

**Minerva**  
Learning Trust

# Complaints Procedure

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## Contents

Changes to this edition .....	1
Section 1.....	2
1. General principles .....	3
2. Statutory obligations .....	3
3. Dealing with complaints.....	3
4. Records.....	3
5. Investigating complaints.....	4
6. Resolving complaints .....	4
7. Vexatious complaints.....	4
8. Timescales .....	5
9. Complaints received outside of term time.....	5
10. The stages of the process .....	5
Stage 1 – complaint heard by a staff member .....	5
Stage 2 – complaint heard by the Headteacher .....	6
Stage 3 - the Governors’ Complaints Committee.....	7
12. Withdrawing a Complaint .....	8
Section 2: Complaints about the Trust, a Trustee or the CEO.....	9
Appendix A.....	11
Appendix B.....	12

## Changes to this edition

[Page 8](#): updates to the findings, recommendations and communications to the complainant.

[Page 10](#): update to how the Complaints Committee will be made up for complaints regarding the Trust, Trustees or the CEO

## Section 1

A complaint is defined as:

***"An expression of dissatisfaction or disquiet in relation to a school or teacher, which requires a response."***

Minerva Learning Trust is committed to providing outstanding education for all pupils and our schools should work positively with all parents and carers. However, if a parent/carer feels that a situation has arisen that they are unhappy about then they have a right to make a complaint. Any and every complaint made will be taken seriously and dealt with swiftly and professionally. All parents/carers will be made aware of this policy and the procedures to follow if they wish to make a complaint.

Students, parents or carers can make a complaint to a School about most aspects of its function including:

- Attitude/behaviour of staff
- Teaching and learning
- Application of behaviour management systems
- Bullying
- Provision of extra-curricular activities

Members of the general public may make complaints to the School if the School is directly responsible for the issue being complained about, for example:

- Behaviour of students during break-times
- Disturbance to neighbours during School hours
- Health and Safety issues of premises
- Behaviour of staff

## 1. General principles

Wherever possible the School will try to deal with all informal concerns seriously at the earliest stage therefore, reducing the number that develop into formal complaints. The School will try to handle concerns without the need for formal procedures. Formal procedures need only to be started when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

## 2. Statutory obligations

Complainants must be aware that there is a complaints procedure and copies of this policy will be available on request and also on the School website. If the process results in an appeal to the Local Governing Body, this procedure is statutory. The meeting must have at least one member of the panel is independent of the management and running of the academy. Parent(s) must be allowed to attend the meeting and be accompanied if they wish.

## 3. Dealing with complaints

It is important to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

The School will:

- welcome complaints as a positive means of promoting student/parent satisfaction
- use complaints as a way of identifying opportunities to do things better
- listen to students, parents and carers
- seek to resolve complaints swiftly
- reply with an acknowledgement letter in the first instance if a complaint is sent in by letter and state we are looking into the matter
- have clear, simple to understand, published procedures for making a complaint
- keep complainants informed about progress
- provide redress where a complaint is found to have substance
- regularly review how effective the complaints procedure is

## 4. Records

All complaints must be recorded by the School, including informal complaints. The Headteacher is responsible for ensuring that staff record all complaints and their outcome and must record:

- the progress of the complaint and the final outcome
- whether the case progressed to a panel hearing
- the action taken by the school or the trust, regardless of the outcome

Records relating to individual complaints are confidential, except where the Secretary of State or a statutory body conducting an inspection requests access to them. The Local Governing Body will monitor the level and the type of complaints and review the outcomes.

## 5. Investigating complaints

The person who takes forward the first formal procedure will make sure they:

- establish what has happened so far and who has been involved
- clarify the nature of the complaint and what remains unresolved
- meet the complainant or contact them if further information is required
- clarify what the complainant feels would put things right
- interview those involved, with an open mind
- keep notes of any interviews
- keep the Chair of the Local Governing Body informed without giving any details at this stage.

## 6. Resolving complaints

At each stage, the School will keep in mind ways the complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. It might also be appropriate to offer:

- 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 taken to make sure it will not happen again
- an undertaking to review School policies in light of the complaint.

