

# Manchester Communication Academy

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## Complaints Policy and Procedure



with you, for you, about you.

<b>This document has been approved for operation within</b>	All Trust Establishments
<b>Date of last review</b>	November 2019
<b>Date of next review</b>	November 2021
<b>Review Period</b>	2 Years
<b>Date of Trustee Approval</b>	November 2020
<b>Status</b>	Statutory
<b>Person Responsible for Policy</b>	
<b>Owner</b>	Greater Manchester Academies Trust
<b>Signature of Approval</b>	

## Introduction

Greater Manchester Academies Trust recognises that on occasion's parents/carers, students or members of the public may need to raise a concern or complaint about the Trust or one of its establishments. The Trust takes all concerns and complaints seriously and is committed to seek to resolve any matter raised in a positive way and make any identified improvements.

This policy applies to all concerns and complaints made against Greater Manchester Academies Trust and its establishments about any provision of facilities or services provided with the following exceptions, for which there are separate procedures:

- Admissions to schools
- Exclusions from school
- Statutory assessment of Special Educational Needs (SEN)
- School re-organisation proposals
- Matters likely to require a Child Protection Investigation
- Employee Grievance
- Whistleblowing matters

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

To enable a proper investigation, concerns or complaints should be brought to the attention of the Establishment or the Trust as soon as possible. In general, this should be no later than one month after the event (or latest event, in the case of a series of incidents) to which the concern or complaint relates.

Anonymous complaints will not be investigated under this policy, unless there are exceptional circumstances. Any anonymous complaint received will be referred to the Trust Regulatory Team who will decide what action, if any, will be taken.

## Aims

To provide a fair complaints procedure which is clear and easy to use for anyone wishing to raise a concern or make a complaint.

To publicise the existence of our complaints procedure so that people know how to contact us to raise a concern or make a complaint.

To ensure all concerns and complaints are managed in an impartial and non-adversarial manner.

To encourage concerns to be resolved by informal means, without the need to use the formal stages of the Complaints Policy.

To ensure all complaints are thoroughly investigated, as quickly as possible and at an appropriate level.

To ensure that complaints are, wherever possible, resolved and that relationships are repaired.

To gather information which helps us to improve what we do.

To support the mission, vision and values of the Trust and its establishments.

## Who is responsible for this policy?

The Trust has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory or Trust framework. The Trust has delegated day-to-day responsibility for operating the policy to senior leadership team, the Local Governing Body and the Head of each establishment.

The Local Governing Body and Senior Leadership Team at each establishment has a specific responsibility to ensure the fair application of this policy and all members of staff are responsible for supporting colleagues and ensuring its success.

## Complaint resolution through this policy

An overview of the stages within our Complaints Policy can be found within the flowchart at Appendix 1.

There are four stages to the Complaints Policy:

- Stage One: Informal resolution
- Stage Two: Formal procedure
- Stage Three: Trust Review<sup>1</sup>
- Stage Four: Independent Panel Hearing or Chief Executive Review

The aim of each stage is to ensure that the complaint is fully considered, and a clear finding is communicated to the complainant, which either resolves the matter to their satisfaction or explains why this is not possible.

Complainants will be given the opportunity to complete the complaints procedure in line with policy, unless there is clear evidence that the complaint meets the unreasonably persistent or vexatious criteria defined within this Policy.

Although every effort will be made to comply with the timescales within each stage of this policy, this may not always be possible; for example, due to the complexity of the investigation required or the unavailability of a witness to attend a meeting. Where a timescale cannot be complied with, the complainant will be written to within the specified timescale to inform them of the reasons for the delay and the new timescale that will apply.

Where the Policy refers to ‘working days’, in the cases of a school this will be ‘school days’, i.e. during term time excluding holidays and inset days.

Contact with the Trust Regulatory Team, for when required within this Policy, can be made via: [complaints@GMATrust.co.uk](mailto:complaints@GMATrust.co.uk). Any complaint incorrectly directed to the Trust Central Team when it is not appropriate will be redirected to the Establishment.

## Stage one – informal resolution

The Trust recognises that from time to time there may be normal and legitimate concerns about decisions within their establishments. For example, concerns from parents / carers regarding the progress, achievement,

behaviour or welfare of their child; and they are encouraged to make their concerns known at the earliest opportunity so they can be addressed.

If a complaint is against the Head of Establishment the Stage Two investigation is undertaken by the Trust therefore there will be no Trust Review Stage.

Concerns can often be resolved quickly and informally, through discussion, clarification, explanation or provision of further information, or sometimes simply by acknowledgement of the issue and an apology.

