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|-----------------------------|-----------|-----------------------|--------------------|
| <b>Date of last review:</b> | July 2023 | <b>Review period:</b> | 1 year             |
| <b>Date of next review:</b> | July 2024 | <b>Owner:</b>         | Head of Governance |



## Complaints Procedure

*Enabling a world of freedom, opportunity and fulfilment*

## History of Policy Changes:

| Date          | Page           | Change   | Origin of Change     |
|---------------|----------------|--|----------------------|
| May 2019      | Whole document | Amended to reflect DfE guidance  | DfE updated guidance |
| November 2020 | Whole document | Amended to ensure compliance with DfE guidance. Additional minor amendments and flowchart added  | ESFA feedback        |
| November 2021 | Whole document | Amended to ensure compliance with DfE guidance (March 2021)  | Annual Review        |
| November 2022 | Whole document | Minor amendments to terminology. Reference to Data Retention Policy included. Addition of Director responsibility.                                 | Annual Review        |
| July 2023     | Whole document | Amended to ensure compliance with DfE MAT model procedure. Inclusion of contact details. Statement on managing serial and unreasonable complaints. | Annual Review        |
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Magna Learning Partnership (MLP) encourages all those who interact with us and our academies to raise any concerns they may have with us. In this way we believe that misunderstandings can be rectified and problems can be addressed.

Any person, including members of the public, may make a complaint to MLP about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to admissions, and exclusions; matters likely to require a child protection investigation; whistleblowing; staff grievances or conduct), we will use this Complaints Procedure.

### Purpose

This document outlines the way in which complaints made against the Trust/academy will be handled, whether made by telephone, email, letter or in person. Any complaints made are likely to be from parents/carers, and would probably be about the conduct of staff, the management of the academy, the curriculum, internally assessed coursework or the behaviour of pupils. Complaints will always be taken seriously.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this Complaints Procedure.

### The Difference between a Concern and a Complaint

A concern may be defined as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*.

A complaint may be defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action'*.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the Complaints Procedure. MLP takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

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

### Anonymous Complaints

It is not possible for MLP or an individual academy to deal with anonymous complaints, or with complaints which rely on second hand information. If you believe that someone else should complain then please encourage them to do so in order that the complaint can be dealt with properly.

## Resolving Complaints

At each stage in the Procedure, MLP wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology.

Complaints will be logged in the Trust Complaints Register together with details of the resolution and the stage at which the complaint is resolved.

## Process

### Concern – Stage 1

Any concern should initially be directed towards the member of staff involved (e.g. Class or Subject Teacher, Year or Subject Head, Lettings Manager). If the above is not appropriate, the concern should be referred to another staff member (e.g. Assistant or Deputy Academy Leader, Academy Leader, Head of Commercial Operations). Contact details are available on all academy websites. Concerns will be acknowledged by the recipient and passed on to the appropriate member of staff to investigate and respond.

At the conclusion of their investigation, the appropriate person investigating the concern will provide an informal written response within 10 school days of the date of receipt of the concern.

If the issue remains unresolved, the next step is to make a formal complaint.

### Formal Complaint - Stage 2

If the complainant wishes to elevate their complaint to Stage 2 they should refer the matter in writing to the Academy Leader. Alternatively:

- Director of Education if the complaint is about the Academy Leader's actions
- Director of Finance and Business if the complaint is about a Central Team function/member of staff's actions
- CEO if the complaint is about the Director of Education's or Director of Finance and Business' actions
- Chair of Trust Board if the complaint is about the CEO's actions

Academy Leader contact details are available from all academy websites. All other individuals named above can be contacted via: [governance@magnalearningpartnership.org.uk](mailto:governance@magnalearningpartnership.org.uk)

Complaints against a Governor or Trustee are dealt with under the Managing Concerns and Complaints against Governors and Trustees Procedure.

Complaints should be in writing and marked as 'Private and Confidential'. Complaints will be acknowledged as soon as possible (usually within 2 school days of receipt), within this response, the Academy Leader (or appropriate person) will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Academy Leader (or appropriate person) can consider whether a face to face meeting is the most appropriate way of doing this.

