



Meller Educational Trust
Aspiration, Compassion
& Excellence.

Complaints Policy & Procedure

Meller Educational Trust

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Complaints Policy & Procedure

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Any complaint that relates to one of the Trust’s individual schools must follow that school’s complaints procedure. The following policy and procedure applies only to complaints about an aspect of the Trust that does not relate to a specific school. Principals should make the Trust aware of all formal complaints received by them.

1. Principles

1.1 This policy has been created in line with the core values and ethos of the Meller Educational Trust (the Trust). The Trust will ensure that:

- your complaint will be dealt with honestly, politely and in confidence
- your complaint will be looked into thoroughly and fairly
- you are kept up-to-date with progress and time limits at each stage
- you will receive an apology if we have made a mistake
- you will be told what we are going to do to put things right
- you will get a full and clear response to formal complaints.

1.2 This policy meets the requirements set out in part 7 of the schedule to the Education (Independent School Standards) Regulations 2014. It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on creating a complaints procedure that complies with the above regulations, and refers to good practice guidance on setting up complaints procedures from the Department for Education (DfE). This policy complies with our funding agreement and articles of association.

2. Aims

2.1 When responding to complaints, this policy will aim to:

- encourage resolution of problems by informal means wherever possible;
- be easily accessible and publicised;
- be simple to understand and use;
- be impartial and 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;
- address all the points at issue and provide an effective response and appropriate redress, where necessary;
- provide information to the school’s senior management team so that services can be improved.

3. Definitions and scope

3.1 A concern is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”. The Trust will resolve concerns through day-to-day communication as far as possible.

3.2 A complaint is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”. The Trust intends to resolve complaints informally where possible, at the earliest possible stage.

- 3.3 This policy and procedure applies only to complaints about an aspect of the Trust that does not relate to a specific school.
- 3.4 Any complaint that relates to one of the Trust's individual schools should be directed to the relevant school and must follow that school's complaints procedure, including complaints about or relating to:
- a pupil and/or ex-pupil of the school
 - governors at a school.
- 3.5 Principals should make the Trust aware of all formal complaints received by them (see section 13).
- 3.6 Complaints about a school's Chair of Governors will be dealt with using this complaints procedure.
- 3.7 In the case of complaints made to individual schools, once the school's complaints procedure has been exhausted, and in the event that the complainant remains dissatisfied, the complainant will be advised regarding escalating the complaint to the Trust who will consider whether:
- the school's own complaints processes have been followed and whether they are in accordance with statutory guidance
 - there has been any conflict of interest
 - the school has failed to comply with any other legal obligation.
- 3.7.1 Complainants will be advised to refer their complaint to the Trust in writing and within ten (10) working days of receipt of the findings of the academy's/school's panel hearing. Complainants must provide details of the complaint made and the reasons why they are dissatisfied with the Panel outcome, along with the solutions suggested to resolve the complaint.
- 3.7.2 A Trust representative/s will consider whether the academy/school has complied with its complaints procedure. The complainant will be informed of the response, in writing, no later than 30 days after receipt of the complaint. The Trust's decision is final.
- 3.8 Complaints made by members of staff should be dealt with under separate grievance procedures applicable to employees. Complaints made by employees will not be dealt with under this complaints policy.
- 3.9 Complaints made by a Trustee should be referred to the Chair of the Trust Board as appropriate, to be dealt with as an item for consideration and in accordance with the Trust's Articles of Association. Complaints made by a Trustee will not be dealt with under this complaints policy.
- 3.10 Complaints made by contractors should be dealt with informally, but may be escalated where dispute resolution or a formal complaints process is included in the contractual agreement. Complaints made by contractors will not be dealt with under this complaints policy.

