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	2	Academy specific appendices
	3	Academy personalisation required (in highlighted fields)

Summary of Changes from Previous Version

Version	Date	Author	Note/Summary of Revisions
V3	February 23	RBA	Complete rewrite to reflect national changes around the fulfilment of EYFS requirements and local changes in stage 3 of the complaints process.
V4	December 2023	DSN	Amendments to respond to DfE feedback and provide greater detail around persistent complaints.
V5	December 2024	DSN	Amendments to provide another layer of management input prior to getting to the Principal at Stage 2 of the process. Greater detail around the expectations at Stage 3 of the complaints process and clarity around this being about checking that policy and processes have been followed rather than a further investigation by a different person.
V5	May 2025	KPA	Due to an update from the DfE, where the policy referred to EFSA, this has now been amended to DfE.

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1. AIMS

Maltby Learning Trust aims to resolve all complaints at the earliest possible stage and is dedicated to continuing to provide the highest quality of education possible throughout the procedure.

This policy has been created to deal with any complaint against a member of staff or the Trust as a whole, relating to any aspects of the Trust or the provision of facilities or services.

Any person, including a member of the public, is able to make a complaint about the provision of facilities or services that the Trust provides. This policy outlines the procedure that the complainant and Trust must follow.

When responding to complaints, we aim to:

- Be impartial and non-adversarial.
- Facilitate a full and fair investigation by an independent person or panel, where necessary.
- Address all the points at issue and provide an effective and prompt response.
- Respect complainants' desire for confidentiality.
- Treat complainants with respect and courtesy.
- Make sure that any decisions we make are lawful, rational, reasonable, fair, and proportionate, in line with the principles of administrative law.
- Keep complainants informed of the progress of the complaints process.
- Consider how the complaint can feed into school improvement evaluation processes.

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

Complaints should be made using the appropriate channels of communication, including the Complaints Procedure Form. Complainants should ensure that they follow each of the stages outlined within the policy in order.

Any formal complaint must be raised within 3 months of the incident occurring. If a complaint is older than 3 months, it will only be investigated in exceptional circumstances.

Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

Please note that when a complaint is to do with a child protection or safeguarding concern, you must consider the procedures outlined in the Child Protection and Safeguarding Policy.

2. LEGISLATION AND GUIDANCE

This policy meets the requirements of section 29 of the Education Act 2002, which states that schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides.

It meets the requirements set out in part 7 of the schedule to the Education (Independent School Standards) Regulations 2014, which states that we must have and make available a written procedure to deal with complaints from parents/carers of students in the school.

It is also based on guidance published by the Department of Education (DfE) on creating a complaints procedure that complies with the above regulations and refers to good practice guidance on setting up complaints procedures; including the model procedure and model procedure for dealing with serial and unreasonable complaints.

This policy complies with the relevant funding agreements and articles of association.

In addition, it addresses duties set out in the Early Years Foundation Stage statutory framework with regards to dealing with complaints about the Academy/Trust's fulfilment of Early Years Foundation Stage requirements.

3. DEFINITIONS AND SCOPE

The DfE guidance explains the difference between a concern and a complaint:

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

The Academy/Trust intends to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does not cover complaint procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Suspension and permanent exclusion
- Whistleblowing
- Staff grievances
- Staff discipline
- Withdrawal from the curriculum (parents and carers can withdraw their child from any aspect of religious education, including the daily act of collective worship. They do not have to explain why).

Separate policies and procedures are in place relating to these types of complaint.

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

4. PERSISTENT VEXATIOUS OR HARRASSING COMPLAINTS

Most individuals with concerns or complaints about the Academy/Trust will behave reasonably in pursuing their complaint. This means that they:

- Treat all Academy / Trust staff with courtesy and respect.
- Respect the needs of students and staff within the Academy / Trust.

- Avoid the use of violence (including threats of violence) towards people and property.
- Do not use intimidating/aggressive behaviour or inappropriate language towards Academy / Trust staff.
- Recognise the time constraints under which members of staff work and allow the Academy / Trust a reasonable time to respond to a complaint.
- Recognise that resolving a specific problem can sometimes take some time.
- Follow the Trust's complaints procedures.

