



Multi Academy Trust

Grievance and Complaints Policy

(Including Policy for Dealing with Persistent or Vexatious Complaints)

***Dover Federation for the Arts
Multi Academy Trust***

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CONTENTS:

	Page
Introduction	3
Aims and Objectives	3
Procedure Stages 1 – 4	4
 Appendices:	
Appendix 1 - Complaint Form	6
Appendix 2 - The Trust Procedure for conducting a Trustees complaints panel	8
Appendix 3 - Policy for Dealing with Persistent or Vexatious Complaints	10

Introduction

This document sets out the Trust's procedure for addressing complaints. It should be used only when informal attempts to resolve problems have been unsuccessful. If you have any concerns about the school/college or the education provided, you are encouraged to discuss the matter first with your child's class teacher, Director of Year or Vice Principal at the earliest opportunity. The school considers any concerns very seriously and most problems can be resolved at this stage.

Please note that this procedure does not apply to issues concerning the curriculum, collective worship, admissions, exclusion appeals, decisions about your child's special educational needs or grievances by staff. These are the subject of separate procedures, copies of which can be obtained from the school.

All other complaints are handled according to the arrangements set out below.

Aims and Objectives

The Trust will give careful consideration to all complaints and deal with them fairly and honestly. We will provide sufficient opportunity for any complaint to be discussed and aim to resolve it through open dialogue and mutual understanding.

Our Procedure Aims to:

- Be easily accessible and published
- Be simple to use and understand
- Be impartial
- Be non-adversarial
- Allow swift handling with established time-limits for action and keeping people informed of the progress
- Ensure a full and fair investigation by an independent person where necessary
- Respect people's desire for confidentiality, wherever possible (some information sharing may be necessary to carry out a thorough investigation).
- Address points of issue, providing an effective response and appropriate redress, where necessary
- Provide information to the school's senior management team so that services may be improved.

Complaints Procedure

At any Stage during this process, please utilise the Complaints Form (Appendix 1)

Stage 1

Informal

1. You should address your concerns through informal discussion with the relevant member of staff i.e. the Class Teacher, Head of Year, Assistant or Vice Principal who can resolve concerns.
2. If your concerns are regarding the Principal or Headteacher, these concerns should be discussed with them in the first instance to reach a mutual resolution.

Stage 2

Informal

3. If you are not satisfied with the outcome of Stage 1 where a complaint has been handled by the member of staff, you should refer your complaint to the Principal or Headteacher.
4. If your complaint was handled by the Principal at Stage 1 and you are not satisfied with the outcome you may refer the complaint to the CEO.
5. Where a complaint has been handled by the CEO at Stage 1 or Stage 2 and you are not satisfied with the outcome, please refer to Stage 4 of the process.

Stage 3

Formal

6. If you feel that the resolution offered in Stage 2 is inadequate, you may forward your complaint to the CEO using the Complaint Form (Appendix 1). He will investigate your complaint either personally or may appoint an Investigating Officer. You will be contacted again with an outcome in 10 working days, however, if circumstances prevent a conclusion to the investigation, you will be kept informed as to the reasons and progress.

Stage 4

Formal

7. If you feel that the resolution or decision in Stage 3 is inadequate you may forward your complaint to the Chairman of the Board of Trustees. He will form a Panel of at least three people who have not been involved in the procedure. The panel will be chaired by a Trustee and they will listen to your complaint and your reasons for rejecting the previous resolutions or judgements.
8. The panel can then either dismiss the complaint or uphold the complaint, in full or in part, and offer some resolutions. You will be informed of the decision in writing within 5 days of the hearing.

This is the final stage of the school-based complaints procedure.

If you are dissatisfied with the handling or outcome of your complaint you have the right to contact the Education Skills Funding Agency.

If the complaint is a staff disciplinary or capability issue, then the matter will be dealt with by the Model Procedure for Managing Staff Disciplinary Matters as those procedures cover capability. You will be notified if this is the case with your complaint, but we will not discuss details of the case or be able to tell you the final outcome.

Monitoring and Review

The Board of Trustees monitor the complaints procedure, in order to ensure that all complaints are handled properly. The Principal/Headteacher and Company Secretary log all complaints received and records how they were resolved. The Board of Trustees examine this log on an annual basis and consider the need for any changes to the procedure.

Availability

A copy of this procedure is available to all parents on request and is also available from the Reception Desk or from the general office in all schools.

APPENDIX 1

**The Dover Federation for the Arts Multi Academy Trust
Complaints Form**

Please complete and return, marked for the confidential attention of either the Principal, Headteacher, CEO or Chairman of the Board of Trustees depending at what stage the complaint form is submitted (please refer to the policy).

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Email Address:

Please give details of your complaint.

What action, if any, have you already taken to try to resolve your complaint.

Who did you speak to and what was the response?

