



MAT Trust Board Complaints Policy and Procedure

1. The complaints policy
2. Appendix 1, complaints form
3. Appendix 2, investigation form
4. Appendix 3, complaints not in the scope of the policy
5. Appendix 4, managing unreasonable behaviour

The Link Academy Trust (the Trust) is a company limited by guarantee and an exempt charity, regulated by the Department for Education (DfE). All Members of the Board of Trustees are Directors of the company as well as Trustees of the exempt charity; the term 'Trustee' used in this policy also means Director.

This Policy and Procedure sets out the framework for how concerns and complaints are managed within all the academies in the Trust. The Trust reserves the right to alter this process, in exceptional circumstances.

We ensure that all complaints are dealt with confidentially for those involved and we expect complainants to observe confidentiality and not share confidential issues widely.

Any person, including members of the public, may make a complaint under this policy to any of the Trust academies about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this Complaints Procedure.

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so.

Concerns should first be raised with either the Class Teacher or Executive/Academy Head (E/AH). If the issue remains unresolved, the next step is to make a formal complaint.

- The complainant should not approach a LAC representative or Trust Board member directly to raise a concern or complaint. It is not the place of LAC or Board members to act on an individual basis and this could prevent them from considering a complaint at Stage 3 of the procedure.
- Complaints against school staff (except the E/AH) should be made to the E/AH in writing via the school office. Please mark as Private and Confidential.
- Complaints that are about the AH should be addressed to the Director of Education (DoE) or Chief Executive Officer (CEO) and sent to either lizzie.lethbridge@thelink.academy or Rachael.Sharpe@thelink.academy. Please mark as 'Private and Confidential'.
- Complaints about the Chair of LAC, any individual LAC member or the whole Committee should be made in writing addressed to the Governance Professional at governance.professional@thelink.academy. Please mark as 'Private and Confidential'.
- Complaints about the DCEO or any member of the Central Business Team, or the Executive Improvement Team should be addressed to the CEO and sent to the Governance Professional at governance.professional@thelink.academy. Please mark as 'Private and Confidential'.
- Complaints about the CEO should be addressed to the Chair of the Board of Trustees and sent to Cheryl.Mathieson@thelink.academy. Please mark as 'Private and Confidential'.

For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the relevant academy office. You can also ask third-party organisations, such as Citizens Advice, to help you.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this Complaints Procedure. This could include providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in an accessible location.

Anonymous complaints

Anonymous complaints will not usually be investigated, however, the CEO or the Chair of the Trust Board, if appropriate, will determine whether an anonymous complaint warrants an investigation.

Time scales

A complaint must be raised within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. Complaints made outside this time frame will only be considered if exceptional circumstances apply.

Complaints received outside of term time

Complaints made outside of term time will be considered to have been received on the first school day after the holiday period.

How does the Local Resolution process work?

Once you have raised your concern or complaint, the person who is looking into it will contact you within 5 working days (in term time). They can arrange to talk to you face-to-face, on the telephone, or they can contact you by letter if you prefer.

For your part, you will need to:

- tell the person what happened and how you felt about it
- say how you think the situation could be resolved
- agree the process for resolving your concern or complaint.

This Local Resolution process is not about apportioning blame or about staff being dealt with through formal conduct or capability procedures – trusts and academies are centres of learning for everyone, and it is about learning from what has happened and working with you to make sure it doesn't happen again.

For its part, the Trust will:

- listen to your concerns
- explain what can happen to resolve your concern or complaint
- confirm with you the process that will be followed and who will deal with it
- if necessary, carry out a more detailed investigation into your concern or complaint. This is called a 'Local Investigation.'
- provide information for parents and carers of children with SEND (Special Educational Needs and Disability) about how they can access support from The Devon Information Advice and Support service (this is a requirement in the SEND Code of Practice).
www.devonias.org.uk, 01392 383080, devonias@devon.gov.uk

What can I expect from the Local Resolution?

Most concerns or complaints are not likely to involve extensive or lengthy enquiries, and therefore you should expect an approach that is proportionate to the issue you have raised.

As the Local Resolution process is aimed at quickly resolving your concern or complaint and learning from it, it won't lead to conduct or capability proceedings against a member of staff. However, where appropriate, the member of staff might receive further support or training as a result.