A small number of complainants may be deemed unreasonably persistent complainants. This means that, in complaining about issues, the complainant behaves unreasonably, for example:

- Are obsessive, persistent, harassing, prolific, repetitious.
- Use prolific correspondence, excessive email or telephone contact about a concern or complaint.
- Use social media to make comments in relation to the complaint, the Academy/Trust or individuals that work with the Academy/Trust.
- Insist on pursuing unmeritorious complaints and/or unrealistic or unreasonable outcomes.
- Insist on pursuing meritorious complaints in an unreasonable manner.

A complaint may be regarded as unreasonable or disregarded if the complainant:

- Is anonymous.
- Refuses to articulate their complaint or to specify the grounds of the complaint.
- Refuses to co-operate with the complaints investigation process while still wishing for their complaint to be resolved.
- Refuses to accept that certain issues are not within the scope of the complaints procedure.
- Insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or good practice.
- Introduces trivial or irrelevant information, raises large numbers of detailed but unimportant questions to be dealt with to their own timescales.
- Makes unjustified complaints about staff who are trying to deal with the issues and seeks to have them replaced.
- Changes the basis of the complaint as the investigation proceeds.
- Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed).
- Refuses to accept the findings of the investigation into the complaint, where the Trust complaints procedure has been fully and properly implemented and completed at the appropriate stage, including referral to the Education Skills and Funding Agency.
- Seeks an unrealistic outcome.
- Makes excessive demands on Academy / Trust time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint, in person, in writing, by email and/or by telephone while the complaint is being dealt with.

In addition, a complaint may also be considered unreasonable if the complainant does so in any of the following manners or circumstances:

- Maliciously.
- Aggressively.
- Using threats, intimidation or violence.
- Using abusive, offensive or discriminatory language. Knowing it to be false.
- Using falsified information.

- Publishing unacceptable information in a variety of media such as social media websites and newspapers.

5. DUPLICATE COMPLAINTS

If the Academy or Trust has resolved a complaint under this procedure and received a duplicate complaint on the same subject from a partner, family member or other individual, the Academy or Trust will assess whether there are aspects that we had not previously considered, or any new information that needs to be taken into account.

If the Academy or Trust is satisfied that there are no new aspects, it will:

- Tell the new complainant that the issue has already been investigated and responded to, and that the local process is complete.
- Direct them to the DfE if they are dissatisfied with the original handling of the complaint.

If a duplicate complaint is raised which in the view of the Trust warrants further consideration, the complaints procedure will be repeated.

6. COMPLAINT CAMPAIGNS

Where the Academy or Trust receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the organisation, the Academy or Trust may respond to these complaints by publishing a single response on the Academy or Trust website or sending a template response to all the complainants.

The decision to stop responding will not be taken lightly and will only be taken on the advice of the Chief Executive Officer and/or Chair of the Trust Board if they believe that all reasonable steps have been taken to address the complainant's needs and that the Academy and/or Trust's position has been stated clearly and despite this, the complainant is refusing to accept the decision, making the same points repeatedly.

Throughout the process of managing a complaint, particularly if it is considered to be an unreasonable or persistent complaint, or one that targets an individual member of staff, the Trust will ensure that it provides an appropriate level of support for the individual concerned.

Whenever possible, the Principal/Executive Director/Chief Executive Officer (or representative) will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues, the Academy/Trust will write a formal letter explaining that their behaviour is unreasonable and asking the complainant to change it. The Academy/Trust may specify methods of communication and limit the number of contacts with the Academy/Trust in a communication plan. This will usually be reviewed after six months.

Should a complaint meet the criteria as "unreasonable" as outlined in the lists above, this will be stated in a formal letter to the complainant and there would be no grounds for the complaint to be escalated further.

In response to any serious incident of aggression or violence, the concerns and actions will be put in writing immediately and the police informed. This may result in banning an individual from the Academy and/or other Trust premises.

