

Complaints Procedure

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1. Introduction

- 1.1 We are committed to developing a strong partnership with students, parents/carers and other stakeholders. This provides a good basis for mutual understanding and for preventing and resolving complaints.
- 1.2 We hope that the adoption of a clear complaints procedure will help to ensure that most complaints are resolved quickly and smoothly and as close to the source of the misunderstanding or problem as possible. In this way complainants can feel assured from the outset of a fair hearing, in line with a defined procedure for dealing with issues that have not immediately been resolved. We also hope that a staged framework might prevent an early and unnecessary escalation of the problem. In addition, we will ensure that lessons learned from the investigation of complaints will prove useful to improve the Trust's policy and practice.
- 1.3 The Trustees have accepted the view of the Department for Education that a complainant should normally be expected to lodge their complaint within 90 calendar days of the event being complained about. The 90 day limit has been established because investigation is more difficult after a period of time: memories may not be as clear as they would have been earlier, records may not be as readily available and witnesses may not be employed at the school. A delay in making a complaint may also disadvantage any person who is the subject of it, making it more challenging for them to defend themselves for the same reasons.
- 1.4 In exceptional circumstances, the Chairman of Trustees, acting on behalf of the Trustees, will consider complaints submitted outside this timeframe. In such instances the complainant will need to offer an explanation as to why there has been a delay in making a complaint.

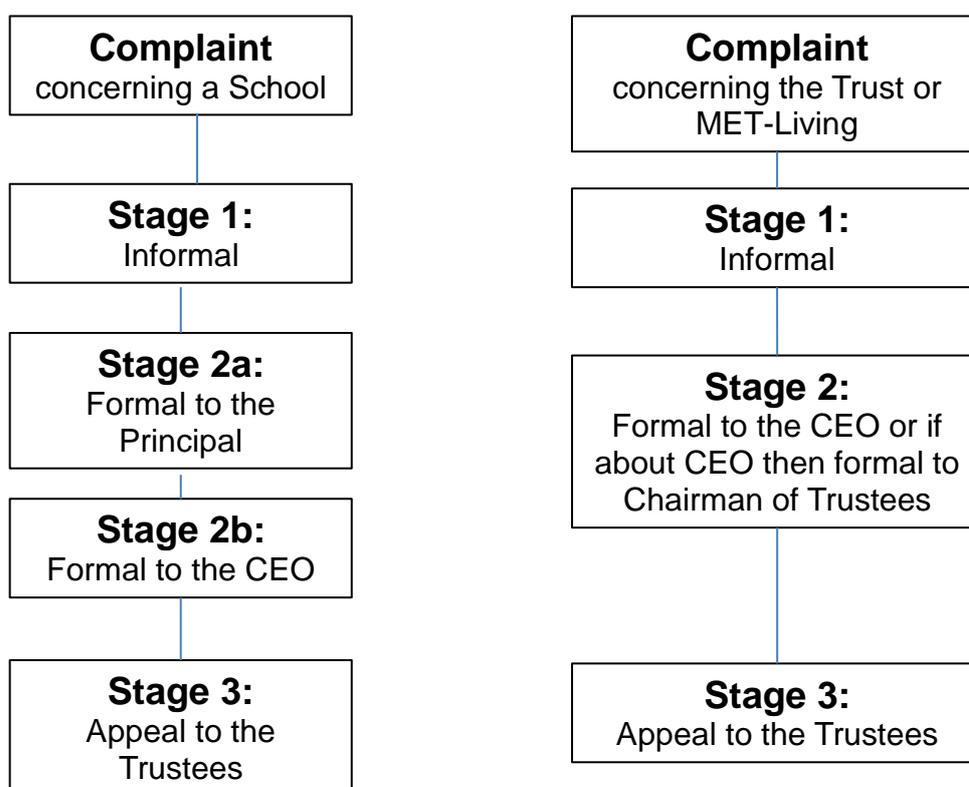
2. Scope

- 2.1 A complaint is an expression of dissatisfaction, however made, about the standard of service, actions or lack of actions by the Trust, schools, MET-Living or its staff that affects an individual or a group and requires a response. This procedure deals with such complaints if made by a student, a parent or other external stakeholder, except that there are separate appeals procedures for a parent dissatisfied with a decision regarding either the admission or the exclusion of their child and for appeals against the grade awarded to their child in an external examination.
- 2.2 There are also separate procedures to deal with a complaint raised by or on behalf of a member of staff. These include the Grievance Procedure for a complaint by an employee of unfair treatment, the Bullying & Harassment Procedure for an employee complaining of bullying or intimidation, the Disciplinary Procedure for an employee complaining about the conduct of another member of staff and the Whistle Blowing Procedure for an unresolved allegation of institutional malpractice.

