 'serial' or 'persistent' and the academy or SNMAT may choose not to respond. However, the complaint will not be marked as 'serial' before the complainant has completed the procedure.
42. Under no circumstances should a complainant be marked as 'serial' for exercising their right to refer their complaint to their MP, regardless of which stage the complaint has reached.

Exceptional Circumstances

43. The Trust and its schools and academies are committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. The majority of people pursue their complaints in a way that is reasonable. This means that they treat others with courtesy and respect and recognise the time constraints under which members of staff work.

44. We will not normally limit the contact complainants have with the trust or any of its academies. However, there are occasions when complainants behave in an unreasonable manner when raising

and/or pursuing concerns and complaints. The consequences are that the actions of the complainants begin to impact negatively on the day-to-day running of the trust or academy and directly or indirectly the overall well-being of the children or staff in our organisation.

45. We also 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 or malicious either once investigations have been concluded and fully exhausted, or whilst they are ongoing.

46. In these exceptional circumstances a complainant may be viewed as unreasonable or vexatious and the trust/academy may take action in accordance with this Policy and apply it via the SNMAT procedure for implementing the complaints policy.

Unreasonable complaints

47. For the purpose of this procedure a complaint may be viewed as unreasonable if it contains threatening, abusive or offensive language and conveys unrealistic outcomes beyond all reason. Unreasonable complainants also include those who, because of the frequency or nature of their contacts with the Trust or an academy, hinder our consideration of their or other peoples' complaints and which distract the workforce in an unreasonable way. In such cases the headteacher/chair of the governing board (as appropriate) will consult with SNMAT, who will review the communications and correspondence of the complainant in line with the SNMAT complaints policy and SNMAT parental code of conduct. The complainant will be notified in writing that this is the case and that <School name> will provide no further response.

Vexatious complaints

48. For the purpose of this procedure a complaint may be viewed as vexatious. The characteristics of a vexatious complaint are:
    - Complaints which are obsessive, persistent, harassing, prolific, repetitious
    - Insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason
    - Insistence upon pursuing meritorious complaints in an unreasonable manner
    - Complaints which are designed to cause disruption or annoyance
    - Demands for redress that lack any serious purpose or value

49. Appendix 3 outlines the Trust's approach for dealing with persistent, serial, unreasonable or vexatious complainants.

Code of Conduct

50. As a reminder of the standards expected by parents, carers and visitors when engaging with our partner academies in relation to any concerns or complaints, please refer to the SNMAT Code of Conduct for parents, carers and visitors on the SNMAT website https://www.snmat.org.uk/snmat-policies/ where you can find further information and guidance.

51. If the complainant remains dissatisfied at the end of Stage 2 and feels that the governing board acted 'unreasonably' in the handling of the complaint, they can complain to the Education and Skills Funding Agency (ESFA):

    https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy

52. Please note that 'unreasonable' is used in a legal sense and means acting in a way in which no reasonable academy or authority would act in the same circumstances.

53. The ESFA cannot overturn the decision about a complaint. Its role is to make sure that the complaint is handled properly by following a published procedure that complies with part 7 of the Education (Independent School Standards) Regulations 2014.

54. The ESFA will only consider the complaint if the complainant can provide evidence that the school or trust:
    - Does not have a complaints procedure
    - Did not provide a copy of its complaints procedure when requested
    - Does not have a procedure that complies with statutory regulations
    - Has not followed its published complaints procedure
    - Has not allowed its complaints procedure to be completed

55. The ESFA will inform the complainant that they are not able to:
    - Overturn the governing body's decision
    - Reinvestigate the original complaint
    - Review the accuracy of minutes taken or documents provided
    - Order that compensation is paid
    - Direct the school to discipline/exclude pupils
    - Force the school to discipline/dismiss staff
    - Instruct the school to apologise

56. The ESFA will intervene when a school or trust has;
    - Breached a clause in its funding agreement
    - Failed to act in accordance with its duties under education law
    - Acted (or is proposing to act) unreasonably when exercising related education functions.

Appendix 1

<*Insert academy name here*> Formal Complaints Form

Name	
Name of pupil, year group and your relationship to them (where applicable)	
Contact address	
Contact telephone day	
Contact telephone mobile	
Contact email address	
Details of the complaint	
Action taken so far (including staff member who has dealt with it so far) or solutions offered	
The reason that this was not a satisfactory resolution for you	
What action would you like to be taken to resolve the problem?	
Do you give written consent to disclose information to a third party, if required, as part of the SNMAT complaints process?	

Signed:					

Official use

Date received:

Appendix 2 – Contact Details

Complaints Administrator (this is the name of the person who will organise the panel/send out letter of notification to complainant/takes meeting notes/informs all of final decision etc.,:

Academy to insert below name of the person who will fulfil this role, their contact details and the academy address.