*Note: The Academy Leader (appropriate person) may delegate the investigation to another member of the Trust/academy's senior leadership team but not the decision to be taken.*

During the investigation, the Academy Leader (or appropriate person) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the Academy Leader (or appropriate person) will provide a formal written response within 14 school days of the date of receipt of the complaint.

If the Academy Leader (or appropriate person) is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the Trust/academy will take to resolve the complaint.

Complainants should not approach individual Governors or Trustees to raise concerns and complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 3 of this Procedure.

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3.

### Formal Complaint - Stage 3

If the complainant seeks to elevate their complaint to Stage 3 (following a failure to reach an earlier resolution) they should notify the Clerk to Academy Governance Committee (academy related complaint) or Head of Governance (Trust related complaint), within 10 school days of receiving the Stage 2 findings, via [governance@magnalearningpartnership.org.uk](mailto:governance@magnalearningpartnership.org.uk). Any such request must be set out in writing, stating where the complainant remains dissatisfied and what remedies are being sought.

A panel will be appointed by MLP and will consist of three persons not directly involved in the matters detailed in the complaint, at least one of whom shall be independent of the management and running of the relevant academy/Trust (this may be a MLP Governor from another MLP academy). The Clerk to Academy Governance Committee of the relevant academy or Head of Governance will, on behalf of the Panel, acknowledge the complaint (usually within 2 school days of receipt) and schedule a meeting to take place as soon as practicable and normally within 14 school days.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk 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 complainant may be accompanied at the meeting by one other person if they wish. This may be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the meeting. However, there may be occasions when legal representation is appropriate. For instance, if a Trust employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

The panel will require that all particulars of the complaint or any related matter be supplied in writing in advance of the meeting. Copies of such particulars shall be supplied to all parties normally no later than 7 school days prior to the meeting. The staff member, department or academy complained of may submit a response to the complaint which shall be supplied to all parties normally no later than 5 days before the meeting (dependent on receipt of complaint particulars).

The panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

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 parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The panel will ask the complainant and any person invited to attend to respond to the complaint, such questions as the panel deems appropriate. If possible, the panel will resolve the complaint without the need for further investigation. Where further investigation is required, the panel will decide how it should be carried out.

The panel will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint. New complaints must be dealt with from Stage 1 of the Procedure.

After due consideration of all facts they consider relevant, the panel will respond formally, usually within 5 school days, to the complaint with a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the Trust/academy will take to resolve the complaint. The panel can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part

If the complaint is upheld in whole or in part, the panel will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the Trust/academy's systems or procedures to prevent similar issues in the future.

The panel will ensure that the findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the Trust/academy premises by MLP and the Academy Leader/Central Team Leader.

The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by MLP.

A written record will be kept of all complaints (in line with the Trust's Data Retention Policy), and at which stage they are resolved, as will action taken by the Trust/academy as a result of the complaint.

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 109 of the 2008 Act requests access to them.

It is MLP's intention to respond in a way which demonstrates that we have taken the complaint seriously. It must be recognised that this action may not always be the outcome hoped for by the complainant, and that the Trust/academy must act within the law, be that criminal, civil, employment or educational statute.

MLP will monitor complaints logged and their resolution to identify any emerging trends and take action as required.

### [Serial and Unreasonable Complaints](#)

MLP is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the Trust/academy. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

MLP defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the Trust/academy, such as, if the complainant:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- refuses to co-operate with the complaints investigation process
- 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 with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and 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 that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education
- seeks an unrealistic outcome
- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the Trust/academy that relates to their complaint, while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.

Whenever possible, the Academy Leader or appropriate person will discuss any concerns with the complainant informally before applying an '*unreasonable*' marking.

If the behaviour continues, the Academy Leader or appropriate person will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact the Trust/academy causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from the Trust/academy site.



If the complainant believes the Trust/academy did not handle their complaint in accordance with this published Complaints Procedure or they have acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the ESFA after they have completed Stage 3.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by MLP. They will consider whether MLP has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed [Part 7 of the Education \(Independent School Standards\) Regulations 2014](#).

Further information is available here:

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

## MLP Complaints Procedure Flowchart