3. Principles

- 3.1 We believe that most complaints can be resolved satisfactorily by informal discussion either over the telephone or through a meeting involving the key people involved.
- 3.2 The diagram below illustrates the stages of the complaints procedure, which are explained in detail from Section 5 of this document. Complaints follow a slightly different path depending on whether they are about a School (Primary, Secondary or Sixth Form) or the Trust or MET-Living.

Stages of the MET Complaint process



- 3.3 All complaints will be dealt with as quickly and efficiently as possible. The length of the period will vary with the gravity and complexity of the complaint and the urgency with which it needs to be settled. However, the intention is that all complaints should be settled within a period which is reasonable in the circumstances.
- 3.4 All formal complaints will be investigated fully, fairly and carefully and complainants will be kept informed of progress.
- 3.5 The aim is always to secure the resolution of the complaint to the satisfaction of the complainant, if possible.

4. Recording

- 4.1 The Chief Executive Officer (CEO) (for non-school matters) or Principal will acknowledge receipt of a written complaint within three working days.

- 4.2 The complaint will be recorded, together with the outcome and reasons for the outcome. The complainant will be informed of the outcome in writing, together with their entitlement to appeal the outcome.
- 4.3 Where the complaint is upheld, any action to be taken by the Trust in response will also be recorded.

5. Stage One: Informal Complaints concerning a school

- 5.1 Informal complaints or concerns that are about a school should be raised directly with the relevant member of staff, such as class teacher, form tutor or Head of Year or House/Head of Sixth Form either verbally or in writing. Where an informal complaint is raised with the Principal, it will normally be passed to the most appropriate member of staff to deal with it informally. If the complainant indicates that they would have difficulty discussing the complaint with this member of staff, the Principal may direct them to another member of staff. Similarly, if the most appropriate member of staff feels they would have difficulty in dealing with the complaint objectively, the Principal may direct the complainant to another member of staff.
- 5.2 In certain circumstances, the Principal may instead choose to deal with the complaint informally in person, or the relevant member of staff may ask the Principal to deal with it informally in person.
- 5.3 If the complaint has been made in writing, the Principal may choose to treat it as a formal complaint and invoke the formal procedure.
- 5.4 If the complaint has been made to the Chairman of the Trustees in the first instance, he or she will refer the complaint to the Principal via the Chief Executive Officer (CEO). However, if the complaint concerns the Principal and has already been taken up with the CEO without being resolved, the complaint must be made in writing to the Chairman using the Complaint Form (Appendix A). The Chairman will then invoke the formal procedure.
- 5.5 The member of staff to whom the complainant is referred will carry out an investigation and decide on any appropriate action. The complainant and the Principal will be informed of the conclusions drawn from the investigation and action to be taken, together with details of how to make a formal complaint if they remain dissatisfied.
- 5.6 In some cases, matters affecting general Trust policy may be judged by the CEO and Principal in consultation with the Chairman of the Trustees, to be an appropriate area for discussion at Trust level, in order to resolve the complaint. In these circumstances care will be taken to ensure that the identity of the complainant and the individual complained of are not disclosed in case a formal complaint is made subsequently.
- 5.7 Every effort will be made to resolve the problem to the satisfaction of the complainant at this informal stage. Possible outcomes include:
- i. complaint resolved to the satisfaction of the complainant;
 - ii. complaint not resolved to the satisfaction of the complainant;
 - iii. complaint dealt with under another procedure;