Concerns should be raised in the first instance with the relevant teacher (class teacher, progress leader, subject teacher, or Head of Year) or an appropriate member of staff according to the matter concerned. This may be by letter, email, telephone or requesting a meeting through the school office.

If the member of staff is unable to deal with the concern immediately, a note will be taken of the details and the individual will be contacted as soon as the matter has been looked into. If a concern is raised with a member of staff who feels that he/she is not the best person to deal with it, the matter will be referred to another member of staff as appropriate (still at stage one of the policy).

## Stage two – formal procedure

A Head of Establishment shall have a discretion, which will be exercised reasonably, not to allow a formal complaint to be pursued where an Informal Resolution has not been sought.

If the complainant feels that their concern has not been resolved during informal discussions within Stage One, they may raise a formal complaint under Stage Two of the Policy.

The Complainant must put the complaint in writing using the Trust's Complaint Reporting Form, which can be found on the Establishment's website (copy at Appendix 2), unless the complainant has a disability, learning difficulty or difficulties with the English language which prevents this, in which case the complainant may contact the Establishment for assistance. The complaint should be addressed to the Head of Establishment.

When completing the Complaint Reporting Form, the complainant should provide as much detail as possible about the matter, including dates and times of events, potential witnesses, copies of any relevant documents, and a clear indication of the action(s) they are seeking to resolve their complaint.

Once received, the Head of Establishment should immediately forward a copy of the Complaint Reporting Form to the Complaints Lead Advisor at Greater Manchester Academies Trust, who will oversee the progress of the complaint and provide advice and guidance as required.

The Head of Establishment will acknowledge receipt of the complaint within 5 working days, and pass the complaint to a nominated senior member of staff, as appropriate, for investigation.

An investigation of the complaint will be carried out by the nominated senior member of staff who will report to the Head of Establishment. The investigation should include contacting the complainant and seeking any clarification, if required, to support an effective and thorough investigation. The investigation should involve gathering all relevant information to establish the facts of the matter. This may include interviewing and taking statements from any pupil or staff member who is the subject of the complaint and from any witnesses or others involved in the matter.

The investigation should aim to be concluded within 15 working days of the complaint being received. The Head of Establishment, supported by the nominated senior member of staff who undertook the investigation, will discuss the findings of the investigation with the complainant. This may be during a meeting or over the telephone. Whenever reasonably possible, such discussion will take place within 20 working days of the complaint being received. This discussion provides an opportunity to ensure clarity within the issues discussed and any mis-understandings, that can occur through written communication, can be avoided.

The Head of Establishment will then put their findings in writing and indicate what steps, if any, should be taken in order to resolve the matter. Whenever reasonably possible, this will be done within 5 working days of the feedback discussion with the complainant.

A copy of the written response will be submitted to the Regulatory Team at Greater Manchester Academies Trust by the Head of Establishment; this will support the monitoring of any agreed actions.

Where a complaint relates directly to the Head of Establishment, a member of Greater Manchester Academies Trust will take over this role. Otherwise, the procedure for the Stage Two will remain the same.

## Stage three – Trust review<sup>2</sup>

If the complainant is not satisfied with the outcome of the Establishment's investigation into their complaint at Stage Two, the complainant should contact the Trust Regulatory team in writing, clearly stating their reasons for requesting a review of their complaint within 5 working days of the date of the Head of Establishment's written response from Stage Two.

The Trust will carry out an independent review of the complaint. They may contact the complainant if they need any clarification or further information to assist with their review. The Trust may instruct the Establishment to carry out further investigation into areas of the complaint and will make recommendations regarding suitable resolution if they find that issues have been overlooked or not appropriately addressed at Stage Two.

The review will aim to be concluded within 20 working days of receipt of the complainant's request for a Trust review. This timeframe will include the complainant and Establishment receiving a written response confirming the outcome of the review.

## Stage four - Independent Panel Hearing or Chief Executive Review

If the complainant is not satisfied with the outcome of the previous applicable stages, the complainant may request that the complaint be considered at Stage four.

A request to use this stage must be in writing and addressed to the Trust within 10 working days of the previous Stage response being sent to the complainant. The request must set out clearly the reasons why the complainant is dissatisfied with the response and may include any evidence to support their reasons.

Complaints from Parents / Legal Guardians of pupils within one of our Establishments, under this Stage will have an Independent Panel Hearing of the Establishment which will comprise of two members of the Establishment's Governing Body who have not previously been involved in the complaint, and one person independent of the management and running of the establishment. The selection of the independent member will be supported by Greater Manchester Academies Trust

The Panel will consider the procedural fairness of the investigation undertaken at stage 2 and the determinations made, it will not consider additional complaints.