7. TIMESCALES

The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.

We will consider exceptions to this timeframe in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

When complaints are made out of term time, we will consider them to have been received on the first school day after the holiday period.

If at any point we cannot meet the timescales we have set out in this policy, we will:

- Set new time limits with the complainant.
- Send the complainant details of the new deadline and explain the delay.

8. COMPLAINTS ABOUT OUR FULFILMENT OF EARLY YEARS REQUIREMENTS

We will investigate all written complaints relating to the Academy/Trust's fulfilment of the Early Years Foundation Stage requirements and notify the complainant of the outcome within 28 days of receiving the complaint. The Academy/Trust will keep a record of the complaint and make this available to Ofsted on request.

Parents and carers can notify Ofsted if they believe that the Academy is not meeting Early Years Foundation Stage requirements by emailing enquiries@ofsted.gov.uk. An outline contact form is also available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>.

We will notify parents and carers if we become aware that the Academy is to be inspected by Ofsted. We will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis.

9. RESOLVING COMPLAINTS

At each stage in the procedure the Trust will keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- An apology.
- An explanation.
- An admission that the situation could have been handled differently or better.
- An assurance that the event complained of will not recur.
- An explanation of the steps that have been taken to ensure that it will not happen again.
- An undertaking of a review of procedures and policies considering the complaint.

An admission that the Academy or Trust could have handled the situation better is not the same as an admission of negligence.

The Academy/Trust may investigate the complaint, consider all the evidence available and decide not to uphold the complaint.

10. WITHDRAWAL OF A COMPLAINT

If a complainant wishes to withdraw their complaint, we will ask them to confirm this in writing.

11. COMPLAINTS PROCEDURE

STAGE ONE – INFORMAL CONCERN MADE TO A MEMBER OF STAFF

The Academy 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.

The individual should raise the concern as soon as possible with the relevant member of staff, either in person or by letter, telephone, or email. Within 20 school days, the individual and the relevant member of staff should discuss the issue in a respectful and informal manner to seek a mutual resolution.

If a concern is raised about a member of staff, the colleague can discuss this with the Principal to seek support.

If an appropriate resolution cannot be sought at this informal level, or if the individual is dissatisfied with the outcome following the initial discussions, they may wish to proceed to the formal stage of the procedure. They should contact the Academy or Trust and refer to stage two of the complaint's procedure within 5 school days.

STAGE TWO – FORMAL COMPLAINT MADE TO THE ACADEMY

Complaints will be escalated to stage two if the complainant is not satisfied with the way that the complaint has been dealt with at stage one of the process.

The formal stage involves the complainant making a complaint to the Academy. This should be done using the Complaints Procedure Form (Appendix 1). Where there are communication difficulties, support in completing the complaints form will be available.

The complainant should provide 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 are looking for as a resolution to the complaint.

Written acknowledgement of the complaint will be made within 3 school days. At this stage, the complaint will be dealt with by either a member of the Senior Leadership Team (Stage 2a) or the Principal (Stage 2b). The Principal will determine if the complaint can be dealt with by a member of SLT in the first instance and then action accordingly. Dealing with the matter at stage 2a of the

Complaints Policy does not preclude involvement of the Principal at a later stage (2b) in the process, if deemed necessary.

Stage two of the process may involve a member of the Senior Leadership Team and/or Principal, and each sub-stage will be completed within 20 school days. Where the situation is recognised as complex, and it is deemed to be unable to be resolved within this timescale, the Principal/SLT will contact the complainant to inform them of the revised target date via a written notification.

If the complaint is against the Principal, the complainant will initially need to write, in confidence, to the Trust Communication and Administration Manager using the Complaints Procedure Form contained within the policy (see Appendix 3).

Where the Principal or Senior Leader has made reasonable attempts to accommodate the complainant with dates for a complaint meeting and they refuse or are unable to attend, the meeting will be convened in their absence and a conclusion will be reached in the interests of drawing the complaint to a close. To prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls are kept, and a copy of any written response is added to the record. These notes are kept securely on the Academy's ICT system and, where appropriate, encrypted.