If your concern or complaint is an expression of dissatisfaction with something the Trust has either done or not done, and not about somebody - for example, about the way the Trust operates its policies or is directed to fulfil its statutory obligations - then it will still be resolved using this 'Local Resolution' approach.

What happens next?

There are different ways of dealing with the concern or complaint using the Local Resolution Process. These include:

- immediate resolution by providing information face-to-face, by email, or by telephone, as you choose
- a letter concluding the matter after proportionate consideration, explaining what has been done
- individual communication between you and the person your concern or complaint was about and/or a face-to-face meeting with the person your concern or complaint was about. The person your concern or complaint was about will need to agree to a face-to-face meeting taking place.

When the named person has looked into your concerns you will receive further communication from them within 10 working days (in term time) of the original concern being raised. However, if the concern is complex, the person working on the Local Resolution may contact you to let you know that more time is needed to look more fully into the matter.

What might happen as a result?

The Trust could take the following actions to resolve your concern or complaint:

- give you information or an explanation to clear up a misunderstanding
- apologise
- learn from the issue, accepting that something could have been handled better and explaining what has been done to stop the same thing happening again
- arrange action to address an issue with a member of staff through support and development
- arrange action to address matters of policy or procedure.

Trust Investigation – The Formal Complaints Procedure (Stage 2 and 3)

If, following the Local Resolution stage, you consider that your concern needs a more detailed investigation, or where the Local Resolution has not delivered a satisfactory conclusion, a formal complaint can be made. Please see [appendix 1](#) for the formal complaints form and

appendix [2](#) and [3](#) as examples of the templates the investigating officer will use.

Stage 2 will be carried out by either a member of the Senior Leadership Team or by the CEO if the complaint is about a member of the Senior Leadership Team. If the complaint is about the CEO, it will be delegated to an impartial Trust Board director/trustee.

Although this is a formal investigation into your complaint, it will still be in the spirit of quickly reaching an effective outcome and maintaining positive and productive relationships.

All parties need to work together to maintain productive relationships, and establish a way forward in partnership. This investigation may call for more information to be gathered before the person investigating can explain what has happened from the perspective of the Trust or the staff member involved.

This way of dealing with your concern or complaint means solving, explaining, clearing up or settling your complaint directly with you, but doing so with a more detailed investigation than at a Local Resolution level.

How does the formal Investigation process work?

Once you have raised your concern or made your complaint, the Senior Leader or Director/trustee who is looking into it will contact you within 5 working days (term time). They can arrange to talk to you face-to-face, by email, on the telephone or they can contact you by letter if you prefer.

For your part, you will need to:

- tell the Trust what happened and how you felt about it
- say how you think the situation could be resolved
- agree the process for resolving your concern or complaint
- agree timescales and pathways for communication.

For its part, the Trust will:

- listen to your concerns
- explain what can happen to resolve your concern or complaint
- confirm with you the process that will be followed and who will deal with it
- carry out a more detailed investigation into your concern or complaint
- produce and supply all parties with a written report of the findings
- ensure that any relevant findings are taken forward to influence Trust practice and policy.

What can I expect from a Trust Investigation?

Some concerns or complaints may demand more detailed and perhaps time consuming enquiries, and therefore you should expect an approach that is proportionate to the complaint you have made. The person investigating your concern should keep in regular contact to keep you informed of progress on the matter.

The Trust Investigation process aims to quickly resolve your concern or complaint and identify any learning from it.

What happens next?

Your concern or complaint will be the subject of a reasonable and proportionate investigation. This means that the amount of time dedicated to the matter will be in accordance with the seriousness of the matter.

At the conclusion, one of a number of things may follow. These include:

- resolution by providing information face-to-face or by telephone – as you choose
- a letter from the Trust concluding the matter after a proportionate investigation and explaining what has been done
- if your complaint was about an individual, individual communication between you and that person. This is organised through the Senior Leader or the person dealing with your complaint
- a face-to-face meeting with the person working on your concern or complaint and/or the person your complaint was about. The person your concern or complaint was about will need to agree to a face-to-face meeting taking place.

The Trust Investigation should be completed within 15 working days (in term time) when you will receive a letter explaining the findings and any actions that may need to happen as a result. However, in complex matters it may take longer. The person investigating will keep in regular contact with you to keep you informed of progress.

What might happen as a result?