4. Dealing with concerns or complaints

- 4.1 Concerns or complaints should be raised within three months of the incident or event to which the complaint relates (or, where the complaint relates to a series of incidents or

events, within three months of the latest incident or event). Complaints should be made in writing to the Trust office, either in a letter addressed to the Chair of the Board, Watford UTC, Colonial Way, Watford, Herts WD24 4PT, or by email to the Clerk to the Trust Board – details on the Trust’s website www.mellereducationaltrust.org

4.2 There are three stages to this complaints procedure and these are set out in detail at Appendix A:

- Stage 1: Informal Procedure
- Stage 2: Formal Procedure
- Stage 3: Complaint Panel Hearing

4.3 Only if the complaint cannot be resolved at the informal stage would it be escalated to the formal stage. Only if the complaint cannot be subsequently resolved at the formal stage would it be escalated to a Complaint Panel Hearing.

5. Investigating a concern or complaint

5.1 The principles that will form the basis for all investigations of concerns and complaints will be that the person investigating the complaint will:

- establish what has happened so far, and who has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would put things right;
- as far as is practicable, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct the interview with an open mind and be prepared to persist in the questioning;
- keep notes of the interview.

5.2 The Trust intends to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage.

5.3 Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

6. Resolving a concern or complaint

6.1 It is in everyone’s interest that concerns and complaints are resolved at the earliest possible stage. The way in which the concern or complaint is dealt with after the complainant first raises the matter can be crucial in determining whether the complaint will escalate.

6.2 At each stage of the complaints procedure, the investigator will consider how the complaint may be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. It may be appropriate, in order to bring the complaint to a resolution, for the investigator to offer:

- An explanation
- An apology
- Reassurance that steps have been taken to prevent a recurrence of events which led to the complaint

- Reassurance that the Trust will undertake a review of its policies and procedures in light of the complaint.

6.3 None of the above will constitute an admission of negligence or an acceptance of liability on behalf of the school or the Trust.

7. Notifying the outcome of a concern or complaint

7.1 Once all the facts have been established, the investigator will write to the complainant setting out the issues in dispute, the results of the investigation, the decision made, the reasons for the decision, and details of any action to be taken to resolve matters or prevent a reoccurrence. Alternatively, the investigator may wish to meet the complainant, in which case a full written record will be made of the meeting, which the complainant will be asked to sign and date. Strictly confidential procedures such as staff disciplinary investigations or sanctions must not be referred to.

7.2 The outcome of all concerns and complaints, whether dealt with formally or informally, will be recorded centrally by the Trust. Examples of outcomes include:

- There was insufficient evidence to reach a conclusion, so the complaint cannot be upheld.
- The evidence did not substantiate the concern, so the complaint cannot be upheld.
- The complaint was substantiated in part or full. A brief description should be given of the remedial action being taken by the Trust as a consequence of the complaint. Details of the investigation of or any disciplinary sanctions to be taken against a member of staff cannot be disclosed.
- The matter has been fully investigated and, as a consequence, further confidential procedures are being pursued. Strictly confidential procedures such as staff disciplinary investigations and sanctions must not be referred to.

8. Late Complaints

8.1 Where a concern or complaint is raised more than three months after the incident or event (or where the complaint relates to a series of incidents or events, more than three months from the date of the latest incident or event), the Trust reserves the right to refuse to investigate the concern or complaint under the procedure in this complaints policy if it appears reasonable and fair to do so, having regard to the circumstances surrounding the complaint.

8.2 Where the Trust decides that a concern or complaint will not be investigated, the Trust will write to the complainant notifying them of the decision within 5 working days of the concern or complaint being raised.

9. Serial or persistent complaints

9.1 There will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of Governors or CEO is able, under this policy, to inform them in writing that the procedure has been exhausted and that the matter is closed.

9.2 If the complainant subsequently makes contact about the same issue, the Trust can choose not to respond. The normal circumstance in which the Trust will not respond is if:

- Every reasonable step to address the complainant's needs, and
- The complainant has been given a clear statement of the Trust's position and their options (if any), and
- The complainant is contacting the Trust repeatedly but making substantially the same points each time

However, this list is not intended to be exhaustive.

9.3 The Trust will most likely choose not to respond if:

- There is reason to believe the individual is making contact with the intention of causing disruption or inconvenience, and/or
- The individual's letters/emails/telephone calls are often or always abusive or aggressive, and/or
- The individual makes insulting personal comments about, or threats towards, Trust's staff

9.4 Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint.