4

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 whom:

Complaint referred to:

Date:

APPENDIX 2

Procedure for conducting a Trustee's Complaints Panel Hearing

The Board of Trustee's Complaints Panel operates according to the following formal procedures:

1. The Board of Trustee's Complaints Panel will aim to arrange for the panel meeting to take place within **10 working days**.
2. The panel will consist of three people who were not directly involved in the matters detailed in the complaint and will be chaired by a Trustee.
3. Ensure that, where there is a panel hearing of a complaint, one panel member is independent of the management and running of the school.
4. The Board of Trustee's Complaints Panel will ask you whether you wish to provide any further written documentation in support of your complaint. You can include witness statements, or ask witnesses to give evidence in person, if you wish.
5. The Principal/Headteacher/CEO or designated person will be asked to prepare a written report for the panel. Other members of staff directly involved in matters raised in your complaint may also be asked to prepare reports or statements.
6. The Company Secretary will inform you, and all those attending the details of the meeting, by letter or email, at least **five working days** in advance. We hope that you will feel comfortable with the meeting taking place in the school; but we will do what we can to make alternative arrangements if you prefer.
7. With the letter, the Company Secretary will send to you all relevant correspondence, reports and documentation about the complaint and ask whether you wish to submit further written evidence to the panel.
8. The letter will also inform you that you are entitled to be accompanied to the meeting. The choice of person to accompany you is your own, but it is usually best to involve someone in whom you have confidence **but who is not directly connected with the school**. They are there to give you support but also to witness the proceedings and to speak on your behalf if you wish. You must inform the Company Secretary if you plan to bring along a person to accompany you stating their name.
9. With the agreement of the Chair of the Panel, the CEO/Principal/Headteacher may invite members of staff directly involved in matters raised by you to attend the meeting.
10. Witnesses invited to the hearing will give statements but withdraw once they have done so.
11. The Chair of the Panel will bear in mind that the formal nature of the meeting can be intimidating for you and will do his or her best to put you at your ease.

12. No evidence or witnesses previously undisclosed should be introduced into the meeting by any of the participants. If either party wishes to do so, the meeting will be adjourned so that the other party has a fair opportunity to consider and respond to the request.
13. The Chair of the Panel will ensure that the meeting is properly minuted. **Please understand that any decision to share the minutes with you, the complainant, is a matter for the panel's discretion.** As such minutes usually name individuals, they are understandably of a sensitive and confidential nature, therefore may be redacted prior to sharing, (See point 14). If an audio recording is required of the meeting this will be agreed by all those present and for the purpose of confirmation if challenged re accuracy. Those who query the accuracy of minutes may listen to the recording with the Company Secretary at the main Trust office. The recording is erased when minutes are agreed by the Chairman and the complainant. At no point will the file be shared electronically with any persons other than for the production of accurate minutes.
14. The written outcome of the panel meeting should give you all the information you require. However, if you feel that you would like to have a copy of the minutes it would be helpful if you could request this in advance. If the panel is happy for the minutes to be copied to you, the clerk shall maintain confidentiality or redact details of identity.
15. During the meeting, you can expect there to be opportunities for:
 - you to explain your complaint;
 - you to hear the school/Trust's representative's response: this will either be the CEO/Principal/Headteacher/delegated senior member of staff;
 - you to question the representative about the complaint;
 - you to be questioned by the school/Trust representative about the complaint;
 - the panel members to be able to question you and the school/Trust representative;
 - any party to have the right to call witnesses (subject to the Chairman's approval) and all parties to have the right to question all witnesses;
 - you and the school/Trust representative to make a final statement.
14. In closing the meeting, the Chairman will explain that the panel will now consider its decision and that written notice of the decision will be sent to the representative and complainant **within five working days**. All participants other than the panel and the clerk leave the meeting.
15. The panel will then consider the complaint and all the evidence presented in order to:
 - reach a majority decision on the complaint;
 - decide on the appropriate action to be taken to resolve the complaint;
 - recommend, where appropriate, to the Trustees changes to their systems, policies or procedures to address the issues raised.
16. The Chairman of the Panel will send the complainant and representative a statement outlining the decision of the panel **within five working days**. If you are not satisfied with the outcome you may appeal to the Education Skills Funding Agency Academies Division, details of which will be provided in the letter.
17. We will keep a copy of all correspondence and notes on file but separate from pupils' personal records.

APPENDIX 3

Policy for Dealing with Persistent or Vexatious Complaints

The CEO/Principal/Headteacher and staff in The Dover Federation for the Arts Multi Academy Trust ('Trust') schools deal with specific complaints as part of their day-to-day management of the schools in accordance with the **Trust's Complaints and Grievance Procedure**.

The majority of complaints are handled in an informal manner and are resolved quickly, sensitively and to the satisfaction of the complainant.

However, there are occasions when complainants behave in an unreasonable manner when raising and/or pursuing concerns. The consequences are that the actions of the complainants begin to impact negatively on the day-to-day running of the schools and directly or indirectly on the overall well-being of the children or staff. In these exceptional circumstances, the Trust may take action in accordance with this policy.

Aims of Policy

The aims of this policy are to:

- Uphold the standards of courtesy and reasonableness that should characterise all communications between the schools/Trust and persons who wish to express a concern or pursue a complaint.
- Support the well-being of children, staff and everyone else who has a legitimate interest in the work of the Trust, including Trustees and parents.
- Deal fairly, honestly, openly and transparently with those who make persistent or vexatious complaints and those who harass members of staff in school/the Trust while ensuring that other stakeholders suffer no detriment.