The School will encourage complainants to state what actions they feel might resolve the problem at any stage.

## 7. Vexatious complaints

There may be occasions when a complainant becomes dissatisfied even though all stages of the procedure have been followed. A vexatious complaint is likely to involve some or all of the following:

- the complaint arises from a historic and irreversible decision or incident;
- contact with the School is frequent, lengthy, complicated and stressful for staff;
- the complainant behaves in an aggressive manner to staff when they present their complaint or is verbally abusive or threatening;
- the complainant changes aspects of the complaint partway through the complaint process;
- the complainant makes and breaks contact with the School on an ongoing basis; or
- the complainant persistently approaches the School (and in some cases the Local Authority) through different routes about the same issue in the hope of getting different responses.

If the situation is challenging but it is possible to proceed, staff should avoid giving unrealistic expectations on the outcome of the complaint.

In instances where there is a complete breakdown of relations between the complainant and the School, a decision may be made to restrict contact. Any restrictions imposed should be appropriate and proportionate. The options that the School is most likely to consider are:

- requesting contact in a particular form (for example, letters only);
- requiring contact to take place with a named member of staff (for example, the Headteacher);
- restricting telephone calls to specified days and times;
- asking the complainant to enter into an agreement about his/her future contact with the School; and
- informing the complainant that if they still do not follow this advice (as stated above) any further correspondence that does not present significant new matters or new information will not necessarily be acknowledged but should be kept on file.
- if the complainant tries to reopen an issue that has already been examined through the complaint's procedure, the Chair of the Local Governing Body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

## **8. Timescales**

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

The School will consider and resolve complaints as quickly and efficiently as possible and set realistic time limits for each action. However, where investigations are complex, new time limits can be set as long as School informs the complainant of the reason for the delay and give them new deadlines.

## **9. Complaints received outside of term time**

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

## **10. The stages of the process**

### **Stage 1 – complaint heard by a staff member**

It is in everyone's interest to resolve complaints at the earliest possible stage. The experience of the first contact between the complainant and the School can be crucial in determining whether the complaint will escalate. Staff should be fully aware of the procedures and know what to do if and when they receive a complaint.

A complainant might feel they would have difficulty discussing a complaint with a particular member of staff. Be flexible and refer the complainant to another member of staff. If the complaint is about:

- the Headteacher must be referred directly to the Chief Executive Officer of the Trust
- the Chair and/or Vice Chair of the Local Governing Body or the majority or entire governing body must be referred to the Chief Executive Officer of the Trust

If the complaint is about a member of the governing body the complaint should be referred to the Trust Company Secretary who will arrange for the complaint to be heard by the Chair of Governors and then a panel hearing if applicable.

If a staff member directly involved feels compromised and unable to deal with the matter, once again, refer to another staff member. This does not have to be a more senior member of staff; the ability to consider a complaint objectively and impartially is more important.

If a complainant approaches a governor in the first instance, the complainant should be referred to an appropriate member of staff. Governors should not act on individual complaints outside the formal procedure or be involved in the early stages in case they need to sit on a panel at the later stage.

Verbal or written acknowledgement will be provided to the complainant within five working days of receiving a complaint. The acknowledgement will give a brief explanation of the School's complaints procedure and give a target date for providing a response to the complaint which will normally be within 10 working days. If the target cannot be met, a letter will be written within 10 working days explaining the reason for the delay and providing a revised target date.

If the complainant considers the matter unresolved at stage 1 and wishes to take the matter to the next stage, the complaint must be made in writing to the Headteacher within 10 days of receiving the stage 1 outcome from the School. Please see stage 2 and Appendix A, which provides an overview of the complaints process.

## **Stage 2 – complaint heard by the Headteacher**

If the complainant is dissatisfied with the way in which the complaint has been handled at stage one, they may go to stage two and have the complaint heard by the Headteacher.

The Headteacher will decide who is the most appropriate person to deal with a complaint. This could be a member of the Senior Leadership team or a Head of Year/Middle Leader. The Headteacher must be kept informed of any investigation carried out and will be involved in the final decision.