9.5 Once the Trust has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

9.6 The Trust will ensure when making this decision that complainants making any new complaint are heard, and that the Trust acts reasonably.

10. Anonymous complaints

10.1 The Trust will not investigate anonymous complaints under the procedure in this complaints policy. Anonymous complaints will be referred to the Chief Executive Officer who will decide what, if any, action should be taken.

11. Referring complaints on completion of the Trust's procedure

11.1 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. 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

11.2 If the Trust did not deal with the complaint properly, it will 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 procedure accordingly.

For more information or to refer a complaint, see the following webpage:

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

12. Record Keeping

- 12.1 The Trust will keep a central record of all concerns and complaints received, whether they were dealt with informally or formally. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.
- 12.2 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 complaint panel.
- 12.3 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 Data Protection Act, or where the material must be made available during a school inspection.
- 12.4 Records of complaints will be kept for 3 years from the date of resolution of the complaint (or longer if the complaints relate to or result in any safeguarding issues).

13. Monitoring arrangements

- 13.1 The Trust Board will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The Trust Board will track the number and nature of complaints, including formal complaints received by the Trust's schools, and review any underlying issues raised by complainants to determine whether there are any improvements that the Trust can make to its procedures or practice to help prevent similar events in the future.
- 13.2 The complaints records are logged and managed by the Clerk to the Trust Board.
- 13.3 This policy will be reviewed by the Trust Board every 3 years. At each review, the policy will be approved by the Trust Board.

Appendix A: Stages of Complaints Procedure

1. Stage 1: Informal

- 1.1 The Trust will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.
- 1.2 The complainant should raise the complaint as soon as possible with the relevant person, 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 office.
- 1.3 The Trust will acknowledge informal complaints within 5 working days, and investigate and provide a response within 15 working days. Should the nature or complexity of the concern mean that more time is required, the Trust will write to the complainant within 10 working days informing them of the reason for the delay and confirming a revised date for resolution.
- 1.4 The informal stage may involve a meeting between the complainant and the relevant Trust representative.
- 1.5 If the complaint is not resolved informally, it will be escalated to stage 2.

2. Stage 2: Formal

- 2.1 If the complaint is unresolved after being dealt with informally, the complainant may escalate their complaint to stage 2. This formal stage involves the complainant putting the complaint in writing by completing the formal complaint form at Appendix B which should be returned to the Trust. The complainant should provide all details such as relevant dates, times and the names of witnesses alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.
- 2.2 Upon receipt of the completed formal complaint form, the CEO will identify the appropriate member of staff to investigate the complaint. If the complaint is very serious, the CEO may, at their discretion, escalate the complaint directly to Stage 3.
- 2.3 Where the complaint concerns the CEO or a Trustee, the complaint will be referred to the Chair of the Trust Board. The Chair will investigate the complaint under Stage 3. Where the complaint concerns the Chair, the Trust Board will investigate the complaint under Stage 3.
- 2.4 If the first approach has been made to a Trustee, the Trustee must refer the complaint to the CEO who will allocate it to an appropriate member of staff for investigation under Stage 2. Trustees should not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a complaints panel at a later stage of the procedure.
- 2.5 The person investigating the complaint will write to the complainant acknowledging the complaint within 5 working days of receiving the formal complaint form. The acknowledgement will confirm which stage of the complaints policy the complaint is being investigated under and will confirm the date for providing a response to the complaint.
- 2.6 Following investigation of the complaint, the person investigating will write to the complainant confirming the outcome within 15 working days of the formal complaint form B being received.
- 2.7 If, at any time, it becomes apparent that the set time limits cannot be met, the investigator will write to the complainant explaining the reason for the delay and providing a revised date.

- 2.8 If the complaint is unresolved after being investigated under stage 2, the complainant may proceed to the Stage 3 of this procedure. The complainant must inform the CEO in writing within 10 working days.
- 2.9 If no communication is received from the complainant within 10 working days, the complaint will be deemed to have been resolved.