6. Stage One: Informal Complaints concerning the Trust or MET-Living

- 6.1 Informal complaints or concerns that are about central Trust or MET-Living should be raised directly with the relevant member of staff. Where an informal complaint is raised with the CEO, it will normally be passed to the most appropriate member of staff to deal with it informally. If the complainant indicates that they would have difficulty discussing the complaint with this member of staff, the CEO may direct them to another member of staff. Similarly, if the most appropriate member of staff feels they would have difficulty in dealing with the complaint objectively, the CEO may direct the complainant to another member of staff.
- 6.2 In certain circumstances, the CEO may instead choose to deal with the complaint informally in person, or the relevant member of staff may ask the CEO to deal with it informally in person.
- 6.3 If the complaint has been made in writing, the CEO may choose to treat it as a formal complaint and invoke the formal procedure.
- 6.4 If the complaint has been made to the Chairman of the Trustees in the first instance, he or she will refer the complaint to the CEO. However, if the complaint concerns the CEO and has already been taken up with the CEO without being resolved, the complaint must be made in writing to the Chairman using the Complaint Form (Appendix A). The Chairman will then invoke the formal procedure.
- 6.5 The member of staff to whom the complainant is referred will carry out an investigation and decide on any appropriate action. The complainant and the CEO will be informed of the conclusions drawn from the investigation and action to be taken, together with details of how to make a formal complaint if they remain dissatisfied.
- 6.6 In some cases, matters affecting general Trust policy may be judged by the CEO in consultation with the Chairman of the Trustees, to be an appropriate area for discussion at Trust level, in order to resolve the complaint. In these circumstances care will be taken to ensure that the identity of the complainant and the individual complained of are not disclosed in case a formal complaint is made subsequently.
- 6.7 Every effort will be made to resolve the problem to the satisfaction of the complainant at this informal stage. Possible outcomes include:
- i complaint resolved to the satisfaction of the complainant;
 - ii complaint not resolved to the satisfaction of the complainant;
 - iii complaint dealt with under another procedure;
- 6.8 If the complaint is not resolved informally, it will be escalated to a formal complaint.

7. Stage Two: Formal Complaints concerning a school

- 7.1 The complainant should inform the Principal in writing (where possible) about their complaint using the Complaint Form (Appendix A). This should include details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.
- 7.2 The Principal will ensure the complaint is investigated fully. The Principal may delegate responsibility for conducting the investigation to another member of staff.
- 7.2 Where the complaint concerns the Principal, the Principal will inform the complainant in writing that they should send a completed Complaint Form (Appendix A) to the CEO, who will then take the place of the Principal throughout the formal procedure.
- 7.3 Once the investigation has been completed, the Principal will review all the information and discuss the findings with the complainant with the aim of resolving the complaint to the complainant's satisfaction.
- 7.4 The Principal will decide on the outcome and inform the complainant in writing of the decision within 10 working days of receipt, together with details of how to appeal against the decision if they remain dissatisfied. A meeting may also be arranged to convey the reasons for the decision. If the complainant is not satisfied then the complaint will be passed to the CEO for resolution (Formal Stage 2b) and the same process as above will be followed.
- 7.5 Rarely, the decision may involve taking disciplinary action against an individual, for which there is a separate procedure. In this event, the complainant will be informed that the complaint will be pursued through disciplinary action. The Trust's disciplinary procedures require that all details of proceedings remain confidential, and consequently the complainant will not be informed of the outcome.
- 7.6 Possible outcomes include:
- i. complaint withdrawn;
 - ii. complaint dismissed;
 - iii. complaint dealt with under another procedure;
 - iv. complaint upheld.

8. Stage Two: Formal Complaints concerning the Trust or MET-Living

- 8.1 The complainant should inform the CEO in writing (where possible) about their complaint using the Complaint Form (Appendix A). This should include details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.
- 8.2 The CEO will ensure the complaint is investigated fully. The CEO may delegate responsibility for conducting the investigation to another member of staff.

- 8.3 Where the complaint concerns the CEO, the CEO will inform the complainant in writing that they should send a completed Complaint Form (Appendix A) to the Chairman of the Trustees, who will then take the place of the CEO throughout the formal procedure.
- 8.4 Once the investigation has been completed, the CEO will review all the information and discuss the findings with the complainant with the aim of resolving the complaint to the complainant's satisfaction.
- 8.5 The CEO will decide on the outcome and inform the complainant in writing of the decision within 10 working days of receipt, together with details of how to appeal against the decision if they remain dissatisfied. A meeting may also be arranged to convey the reasons for the decision.
- 8.6 Rarely, the decision may involve taking disciplinary action against an individual, for which there is a separate procedure. In this event, the complainant will be informed that the complaint will be pursued through disciplinary action. The Trust's disciplinary procedures require that all details of proceedings remain confidential, and consequently the complainant will not be informed of the outcome.
- 8.7 Possible outcomes include:
- i complaint withdrawn;
 - ii complaint dismissed;
 - iii complaint dealt with under another procedure;
 - iv complaint upheld.