In terms of a complaint being made against a member of staff, the Principal and/or SLT will discuss the issue with the staff member in question. Where necessary, the Principal and/or SLT will conduct interviews with any relevant parties, including witnesses and students, and take statements from those involved.

Once all facts are established, the Principal and/or Senior Leader shall contact the complainant in writing with an explanation of the decision. The complainant will be advised of any escalation options (for example, escalation to stage three) and will be provided with details of this process. Any further action the Academy plans to take to resolve the issue will be explained to the complainant in writing.

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the Trust Communication and Administration Manager in writing within 5 school days.

STAGE THREE – FORMAL COMPLAINT MADE TO THE TRUST

Complaints will be escalated to stage three if the complainant is not satisfied with the way that the complaint has been dealt with at stage two of the process. The complainant should inform the Trust Communication and Administration Manager (Appendix 2) in writing within 5 school days. This should be done using the Complaints Procedure Form. Where there are communication difficulties, support in completing the complaints form will be available.

The complainant should provide 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 are looking for as a resolution to the complaint.

Written acknowledgement of the complaint will be made within 3 school days. The Executive Director/Chief Executive Officer will then consider all available evidence to determine whether the complaint was investigated fairly and objectively at Stage 2 of the process.

The complainant (and the Principal if appropriate), will be informed of the outcome within 20 school days of the Trust Communication and Administration Manager receiving the complaint. The complainant will be advised of any escalation options (for example, escalation to stage four) and will be provided with details of this process.

If the complainant is not satisfied with the way the process has been followed, considers the decision to be perverse, or believes that the Executive Director/CEO has acted unreasonably, they may request that the Complaints Appeals Panel reviews the complaints process undertaken (stage four).

STAGE FOUR – COMPLAINTS APPEAL PANEL (CAP) HEARING

Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the way that the complaint has been dealt with at stage three of the process. The complainant should inform the Trust Communication and Administration Manager in writing within 5 school days. This should be done using the Complaints Procedure Form (Appendix 4). Where there are communication difficulties, support in completing the complaints form will be available.

The complainant should provide 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 are looking for as a resolution to the complaint.

Written acknowledgement of the complaint will be made within 3 school days. This will inform the complainant that a Complaints Appeals Panel will review and consider whether the complaint warrants an appeals panel meeting. If the panel agrees that a hearing should be conducted it will be done so within 20 school days.

The purpose of the Panel Hearing is to consider whether the complaint was investigated fairly and objectively at Stage 2 and/or Stage 3 of the process.

The Trust Communication and Administration Manager will convene a Complaints Appeals Panel comprising three people not involved in the complaint, one of whom is independent of the management and running of the Academy. Governors from any category of governor or members of another Local Governance Committee can be approached to take part in an independent panel.

Prior to the hearing, the Trust Communication and Administration Manager will write to the complainant informing them of how the hearing will be conducted. The Principal will also have a copy of this letter. The complainant must have at least 5 school days notice of the date of the panel hearing. If the complainant rejects the offer of 3 proposed dates without good reason, the clerk will set a date, and the hearing will go ahead using written submissions from both parties.

The panel will have access to the existing record of the complaint's progress (see section 15). Any written material will be circulated to all parties at least 5 school days before the date of the meeting.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all attending will be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

At the panel hearing, the complainant and representatives from the Academy or Trust, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the hearing.

The complainant must be allowed to attend the panel hearing and be accompanied if they wish. We don't encourage either party to bring legal representation but will consider it on a case-by-case basis. Representatives from the media are not permitted to attend.

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

The panel, the complainant and the Academy/Trust representative(s) will be given the chance to ask and reply to questions. Once the complainant and Academy/Trust representative(s) have presented their cases, they will be asked to leave, and evidence will then be considered.

The panel will then put together its findings and recommendations from the case.

The panel can:

- Uphold the complaint, in whole or part.
- Dismiss the complaint, in whole or part.