3. Stage 3: Complaint Panel Hearing

- 3.1 Complaints will be escalated to the panel hearing stage if the complainant is not satisfied that their complaint has been resolved.
- 3.2 The complainant should write to the Clerk to the Trust Board (Clerk) asking for the complaint to be heard before a complaint panel.
- 3.3 The Clerk will acknowledge the complainant's request within 5 working days. The complainant will be informed that the complaint panel hearing will take place within 25 working days of the date that the letter was received from the complainant and that arrangements to appoint and convene the complaint panel will be made by the Clerk who will be the complainant's point of contact.

Appendix B: Complaint Panel Guidance

Appointment of the Complaint Panel

1. The Complaint Panel (the panel) will consist of at least 3 people who were not directly involved in the matters detailed in the complaint. At least 1 panel member must be independent of the management and running of the Trust, i.e. they will not be a Trustee or an employee of the Trust. The panel cannot be made up solely of governing board members, as they are not independent of the management and running of the school. A Local Governor of a Trust school may be the Independent Complaint Panel member as long as they are not an employee of the Trust and they are sufficiently removed from the management and running of the Trust.
2. One or both of the other two panel members can be a Trustee as long as they fulfil the requirements of 1 above and are not an employee of the Trust.

The Trust's Representative

3. The Trust will be represented at the complaint panel hearing by the person who investigated the complaint under the most recent stage of the procedure, usually the CEO or a member of the Executive Team. However, it may on occasions be the Chair of the Trust Board. If the complainant has complained about the way in which the complaint was investigated by the Trust's representative, the Trust will nominate another person to represent the Trust.

Convening the Complaint Panel Hearing

4. The Clerk to the Trust Board will convene the complaint panel hearing. The complainant must have reasonable notice of the date of the complaint panel hearing (usually 5 working days); however, the panel reserves the right to convene at their convenience rather than that of the complainant.

Witnesses

5. The complainant and the Trust may seek to rely on the accounts of witnesses which are relevant to the complaint. The witnesses should be asked to write down their account in a signed and dated statement and send it to the Clerk at least 5 working days before the complaint panel hearing is due to take place.
6. The complaint panel will have the absolute discretion to decide whether a witness account is relevant to the complaint or whether a witness account is undisputed by the complainant or the Trust respectively. Witnesses may not be required to attend the complaint panel.
7. All witnesses, whether they are for the complainant or the Trust, will not be allowed to sit in on any part of the complaint panel hearing except when they are giving their own verbal account or answering questions.

Documents

8. At least 5 working days before the complaint panel hearing is due to take place, the Clerk will provide to the Complainant, the Trust's representative and each complaint panel member, a copy of the existing record of the complaint's progress including:
 - all correspondence
 - all statements (including those of witnesses) and
 - records relating to the complaint (including records made by those persons who investigated the complaint in the previous stages)

Attendance at the Hearing

9. The complainant must be allowed to attend the panel hearing and be accompanied by a friend, relative, interpreter or signer, if they wish. The friend or relative will attend for moral support and will not play a part in the complaint panel hearing, unless invited to do so by the panel. The complaint panel hearing is not a legal hearing and it is not appropriate for either the complainant or the Trust to be legally represented.

The Clerk to the Complaint Panel

10. The complaint panel will appoint a Clerk to attend the hearing and keep a written record of the proceedings.

Procedure at the Complaint Panel Hearing

11. The complaint panel hearing will proceed as follows:
 - The Clerk will greet the complainant, the complainant's supporter and the Trust's representative and welcome into the room where the complaint panel has convened. Witnesses will remain outside of the room until they are called.
 - The complainant will be invited by the panel to give an account of their complaint
 - The Trust's representative will be invited to ask the complainant questions, if any
 - The panel will ask the complainant questions, if any
 - The complainant's first witness will be invited into the room to give an account of what they saw or know
 - The Trust's representative will be invited to ask the complainant's witness questions, if any
 - The panel will ask the complainant's witness questions, if any
 - The complainant's witness will be asked to leave the room
 - If the Complainant has any further relevant witnesses, they will be invited into the room individually to provide their accounts and be questioned as outlined above;
 - The Trust's representative will be invited by the panel to respond to the complaint and make representations on behalf of the Trust
 - The complainant will be invited to ask the Trust's representative questions, if any;
 - The panel will ask the Trust's representative questions, if any;
 - The Trust's relevant first witness will be invited into the room to give an account or what they saw or know;
 - The complainant will be invited to ask the Trust's witness questions, if any;
 - The panel will ask the Trust's witness questions, if any;
 - The Trust's witness will be asked to leave the room;
 - If the Trust has any further relevant witnesses, they will be invited into the room individually to provide their accounts and be questioned, as outlined above;
 - The complainant will be invited by the panel to summarise their complaint;
 - The Trust's representative will be invited by the panel to summarise their response to the complaint and the Trust's stance;
 - The panel hearing will conclude and the complainant and the Trust's representative will be asked to leave.