The complainant must use Appendix B Complaints Form, providing as much detail as possible. The Headteacher will acknowledge the complaint within five working days. The acknowledgement must include a summary of the complaint's procedure and a target date of 15 working days for providing a response. If this date cannot be met, the complainant will be contacted and given a reason for the delay and a revised target date.

The Headteacher will meet with the complainant to discuss their concerns and find solutions. The complainant may bring a friend, family member or advocate to the meeting and interpreting services should also be made available where necessary. The Headteacher may find it useful to have another member of staff present to observe and record the meeting and promote staff safety. Care should be taken in these circumstances not to create an intimidating atmosphere for the complainant.



The Headteacher will make whatever enquiries they consider necessary to ascertain the facts and the legitimacy of decisions taken. This may include:

- Interviewing staff/students
- Reviewing minutes of meetings
- Reviewing School records

Students will be interviewed in the presence of another member of staff, or in the case of serious complaints (for example, where the possibility of criminal investigation exists) in the presence of their parents/carers. Again, care should be taken in these circumstances not to create an intimidating atmosphere.

It is important that the Headteacher investigates complaints thoroughly and objectively. If they feel unable to do this (for example, if they have been directly involved in the decision-making process that led to the complaint), they should delegate responsibility for investigating the complaint to another member of the management team or the Chair of the Local Governing Body. It is strongly advised that the Headteacher (or designated person) keep a record of interviews, telephone conversations and other documentation. If the complaint is about the Headteacher then the Chief Executive Officer (CEO) will investigate.

Once all the relevant facts have been established, the Headteacher will provide a written response to the complainant. This should include a full explanation of decisions taken and the reasons for them. Where appropriate, it will include details of actions the School will take to resolve the complaint.

It may be useful at this point to offer the complainant a meeting to discuss the response and seek reconciliation. The complainant will be provided with details of how to contact the Local Governing Body if they are not satisfied with the response.

If the complainant considers the matter unresolved at stage 2 and wishes to take the matter to the next stage, the complaint must be made in writing to the Local Governing Body within 10 days of receiving the stage 2 outcome from the School.

### **Stage 3 - the Governors' Complaints Committee**

If the Complaints Committee is activated this is the last School based stage of the process. The aim of the panel hearing is reconciliation and/or to put right things that may have gone wrong. The panel will be made up of three people who have not previously been involved with any aspect of the complaint, two of whom will be governors and one who is independent from the management and running of the school<sup>1</sup>.

At this stage of the process, a parent(s) has a statutory right to attend the meeting and also to be accompanied if they wish. At least 7 days' notice of the panel hearing will be given to parents.

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<sup>1</sup> An independent panel member should not be a member, trustee or employee of the school or be a person who has a clear connection with school e.g. business partner providing services to the school. For the purpose of the procedure a Governor sitting on a Local Governing Body of another school within the Trust will be deemed as independent.

The meeting will allow for:

- the complainant to explain their complaint and the Headteacher to explain the School's response.
- witnesses to be brought by the complainant and/or the Headteacher.
- the Headteacher and the complainant to ask questions of each other and any witnesses.
- the committee to ask questions of the complainant, Headteacher and any witnesses.

the complainant and the Headteacher to summarise their position. If the attendance of any pupils is required at the hearing, parental permission will be sought if they are under the age of 18. Extra care will be taken to consider the appropriateness of pupils at a panel hearing given that senior staff will be present and the vulnerability of children where it is necessary for them to be present at a complaints hearing.

Having considered all the evidence and questioned all parties, the committee can:

- dismiss the complaint in whole or in part
- uphold the complaint in whole or in part
- decide on the appropriate action to resolve the complaint
- recommend changes or actions to School system and procedures to make sure that similar problems do not recur.

A written response detailing the decisions, findings and recommendations and the basis on which these have been made will be sent to the complainant and, where relevant, the person complained about and made available for inspection on the school premises by the proprietor and the Headteacher. A copy of the minutes of the meeting will also be sent to the complainant within 15 working days. The School will retain a copy of all correspondence and records of meetings.