Parents' Expectations of the School/Trust

Parents/carers/members of the public who raise either informal concerns or formal complaints with the school/Trust can expect the school/Trust to:

- Regularly communicate to parents/carers in writing;
- explain how and when problems can be raised with the school/Trust;
- make known the existence of the Trust complaints procedure;
- make known the existence of the Policy for Dealing with Persistent or Vexatious Complaints;
- respond within a reasonable time;
- be available for consultation within reasonable time limits bearing in mind the needs of the pupils/students within the school and the nature of the complaint;
- respond with courtesy and respect;
- attempt to resolve problems using reasonable means in line with the Trust complaints procedure, other policies and practice and in line with advice from the Trust's Legal Services; and to
- keep complainants informed of progress towards a resolution of the issues raised.

The School's/Trust's Expectations of Parents/Carers/Members of the Public

The school/Trust can expect parents/carers/members of the public who wish to raise problems with the school/Trust to:

- Treat all school/Trust staff with courtesy and respect;
- respect the needs and well-being of pupils and staff in the school/Trust;
- not use, or threatened to use, violence to people or property;
- not use aggressive, threatening behaviour or verbal abuse;
- recognise the time constraints under which members of staff in schools or Trusts work and allow a reasonable time to respond.
- recognise that resolving a specific problem can sometimes take some time.
- in the case of a complaint, follow the **Trust's Complaints and Grievance Procedure**.

Who is a Persistent Complainant?

For the purpose of this policy, a persistent complainant is a parent/carer or member of the public who complains about issues, either formally or informally, or frequently raises issues that the complainant considers to be within the remit of the school/Trust, and whose behaviour is unreasonable. Such behaviour may be characterised by the following:

- Actions which are obsessive, persistent, harassing, prolific, repetitious.
- Prolific correspondence or excessive e-mail or telephone contact about a concern or complaint.
- Uses Freedom of Information requests excessively and unreasonably.
- An insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes.
- An insistence upon pursuing complaints in an unreasonable manner.
- An insistence on only dealing with the Trustees, CEO or Principal on all occasions irrespective of the issue and the level of delegation in the school/Trust to deal with such matters.
- An insistence upon repeatedly pursuing a complaint when the outcome is not satisfactory to the complainant but cannot be changed, for example, if the desired outcome is beyond the remit of the school/Trust because it is unlawful.

For the purpose of this policy, harassment is the unreasonable pursuit of such actions as above in such a way that they:

- Appear to be targeted over a significant period of time on one or more members of the Trust staff and/or any stakeholder.
- cause ongoing distress to individual member(s) of Trust staff and/or stakeholder
- have a significant adverse effect on the whole/parts of the school/Trust community and/or
- are pursued in a manner which can be perceived as intimidating and oppressive by the recipient. This could include situations where persistent demands and criticisms, whilst not particularly taxing or serious when viewed in isolation, have a cumulative effect over time of undermining confidence, well-being and health.

The School or Trust's Actions in Cases of Persistent or Vexatious Complaints or Harassment

In the first instance the school or the Trust will verbally inform the complainant that his/her behaviour is considered to be/becoming unreasonable/unacceptable and, if it is not modified, action may be taken in accordance with this policy.

This will be confirmed in writing (the CEO/Principal/Headteacher to send Model Letter 1).

If the behaviour is not modified the school/Trust 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 school/Trust community.

- Inform the complainant in writing that his/her behaviour is now considered to be unreasonable/unacceptable and, therefore, to fall under the terms of this policy (the CEO/Principal/Headteacher to send Model Letter 2).
- Inform the complainant that all meetings with a member of staff will be conducted with a second person present and that notes of meetings will be taken in the interests of all parties (inc. in Model Letter 2).
- Inform the complainant that, except in emergencies, all routine communication with the complainant to the school or Trust should be by letter only (inc. in Model Letter 2).
- In the case of physical, or verbal aggression - take advice from the Trust's Legal Services via the Company Secretary and consider warning the complainant about being banned from the school/Trust's sites; or proceed straight to a temporary ban.
- Consider taking advice from the Legal Services via the Company Secretary on pursuing a case under Anti-Harassment legislation.
- Consider taking advice from the Legal Services via the Company Secretary about putting in place a specific procedure for dealing with complaints from the complainant, i.e. the complainant will not be able to deal directly with the CEO/Principal/Headteacher but only with a third person to be identified by the Board of Trustees, who will investigate, determine whether or not the concern/complaint is reasonable or vexatious and then advise accordingly.

Thus, based on last bullet point above, legitimate new complaints may still be considered even if the person making them is, or has been, subject to the Policy for Dealing with Persistent or Vexatious Complaints. However, the Trust will be advised by the Legal Services.

If a complainant's persistent complaining/harassing behaviour is modified and is then resumed at a later date within a reasonable period of time, the school/college may resume the process identified above at an appropriate level. In these circumstances, advice may be sought from the Trust Legal Services.

Review

The Trust will review as appropriate, and at a minimum once each academic year, any sanctions applied in the context of this policy.