The Complaints Panel must also:

- Decide on the appropriate action to be taken to resolve the complaint where it is not dismissed in whole.
- Make recommendations to changes to the Academy/Trust's systems or procedures to ensure that problems of a similar nature do not recur where the complaint is not dismissed in whole.
- Make findings as a result of the complaint and ensure that a copy of these findings and any recommendations are:
 - Available for inspection on the Academy premises by the Board of Trustees and the Principal / Executive Director.
 - Provided in a written format.

The complainant will receive a written response explaining the panel's findings and recommendations within 20 school days. This letter will also explain whether there are any further rights of appeal and to whom they need to be addressed

Where relevant, the person complained about will receive a summary of the panel's findings and recommendations. They will also receive a copy of the minutes, subject to any necessary redactions under the Data Protection Act 2018 and the GDPR.

12. NEXT STEPS

If the complainant believes the Academy or Trust did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the DfE after they have completed Stage 4.

The DfE will not normally reinvestigate the substance of complaints or overturn any decisions made by the Trust. They will consider whether the Trust has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed part 7 of the Education (Independent School Standards) Regulation 2014. The complainant can refer their complaint to the DfE online at: [How DfE handles complaints about academies - GOV.UK](https://www.gov.uk/guidance/how-dfe-handles-complaints-about-academies), or by writing to:

Department for Education
School complaints compliance unit
Piccadilly Gate
Store Street
Manchester
M1 2WD

13. BARRING FROM THE PREMISES

The Academy and Trust premises are private property and therefore any individual may be barred from entering the premises.

If an individual's behaviour is cause for concern, the Principal will ask the individual to leave the premises. The Principal or Executive Director will notify the parties involved in writing, explaining that their implied licence for access to the premises has been temporarily revoked and why, subject to any representations that the individual may wish to make.

The individual involved will be given the opportunity to formally express their views regarding the decision to bar them. This decision to bar will be reviewed by the Chair of Governors or a committee of governors, considering any discussions following the incident. If the decision is made to continue the bar, the individual will be contacted in writing, informing them of how long the bar will be in place, they will also be informed of when the decision will be reviewed.

Anyone wishing to make a complaint regarding a barring order can do so in writing, including email, to the Principal or Chair of Governors.

Once the Trust's complaints procedure is completed, the only remaining avenue of appeal is through the Courts.

14. RECORD KEEPING

The Academy and Trust 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 or emails, and notes relating to meetings and phone calls.

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 appeals panel.

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

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and records management policy.

The details of the complaint, including the names of individuals involved, will not be shared with the Local Governance Committee or Trust Board in case an appeal panel needs to be organised at a later point.

Where the Local Governance Committee is aware of the substance of the complaint before the appeal panel stage, the Trust will arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings.

15. LEARNING LESSONS

The Trust Board and/or Chief Executive Officer will review any underlying issues raised by complaints with the relevant Executive Director, Principal and/or staff member, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the Academy or Trust can make to its procedures or practice to help prevent similar events in the future.

16. MONITORING ARRANGEMENTS

The Trust Board and/or Chief Executive Officer will monitor the effectiveness of the complaints procedure in making sure that complaints are handled properly. The Trustees will track the number and nature of complaints, and review underlying issues as stated in section 16.

The complaints records are logged and managed by the Trust Communication and Administration Manager.

The policy will be reviewed by the Chief Executive Officer every year. At each review, the policy will be approved by the Trust Board.

APPENDIX 1 – STAGE 2 COMPLAINTS PROCEDURE FORM

(Please complete and return to the Academy for the attention of the Principal).

Your Name:	Address:
Student's Name:	
Daytime telephone number:	
Evening telephone number:	
Email:	Postcode:
What is your concern/complaint concerning?	
When did you raise your concern/complaint with the Academy or Trust?	
How was the concern/complaint dealt with?	
What are you looking for as the resolution to the concern/complaint?	
Signed:	Date:

For a Word version of this form please contact – complaints@maltbylearningtrust.com