The complainant will be notified of the right to appeal to the Education and Skills Funding Agency (ESFA) if they are unhappy with the way in which procedures have been carried out.

Complainants who are not satisfied about the handling of their complaint may contact the ESFA via their "school complaints form" found on the government website [www.gov.uk](http://www.gov.uk)

## **12. Withdrawing a Complaint**

Complaints may be withdrawn in writing at any time. The Headteacher and Chair of the Local Governing Body must review the issue of concern and consider whether further investigation is required through other internal management systems.

## Section 2: Complaints about the Trust, a Trustee or the CEO

If a complainant wishes to complain about the Trust, a Trustee or the CEO then the complaint should be sent to the Company Secretary who will action the complaint and make arrangements for the complaint to be investigated.

The Company Secretary will write to the complainant acknowledging the complaint within 5 working days of the date that the written request was received and will confirm that the complaint will now be investigated as follows within a target timeline of 15 working days for providing a response:

- The Company Secretary will refer the complaint to the CEO to decide who is the most appropriate person to deal with a complaint. This could be a member of the Executive Team or a Senior Leader of the central team. The CEO must be kept informed of any investigation carried out and will be involved in the final decision.
- Where the complaint is against the CEO this will be referred to the Chair of the Trust Board.
- Where the complaint is against the Chair of the Trust Board the Vice Chair will carry out the investigation.

The designated investigating person will meet with the complainant to discuss their concerns and find solutions. The complainant may bring a friend, family member or advocate to the meeting and interpreting services should also be made available where necessary. The investigating person may find it useful to have another member of staff present to observe and record the meeting and promote staff safety. Care should be taken in these circumstances not to create an intimidating atmosphere for the complainant.

The investigating person will make whatever enquiries they consider necessary to ascertain the facts and the legitimacy of decisions taken. This may include:

- Interviewing staff/students
- Reviewing minutes of meetings
- Reviewing School and Trust records

Students will be interviewed in the presence of another member of staff, or in the case of serious complaints (for example, where the possibility of criminal investigation exists) in the presence of their parents/carers. Again, care should be taken in these circumstances not to create an intimidating atmosphere.

It is important that the complaint is investigated thoroughly and objectively. If they feel unable to do this (for example, if they have been directly involved in the decision-making process that led to the complaint), they should delegate responsibility for investigating the complaint to another member of the management team. It is strongly advised that the investigating person keeps a record of interviews, telephone conversations and other documentation.

Once all the relevant facts have been established, the investigating person will provide a written response. This should include a full explanation of decisions taken and the reasons for them. Where appropriate, it will include details of actions the Trust will take to resolve the complaint. The Company Secretary will write to the complainant confirming the outcome within 15 working days of the date that the letter was received. If this time limit cannot be

met, the Company Secretary will write to the Complainant within 10 working days of the date that the letter was received, explaining the reason for the delay and providing a revised date.

It may be useful at this point to offer the complainant a meeting to discuss the response and seek reconciliation. The complainant will be provided with details of how to contact the Education and Skills Funding Agency (ESFA) if they are not satisfied with the response.

If the complaint concerns the CEO or a Trustee, the complaint should be investigated by the Chair of the Trust Board. If a formal complaint form is received about the Chair, the complaint will be referred to the Vice Chair for investigation. Where the Chair of the Trust Board has investigated the complaint, they will write the letter of outcome to the Complainant and provide a copy to the Company Secretary for circulation and recording.