9. Stage Three: Appeals

- 9.1 If the complainant remains dissatisfied, they should send a completed Complaint Appeal Form (Appendix B) to the Chairman of the Trustees within 10 working days from the date of the response received. The Chairman will acknowledge receipt of the Complaint Appeal Form within three working days.
- 9.2 The Chairman may be able to resolve the complaint informally, with the result that the complainant withdraws their appeal.
- 9.3 If this is not possible, the Chairman will convene a meeting of a Trustees' Appeals Panel to consider the appeal.
- 9.4 If the complainant is dissatisfied with the Chairman of the Trustees handling of the complaint then they should send a completed Complaint Appeal Form (Appendix B) to the Clerk to the Trustees.
- 9.5 The appeal will be considered by a Trustees' Appeal Panel comprising at least three Trustees, one of whom will act as Chairman of the Panel. The Panel may not include the Chairman of the Trustees, any Trust employees or any Trustee who has had a prior involvement in the complaint or in any matter which is the basis of the complaint.

- 9.6 The Appeal Panel will decide:
- i. whether or not the Complaints Procedure was adhered to;
 - ii whether or not the matter giving rise to the complaint was investigated properly, and;
 - iii whether the resolution of the complaint was reasonable.
- 9.7 The complainant will be informed in writing within 10 working days of the findings of the Trustees' Appeal Panel and the reasons for these findings and that the decision is final and that the matter is now closed.
- 9.8 After the complainant has followed all the steps of the Trust's Complaint procedure the complainant can refer a complaint to the Department for Education - see the following webpage: <https://www.gov.uk/complain-about-school>

10. Record-keeping

- 10.1 The 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.
- 10.2 This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the review panel.
- 10.3 This is except where the Secretary of State (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or under the terms of the General Data Protection Regulations, or where the material must be made available during a school inspection.
- 10.4 Records of complaints will be kept for a minimum of 6 years.

11. Persistent Complaint and Harassment

- 11.1 See Appendix C for the Persistent Complaints and Harassment Procedure.

Appendix A: Complaint Form

Complainant:

<i>Name:</i>
<i>Address:</i>
<i>Tel/Mobile, email</i>

Details of Complaint

<i>Please include full details, including dates, times and names of those involved and include what you feel would resolve the complaint. Please use an extra sheet if necessary.</i>

Signed: **Date:**

<i>Please continue on a separate sheet if necessary. Once completed, send this form to the Principal, CEO or Chairman of the Trustees (in line with the Policy) who will arrange for your complaint to be investigated.</i>

For office use

Date Received by Principal, CEO or Chairman of the Trustees:.....

Date of Response to Complainant:.....

Appendix B: Complaint Appeal Form

Complainant:

<i>Name:</i>
<i>Address:</i>
<i>Tel/Mobile/email:</i>

Date complaint was submitted in writing:

Date complaint response received from CEO or Principal in writing:

I am dissatisfied with the response to the above complaint and would like an Appeal Panel of the Trustees to consider the matter for the following reasons:

Signed **Date:**

Please continue on a separate sheet if necessary. Once completed, send this form to the Chairman of the Trustees who will arrange for your appeal to be considered.

For office use

Date Received by Chairman of the Trustees:

Date of Response to Complainant:

Appendix C: Persistent Complaints and Harassment Procedure

1. Aims of the policy

- 1.1 To uphold the standards of courtesy and reasonableness that should characterise all communication between the Trust and persons who wish to express a concern or pursue a complaint.
- 1.2 To support the well-being of students, staff and everyone else who has legitimate interest in the work of the Trust, including members, trustees, governors and parents.
- 1.3 To deal fairly, honestly and properly with persistent complainants and those who harass members of staff who work for the Trust while ensuring that other stakeholders suffer no detriment.

2. Human Rights

- 2.1 In implementing this policy the Trust will seek to ensure that its actions are in accordance with its obligations under the Human Rights Act 1998 and the Convention Rights embodied within it in order to protect the Human Rights of both persistent complainants and all other stakeholders.