The Clerk to the Governing Body will convene the Independent Panel Hearing. The Hearing will be held as quickly as practicable given the need to find a date that is reasonably convenient for the complainant, the Establishment and the members of the Panel. Whenever possible, the hearing will be held within 30 working days of receipt of the Hearing request.

If a complaint is against the Head of Establishment the Stage Two investigation is undertaken by the Trust therefore there will be no Trust Review Stage.

All parties will be provided with a minimum of 5 working days' notice of the date of the Hearing. The following are entitled to attend the Panel Hearing, submit written representations and relevant documentation, and address the Panel:

- the complainant/s and/or one representative;
- the Head of Establishment and/or one representative; and

- any other interested person whom the Complaint Appeals Panel considers to have a reasonable and just interest in the appeal and whose contribution would assist the Panel in their decision-making.

Any written representations/relevant documentation for consideration by the Panel, requests to call witnesses and the names of any representatives attending the hearing, should be sent to the Clerk at least 5 days prior to the hearing.

Any requests to call witnesses will be considered at the discretion of the Chair.

After the Hearing the Panel will formulate its response as quickly as reasonably possible, aiming to do so within 10 working days, and the Clerk to the Governing Body will notify all parties.

Complaints from non-Parents / Legal Guardians of pupils within one of our Establishments may request a Chief Executive Review as Stage four. The Chief Executive will **review the procedural fairness of the investigation undertaken at stage two and the determinations made, they will not consider additional complaints. The Chief Executive may delegate this Review to a senior member of Trust staff who has not previously been involved in the complaint.** The Review will be undertaken within 15 working days of receipt of the review request.

The Panel or Chief Executive findings and recommendations will be sent in writing to the complainant and Establishment within a 'Completion of Procedure' letter and

- sent, where relevant, to the person complained about; and
- available for inspection on the Establishment's premises.

A written record will be kept of all Stage two and above complaints by the Establishment and by Greater Manchester Academies Trust. The trust will record at what Stage they have been resolved or progressed to. All actions arising from the complaint investigations will be monitored by Greater Manchester Academies Trust to ensure implementation.

## Complaints to ESFA/OIA

If the complainant is not satisfied with the way their complaint has been handled, they may escalate their complaint to the Education and Skills Funding Agency (ESFA) in the case of schools or the Office of the Independent Adjudicator (OIA) in the case of SCITT provision. Both agencies will expect the complainant to have first exhausted the Trust's Complaints Policy.

ESFA will not overturn a Trust's decision about a complaint. However, if they find that a Trust did not comply with its own Complaints Policy when considering a complaint, they will request that the complaint is looked at again. ESFA can be contacted via the Department for Education's [online schools complaint form](http://www.gov.uk/complain-about-school) ([www.gov.uk/complain-about-school](http://www.gov.uk/complain-about-school)) or in writing to the following address: Ministerial and Public Communications Division, Department for Education, Piccadilly Gate, Store Street, Manchester, M1 2WD.

Complaints to the OIA should be submitted via the OIA complaint form, which can be found on their website <http://www.oiahe.org.uk/making-a-complaint-to-the-oia.aspx>.

## Right to be accompanied

The complainant has a right to be accompanied by a friend, relative or other third party to any meetings or hearings held under the formal stages of the Complaints Policy (stages two onwards).

These meetings or hearings are not legal proceedings and so legal representation is not usually necessary. However, if a complainant does wish to be accompanied by someone who is legally qualified this needs to be specifically mentioned, and they must notify the Head of Establishment or Trust as appropriate at least 5 working days prior to the meeting.

Any member of staff interviewed as part of the investigation process into a complaint has a right to be accompanied to the meeting, which includes representation by a recognised trade union.

Any pupil interviewed as part of the investigation process must be accompanied to the meeting/hearing, either by a teacher who they comfortable with or a parent/carer.

## Confidentiality and data protection

All complaints will be handled in the strictest confidence by the Trust and its establishments and Data Protection principles will be applied in line with the Trust's Data Protection Policy.

Correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 162A of the Education Act 2002 requests access to them or where the Trust is otherwise required by law to disclose them.

It is expected that complainants will also keep their complaint private and confidential. In particular, complainants are not expected to discuss complaints publicly via social media (Facebook, Twitter and Whatsapp). The posting of any defamatory, offensive or derogatory comments by parents on social media sites by parents/carers will be dealt with under the Parent Code of Conduct.