The Trust could take the following actions to resolve your concern or complaint and will provide feedback to you on such actions:

- give you information or an explanation to clear up a misunderstanding
- apologise on behalf of the Trust
- learn from the issue, accepting that something could have been handled better and explaining what has been done to stop the same thing happening again
- arrange action by the Trust Board to address matters of school policy or procedure
- arrange feedback and support by the Senior Leader to address any issues arising about a member of staff and their actions or behaviour.

Appeal against the decision made following The Trust Investigation (Stage 4)

This complaints procedure includes an appeal process should you not be satisfied with the outcome of the investigation at Stage 2 or 3. Following the initial investigation, the Trust will write to you to let you know of your right to appeal and you will have 20 working days to let the Trust know if you would like to do so. (Working days do not include school holidays when there may be no one available to respond to your request).

If you choose to appeal, you will be invited to attend an appeal meeting and if the date is inconvenient an alternative date will be provided. You will also receive any paperwork that relates to the initial Trust Investigation 7 days in advance of the appeal meeting.

At the meeting, a panel will consider your appeal. The panel will comprise at least three individuals, including at least one panel member who is independent of the management and

running of the academy and Trustees/directors, who have had no previous dealings with your complaint. They will also listen to what the staff member or Senior Leader have to say, and then they will come to a decision whether to uphold the complaint fully or in part, or whether the Trust has acted appropriately and that no further actions are necessary.

The panel will not be able to hear any other complaints or additional concerns at this meeting.

Whilst this is part of the formal complaints procedure, the Trust aims to make the meeting as informal as possible so that all parties can put forward their views in a positive and respectful manner.

When the appeal panel has considered all the information made available to them, they will make a decision and inform you in writing of the outcome within 5 working days (in term time).

Sometimes when a complaint is very complex, and has taken a lot of time, it may be that the Trust Board may have difficulty assembling an appeal panel that fits the criteria of having had no prior knowledge of your complaint. In this case you may request that the Trust source an independent appeal panel to hear the final stage of your complaint.

Following the appeal panel meeting the complaints procedure is complete. If you are still unhappy with the way the Trust has managed your complaint, you can submit a complaint to the Department for Education online at www.gov.uk/complain-about-school

Or write to:

School Complaints Unit
Department of Education
2nd Floor, Piccadilly Gate
Manchester M1 2WD

Please remember that the Trust is committed to resolving your concerns wherever possible and that where this is proving complex, mediation is a powerful method of resolving matters.

Complaint Form			
Please complete and return to the academy office in a sealed envelope marked "Private and Confidential" addressed to the E/AH, Chair of Governors, or the Clerk to the Board, depending on who or what the complaint is about. They will acknowledge receipt and explain what action will be taken.			
Your name:			
Pupil's name (if relevant):			
Your relationship to the pupil (if relevant):			
Address including postcode:		Daytime tel. no.:	
		Evening tel. no:	
Your email address:			
Please give details of your complaint, including whether you have spoken to anybody at the academy about it:			

--

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

--

Are you attaching any paperwork? If so, please give details.

--

Signature:		Date:	
-------------------	--	--------------	--

For official use only:	
-------------------------------	--

Acknowledgement sent by	
-------------------------	--

whom:			
Method e.g. email:		Date:	
Complaint referred to:		Date:	
Action taken:			
Action Date:			

Appendix 2

Link Investigation Report

Introduction	Investigation authorised by:
	Investigator:
	Policies and procedures to review and follow:
	Has LADO been contacted?
	Date investigation began:
	Details of the disclosure under investigation:
	Issues that need to be explored/ clarified:

Process of investigation	Evidence collected: [List all evidence collected]
	Persons interviewed: [List all people interviewed]

Summary	Summary of evidence: [set out how the evidence supported or did not support your findings and why]
	Facts established: [detail what the investigation has established]

	Mitigating factors: [detail if there were any mitigating factors uncovered that are relevant to the investigation]
Voice of the Child (if applicable)	

Conclusion [if required]	Recommendation: -
	<i>I can confirm that I have fully investigated the concern and provided this report to the CEO, who commissioned the investigation.</i>
	Investigator's signature: Date:

Appendix 3– Complaints not in scope

The following matters are outside the scope of this Policy, as other separate, statutory processes apply.

Admissions to schools

For school admissions, it will depend on who the admission authority is (either the school or the local authority).

Complaints about admission appeals for local authority maintained schools are dealt with by the appropriate ombudsman.

School re-organisation proposals

Contact the local authority or diocese, as appropriate, in the first instance and then escalate to the DfE, if dissatisfied.