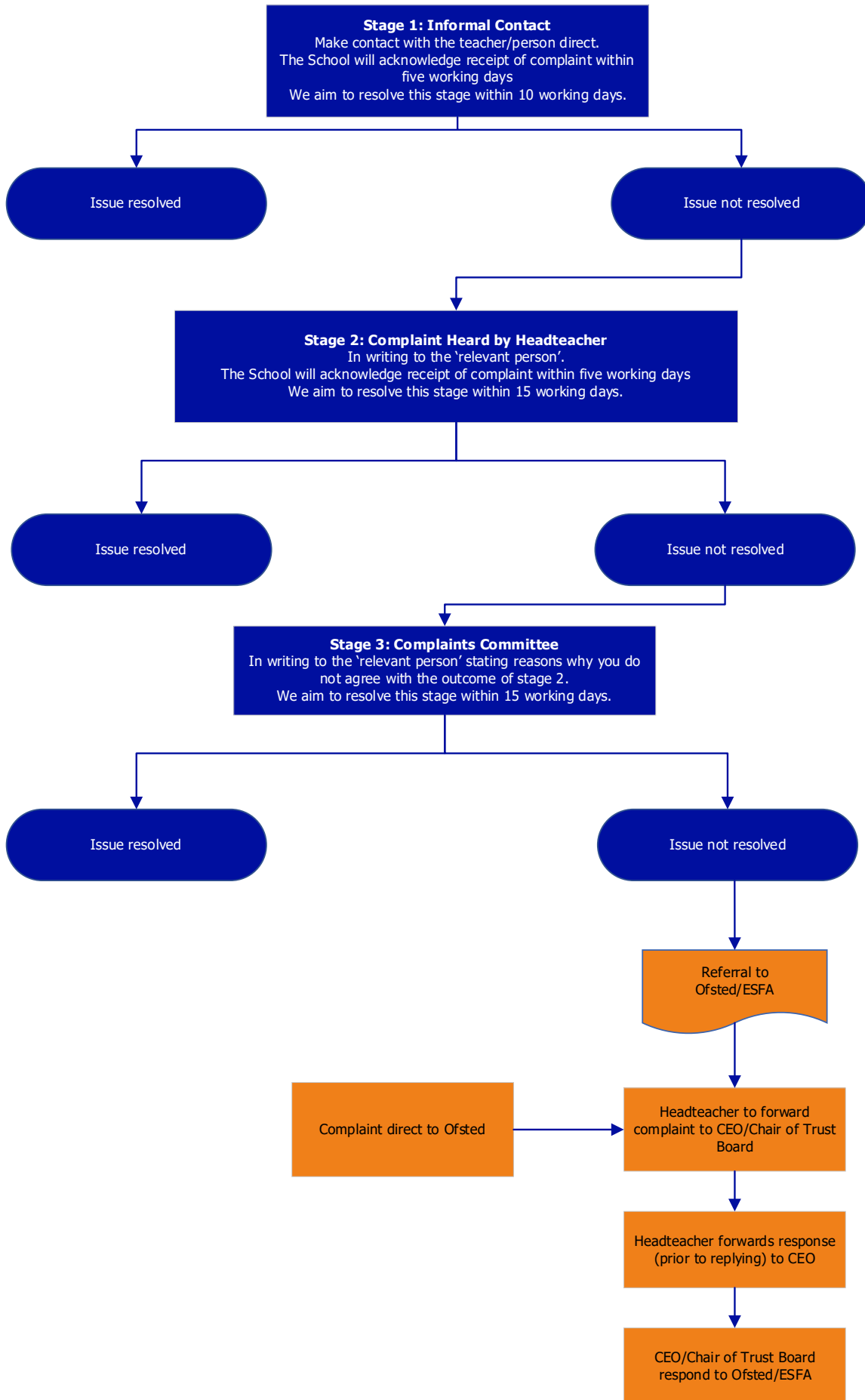
If the complainant is not satisfied with the outcome of the investigation, the complainant should write to the Company Secretary asking for the complaint to be heard before a Complaint Committee, within 15 working days. The Company Secretary will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 working days. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Company Secretary will write to the complainant to inform them of the date of the Complaint Committee meeting. They will aim to convene a meeting within 10 working days of receipt of the written complaint. If this is not possible the complainant will be informed and given an anticipated timeline.

If the complainant rejects the offer of three proposed dates, without good reason, the Company Secretary will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

The Complaints Committee will be made up of three people who have not previously been involved with any aspect of the complaint, two of whom will be trustees and one who is independent from the management and running of the trust.

# Appendix A



## **Complaint Form**

**Please complete and return to the Headteacher who will acknowledge receipt within 5 working days and will provide a written response within 15 working days.**

**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.**

**Any other detail:**

**Signature:**

**Date:**

**Official use**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Print name and date:**