Electronic recordings of meetings must not be made by either the Trust/Establishment or the complainant. A meeting to discuss a complaint may not go ahead if the complainant is insistent on recording the meeting. The Trust/Establishment will take notes of any meetings to discuss a complaint, which may be shared afterwards, and complainants may do likewise.

Due to privacy rights under data protection legislation, information disclosed relating to an outcome if it relates to a third-party individual, i.e. disciplinary action of a member of staff or another pupil, may sometimes be limited.

## Dealing with unreasonably persistent or vexatious complaints and behaviour

We define unreasonably persistent and vexatious complaints as those which, because of the frequency or nature of the complainants' contacts, hinder our consideration of their or other people's complaints. The description 'unreasonably persistent' and 'vexatious' may apply separately or jointly to a particular complaint.

Features of an unreasonably persistent and/or vexatious complaint include those detailed within Appendix 3. Please note that this list is not exhaustive, nor does one single feature on its own necessarily imply that the complaint will be so defined.

The Establishment will ensure that the complaint is being, or has been, investigated in accordance with this Complaints Policy. If there are concerns that a complaint may fall within

the category of being unreasonably persistent and/or vexatious the Head of Establishment will seek guidance and advice from Greater Manchester Academies Trust

If a complainant is found to be unreasonably persistent and/or vexatious GMAT senior leadership team will write to the complainant advising them of the decision and the reasons for this. The letter should state that all future correspondence from them with regards to complaints should be directed to them who will consider whether it raises any substantive new issue(s).

The complainant will be advised that if no substantive new issue is raised, any future complaints will not receive a response. They will also be advised of their right to complain about the decision to the Education and Skills Funding Agency (ESFA).

There is no internal route of appeal against the decision that a complaint is persistent and/or vexatious.

If future complaints do raise substantive new issues, it will be investigated in accordance with the Complaints Policy.

The Trust will investigate complaints professionally and with respect towards all individuals involved. The Trust expects anyone raising a complaint to be respectful and avoid aggression or intimidating behaviour. If a parent/carer's behaviour is unacceptable, the matter will be dealt with under the Parent Code of Conduct.

## **Accountability**

The Head of Establishment holds delegated responsibility for discharging the sound application of all establishment policies.

The Head of Establishment should inform a member of the GMAT senior leadership team and their Governing Body of all matters relating to serious breaches of this policy including any major incident to be addressed under this policy promptly, preferably prior to action being taken insofar as is reasonably practicable.

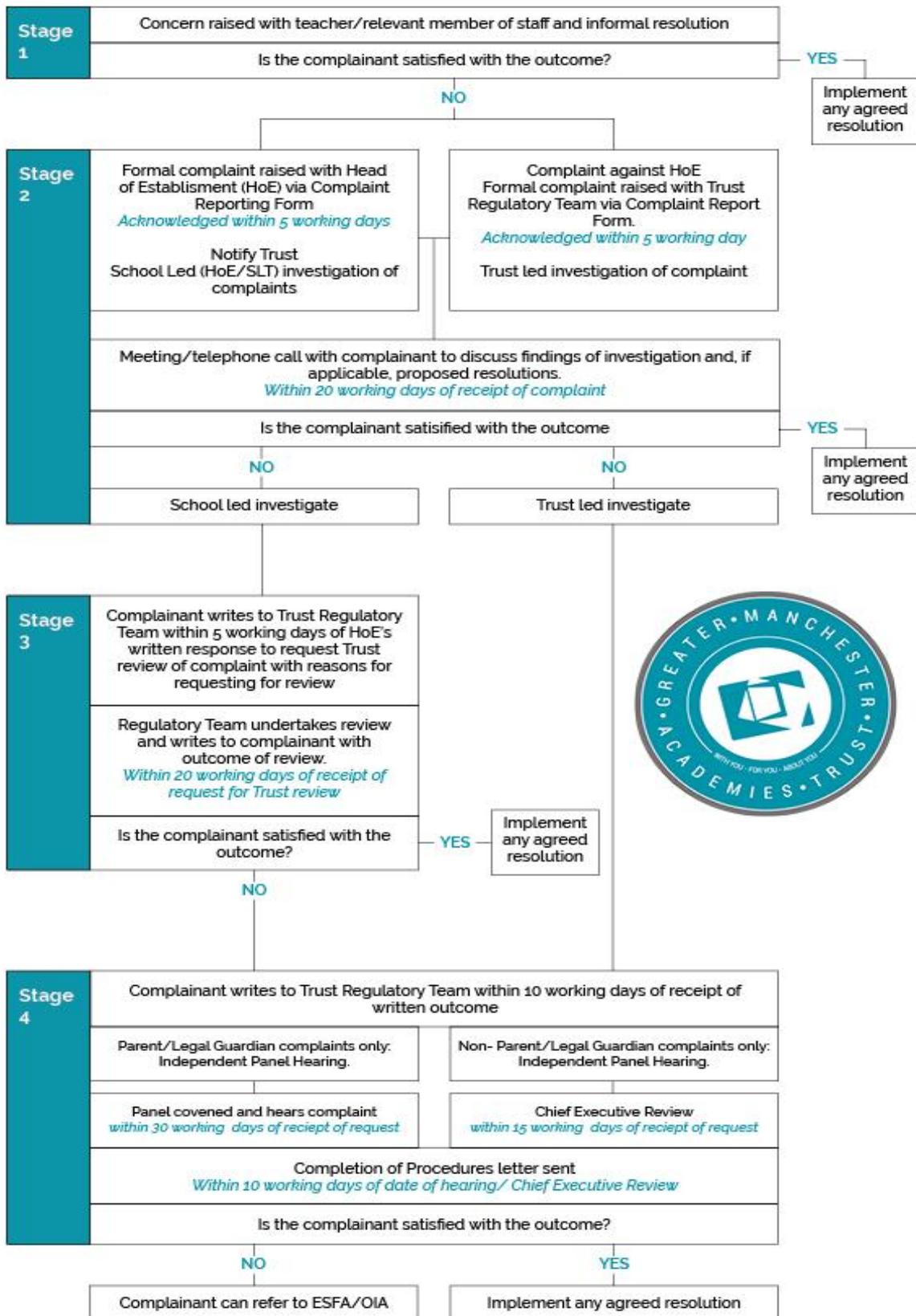
## **Monitoring, evaluation and review**