Statutory assessments of special educational needs

Concerns about statutory assessments of special educational needs should be raised directly with the local authority.

Matters likely to require a child protection investigation

Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have concerns about the safety of a child, you can contact the Children's front door - formerly MASH on 03451551071 or the Emergency Duty Team if out of hours on 0845600388 or Police 999 Non-emergency 101.

The Local Authority Designated Officer (LADO) should be alerted to all cases in which it is alleged that a person who works with children has:

- behaved in a way that has harmed, or may have harmed, a child
- possibly committed a criminal offence against children, or related to a child
- behaved towards a child or children in a way that indicated they may pose a risk of harm to children
- behaved or may have behaved in a way that indicates that they may not be suitable to work with children.

LADO 01392384964 <http://www.devon.gov.uk/lado>

Exclusion of children from school

Further information about raising concerns about exclusions is available on the School Exclusion Policy found on the Trust website.

Complaints about the application of the behaviour policy can be made through the Trust's complaints procedure.

Whistleblowing

We have an internal whistleblowing procedure for employees, including temporary staff and contractors. The Whistleblowing policy is found on the Trust website. The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers who do not want to raise matters direct with their employer. Concerns can be raised with Department for Education (DfE) using the [contact form](#).

Volunteers who have concerns about academies should complain through the Trust's complaints procedure. Depending on the substance of the complaint you may also be able to complain to:

- the local authority
- The Department for Education (DfE) using the [contact form](#)

Staff grievances

Complaints from staff must be dealt with under the Trust's grievance procedures.

Staff conduct complaints

Complaints about staff are dealt with under the Trust's disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainants will be notified that the matter is being addressed.

Complaints about services provided by other providers who may use school premises or facilities

Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.

Complaints about the curriculum

Complaints about the content of the national curriculum should be sent to Department for Education (DfE) using the [contact form](#).

Complaints about the delivery of the curriculum are for academies to resolve in the first instance. This includes:

- religious education (RE)
- sex and relationships education.

Complaints about collective worship

Complainants who are dissatisfied with the content of the daily act of collective worship (DACW) should be signposted to:

- the local authority
- the local Standing Advisory Council on Religious Education
- any other relevant body.

Withdrawal from the curriculum

Parents and carers can withdraw their child from any aspect of RE, including the DACW. They do not have to explain why.

If parents or carers are not satisfied with the handling of a request to withdraw their child from RE or the DACW, you should follow the Trust's complaints procedure.

The right of withdrawal does not apply to other areas of the curriculum where religious matters may be spontaneously raised by pupils or arise in other subjects such as history or citizenship.

Appendix 4 - Managing unreasonable behaviour.

The below provides a summary. Please see the full policy on Parent Code of Conduct.

The Trust defines unreasonable behaviour as that which hinders our consideration of complaints, or ability to communicate with an individual effectively, because of the frequency or nature of the complainant's/individual's contact with the academy, examples include if the complainant or individual:

- 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 forwarding information to others or requesting that someone else deals with the issue
- 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 Trust'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 or complicated contact with staff in person, in writing, by email and/or by telephone
- uses threats to intimidate
- sends rude, threatening or confrontational letters/emails
- uses abusive, racist, sexist, offensive or discriminatory language or violence
- knowingly provides falsified information
- insists on unattainable outcomes
- wants revenge or retribution
- makes demands about the way the complaint should be handled
- provides an extraordinary degree of irrelevant detail
- creates complexity where there is none and proposes unreasonable arguments
- advances irrational beliefs (e.g. seeing cause and effect where none exists)
- insists that a particular solution is the correct or only one
- publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the academy relating 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 investigating officer will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues, the E/AH or CEO will write to the complainant explaining that their behaviour is unreasonable and ask them to change it.

For complainants who excessively contact the Trust or one of its academies 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 and/or one of its academies.

Schools are not public places and although parents and carers have rights to attend and enter school premises for legitimate proper purposes, The Education Act of 1996 states that it is an offence for a trespasser on school premises to cause a nuisance or disturbance.

The academy is entitled to withdraw the implied right a parent or carer has to enter the academy, if that parent or carer is violent or aggressive. If the parent or carer then enters the premises, they are in breach of the law, and they can be prosecuted in the criminal courts.

The unreasonable behaviour policy applies to all those that engage with the academy and not just to parents.