The Complaint Panel's Decision

12. At the conclusion of the complaint panel hearing, the panel will consider all of the documentation and everything they have heard at the hearing.
13. The panel will decide which facts are established to be true, on a balance of probabilities. If a fact is not deemed relevant, the panel will not consider it further. The panel will make a written record of

the established facts, those which have not been established and those which are not relevant and the reasons for this.

14. The panel will make recommendations based on the established facts. These recommendations may be aimed at achieving reconciliation between the parties, improving procedures or preventing a recurrence in the future. The complaint panel will keep a written record of their recommendations and reasons for them.

Notification of the Complaint Panel's Decision

15. Within 10 working days of the hearing, the Clerk to the panel will write to the complainant, the Trust's representative and, where relevant, the individual who is the subject of the complaint, providing a copy of the findings and recommendations. The letter will set out the issues complained about and confirm the panel's findings. The letter will also advise the complainant of next steps in the event that they believe the complaints policy does not comply with the Regulations or that the Trust has not followed its own procedure. The complainant may refer their complaint to the ESFA (See point 11)
16. The Clerk to the panel will ensure that a copy of the panel's findings and recommendations are made available on the Trust's premises for inspection by the Trustees and the CEO.

Appendix C: Formal Complaint Form

THE MELLER EDUCATIONAL TRUST FORMAL COMPLAINT FORM

If you have tried to resolve your concern or complaint with the Chief Executive Officer, a Trust representative or through your school's complaints procedure, and have been unsuccessful and wish to take the matter further please complete this form and send it to the Clerk to the Trust Board, MET, Watford UTC, Colonial Way, Watford, Herts WD24 4PT or by email - details on the Trust's website www.mellereducationaltrust.org

Name		Daytime telephone number	
Address Postcode		Evening telephone number	
Please explain your relationship with the Trust:			
Please give details of your complaint: (continue on a separate sheet if necessary)			
What action, if any, have you already taken to try and resolve your complaint? Who did you speak to and what was the response?			

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please list.

Sign and Print Name:

Date:

Official use	
Date acknowledgement sent:	
By whom:	
Complaint referred to:	
Date:	

Appendix D: Definitions

The definitions used in this Complaints Policy are:

Academy	A school, which has academy status and is part of a multi academy trust group.
Clerk to the Complaint Panel	The person who will attend the Complaint Panel Hearing and keep a written record of the proceedings, and will write to the Complainant notifying them of the decision of the Complaint Panel.
Clerk to the Board	The person responsible for making the arrangements to appoint the Complaint Panel and convene the Complaint Panel Hearing. The Clerk to the Board will also usually act as the Clerk to the Complaint Panel at the Complaint Panel Hearing.
Chair of Trust Board	The person elected by the Trust Board to be their chairperson.
Complainant	The person or organisation making the complaint.
Education Funding Agency	The government department (a sub-department of the Department for Education) responsible for funding and monitoring standards in academies.
Parent	The natural or adoptive mother or father of a pupil, prospective pupil or former pupil, irrespective of whether they are or ever have been married, together with persons with parental responsibility for the pupil, and persons with care of the pupil.
CEO	The Chief Executive Officer of the Academy Trust.
Working Day	Weekdays excluding weekends, bank holidays and school holidays.
Trust	A multi academy trust company, which is a charitable company responsible for the management and running of all of the academies within the multi academy trust group

Appendix E: Complaints Flowchart