The policy will be promoted and implemented throughout all Trust establishments.

The Trust will monitor the operation and effectiveness of arrangements referred to in this policy at each Trust establishment.

The Trust will review this policy every two years in consultation with each Trust establishment.

## Appendix 1: Stages within our Complaints Policy



## Appendix 2: Complaint reporting form

### Complaint Reporting Form

*Please complete in BLOCK CAPITALS and return to the Head of Establishment, who will acknowledge receipt and explain what action will be taken.*

Your name:
Student's name:
Your relationship to the student:
Address:  Postcode: Day time telephone number: Evening telephone number:
Please give details of your complaint.

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 give details.

Signature:

Date:

Official use

Date acknowledgement sent: By who:

Complaint referred to: Date:

## Appendix 3: Examples of unreasonably persistent and/or vexatious complaints

*Please note that this list is not exhaustive, nor does one single feature on its own necessarily imply that the complaint will be so defined.*

There are insufficient or no grounds for the complaint and it is made only to annoy (or for reasons that the complainant does not admit or make obvious).

There are no specified grounds for the complaint despite offers of assistance.

The complainant refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved.

The complaint is about issues not within the power of the Establishment to investigate, change or influence and where the complainant refuses to accept this.

The complainant insists on the complaint being dealt with in ways which are incompatible with the Complaints Policy (insisting, for example, that there must not be any written record of the complaint or insisting the complaint is only dealt with by the Trust Chief Executive).

There appears to be groundless complaints about the staff dealing with the complaint investigation, and an attempt to have them replaced.

There is an unreasonable number of contacts with us, by any means, in relation to a specific complaint or complaints.

There are persistent and unreasonable demands or expectations of staff and/or the complaints process after the unreasonableness has been explained to the complainant (an example of this could be a complainant who insists on immediate responses to numerous, frequent and/or complex communication).

Attempts to harass, verbally abuse or otherwise seek to intimidate staff dealing with their complaint by use of foul or inappropriate language or by the use of offensive or discriminatory language.

Subsidiary or new issues are raised whilst a complaint is being addressed that were not part of the complaint at the start of the complaint process.

Trivial or irrelevant new information is introduced whilst the complaint is being investigated and an expectation that this to be taken into account and commented on.

There is a change to the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed.

The complainant denies statements he or she made at an earlier stage in the complaint process.

The complainant electronically records meetings and conversations without the prior knowledge and consent of the other person involved.

The complainant refuses to accept the outcome of the complaint process after its conclusion, repeatedly arguing the point, complaining about the outcome, and/or denying that an adequate response has been given.

The same complaint is made repeatedly, perhaps with minor differences, after the complaints process has been concluded and where the complainant insists that the minor differences make these 'new' complaints which should be put through the full complaints process.

Documented evidence is not accepted as factual by the complainant.

The complaint relates to an issue based on a historic and irreversible decision or incident.