Complaints Administrator :

Academy Address:

Chair of the Governing Body:

SNMAT Central Office

Complaints regarding the CEO or SNMAT, should be addressed to the Chair of the Board, Mr P Blinston, the Diocese of Southwell & Nottingham Multi Academy Trust, Jubilee House, Westgate, Southwell, NG25 0 JH. Tel: 01636 557390

Appendix 3

The Academy's Strategy for dealing with Unreasonable or Vexatious Complainants

1. In the first instance the Academy will verbally inform the complainant that his / her behaviour is considered to be becoming unreasonable or vexatious and, if it is not modified, their behaviour may be becoming at risk of engaging this aspect of the procedure. If the behaviour persists then he/she may actually be classified as a serial, persistent, unreasonable or a vexatious complainant and at that point a decision will then be made as to which of the actions in section 2 of this procedure will be applied. The Headteacher/Chair of Governors/SNMAT (as applicable), will determine and implement such action and will notify complainants, in writing, of the reasons why they have been classified as unreasonable or vexatious and what action will be taken. They will also be notified of the review procedure.

2. If the behaviour of the complainant is not modified the Academy will take some or all of the following actions as necessary, having regard to the nature of the complainant's behaviour and the effect of this on the Academy community:

    - Withdraw contact with the complainant either in person, by telephone, by email, by letter or any combination of these, provided that at least one form of contact is maintained. If staff are to withdraw from a telephone conversation with a complainant there will be an agreed statement available for them to use at such times.

    - To restrict contact to liaison through a designated member of staff and a single point of contact via an email address.

    - Notify the complainant in writing that the academy/SNMAT has responded fully to the points raised and has tried to resolve the complaint but there is nothing more to add and continuing contact on the matter will serve no useful purpose.

    - The complainant will be notified that any form of contact, either orally or in writing, in relation to their complaint, or any further complaints relative to the same period of time, or the same or similar issues as an earlier complaint, is at an end, and that further contact received will be acknowledged within 5 days but not answered.

    - Temporarily suspend, for a period to be specified to the complainant, all contact with the complainant, provided that the Academy/SNMAT shall not withdraw or not provide any services to which the complainant or his/her family are entitled to receive.

3. This notification may be copied for the information of others already involved in the complaint or matters closely related to it. A record will be kept, for future reference, of the reasons why a complainant has been classified as unreasonable or vexatious. Correspondence received from the complainant subsequent to closure will be kept on file, indefinitely, as will notes of telephone calls and any further conversations referring to the matter.

4. The complainant concerned will also be given an opportunity to modify their behaviour before closing correspondence. For example, a person who writes regularly to the Academy but refuses

to meet with staff could be invited to a meeting with the Governors to discuss their concerns. If the complainant does not comply with the request to change their conduct then a letter should be sent making clear that future correspondence will not be responded to, but that the Academy will note any new concerns being raised and will appropriately investigate any that are considered to be of merit.

Review Decisions and Withdrawing 'unreasonable or vexatious' Status

5. Once a complainant has been determined, as unreasonable or vexatious, such status needs to be regularly reviewed, and, where appropriate, withdrawn at a later date. Such action may be appropriate where a complainant subsequently demonstrates a more reasonable approach or submits a further complaint for which the normal complaints procedures would appear appropriate.

6. A panel of three governors will review their decisions to categorise a complainant as unreasonable or vexatious, every six months.

7. The panel on review may either withdraw the categorisation of a person unreasonable or vexatious or amend the strategy being applied to that person.

8. If the panel considers it appropriate to withdraw the status of unreasonable or vexatious complainant, normal contact with the complainant and application of the Academy's complaints procedure will be resumed. The complainant will be given notice of this decision forthwith.

9. Copies of all decisions relating to the categorisation of a person as an unreasonable or vexatious complainant will be sent to the Complaints Co-ordinator/SNMAT (as applicable) who will hold and maintain a central register of such decisions.

10. This approach will also be adapted to manage unreasonable or persistent contact not directly associated with, or resulting from, formal complaints.

Communication strategy for persistent correspondents

11. If an individual's behaviour is causing a significant level of disruption, regardless of whether or not they have raised a complaint, the academy / SNMAT will consider the implementation of a tailored communication strategy. For example, they can:

    - restrict the individual to a single point of contact via an email address
    - limit the number of times they can make contact, such as a fixed number of contacts per term

12. However, regardless of the application of any communication strategy, the academy / SNMAT will continue provide parents and carers with the information they are entitled to under The Education (Pupil Information) (England) Regulations 2005, within the statutory time frame.

13. Academy leaders will ensure that they act reasonably and consider any new complaint. Anyone has the right to raise a new complaint at any time and failure to respond could result in the school failing to act reasonably.

14. We may also suggest that the complainant asks a third party to act on their behalf, such as the local Citizen's Advice Bureau.

15. If an individual persists to the point that may constitute harassment, we will seek legal advice.

16. Once a decision has been taken that it is appropriate to stop responding, the individual will be contacted and informed.

When to stop responding

17. The decision to stop responding to a complainant is never taken lightly. In order to take this step, the academy / SNMAT need to be able to say yes to all of the following:

    - you have taken every reasonable step to address the complainant's concerns
    - the complainant has been given a clear statement of your position and their options
    - the complainant contacts you repeatedly, making substantially the same points each time

18. The case to stop responding is stronger if we agree with one or more of these statements:

    - the letters, emails, or telephone calls are often or always abusive or aggressive
    - the complainant makes insulting personal comments about or threats towards staff
    - we have reason to believe the individual is contacting us with the intention of causing disruption or inconvenience

19. We will not stop responding just because an individual is difficult to deal with or asks complex questions.