3. Who is a persistent complainant?

- 3.1 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 Trust and whose behaviour is unreasonable. Such behaviour may be characterised by:
 - a) actions which are obsessive, persistent, harassing, prolific, repetitious and/or
 - b) prolific correspondence or excessive e-mail or telephone contact about a concern or complaint
 - c) an insistence upon pursuing unmeritorious complaints and/or unrealistic or unreasonable outcomes
 - d) an insistence upon pursuing meritorious complaints in an unreasonable manner
- 3.2 For the purpose of this policy, harassment is the unreasonable pursuit of such actions as in (a) to (d) above in such a way that they:
 - a) appear to be targeted over a significant period of time on one or more members of Trust staff and/or
 - b) cause ongoing distress to individual member(s) of Trust staff and/or
 - c) have a significant adverse effect on the whole/parts of the Trust community and/or
 - d) are pursued aggressively

- 3.3 Actions or behaviour that fall into any of the categories described in 3.1 and 3.2 above, or any other harassing or persistently unreasonable behaviour, may render an individual liable to become subject to this policy.

4. Expectations of the Trust

- 4.1 Parents/carers/members of the public who raise either informal or formal issues or complaints with the Trust can expect the Trust to:
- a) regularly communicate to parents/carers in writing (i) how and when problems can be raised with any aspect of the Trust, (ii) the existence of the Trust's complaints procedure and (iii) the existence of the Persistent Complaints and Harassment Policy
 - b) respond within a reasonable time
 - c) be available for consultation within reasonable time limits bearing in mind the needs of the students within the Trust and the nature of the complaint
 - d) respond with courtesy and respect
 - e) attempt to resolve problems using reasonable means in line with the Trust's complaints procedure, other policies and practice and in line with guidance and advice from the Local County Council
 - f) keep complainants informed of progress towards a resolution of the issues raised

5. The Trust's expectations of parents/carers/members of the public

- 5.1 The Trust can expect parents/carers/members of the public who wish to raise problems with the Trust to:
- a) treat all Trust staff with courtesy and respect
 - b) respect the needs and well-being of students and staff within the Trust
 - c) avoid any use, or threatened use, of violence to people or property
 - d) avoid any aggression or verbal abuse
 - e) recognise the time constraints under which members of staff in schools work and allow the Trust a reasonable time to respond
 - f) recognise that resolving a specific problem can sometimes take some time
 - g) in the case of a complaint, follow the Trust's complaints procedure

6. The Trust's actions in cases of persistent complaint or harassment

- 6.1 The Trust will take the following consecutive steps as necessary if the complainant's behaviour is not modified:
- a) inform the complainant orally or in writing that his/her behaviour is considered to have become unreasonable/unacceptable and may be considered to fall under the terms of this policy.

- b) inform the complainant in writing that his/her behaviour is now considered by the Trust to have become unreasonable/unacceptable and warn of further sanctions under the policy.
- c) inform the complainant in writing that his/her behaviour is now considered by the Trust to fall under the terms of this policy and that the complaint will not be investigated further until it is pursued in a manner the Trust considers to be reasonable.

As appropriate this may additionally result in the Trust:

- a) informing the complainant that all meetings with a member of staff will be conducted with a second person present and that notes of meetings may be taken in the interests of all parties.
 - b) informing the complainant that, except in emergencies, all communication from the complainant to the Trust should be carried out in writing.
 - c) in the case of physical or verbal aggression with reference to Section 547 of the Education Act 1996; giving consideration to warning the complainant about being banned from the relevant Trust site; or proceeding straight to a temporary ban.
 - d) considering taking advice from Local County Council on pursuing a case under Anti-Harassment legislation.
- 6.2 Legitimate new complaints, if not pursued in a harassing or unreasonable way, will still be considered even if the person making them is, or has been, subject to the Persistent Complaints and Harassment Procedure.
- 6.3 If a complainant may normally have recourse to the Education Skills and Funding Agency (ESFA) after the Trust's Complaints Procedure has been exhausted, in the event that the Trust considers that there are exceptional circumstances it may recommend that the complainant refer the matter to the ESFA at an earlier time.
- 6.4 If a complainant's harassing/persistent complaining behaviour is modified and is then resumed at a later date within a reasonable period of time, the Trust may resume the process identified above as appropriate.
- 6.5 If a complainant's harassing/persistent complaining behaviour is modified and the complaint still lies within the time limit specified in the Trust's Complaints Procedure, the Trust will use its discretion and may resume investigation of the complaint.

7. Review

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