

## **Policy Relating to the Management of Complaints to the Multi Academy Trust**

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## 1. Complaints Policy

- 1.1 Where the Diocese of Hereford Multi Academy Trust (Trust) academy-based complaints procedures have been completed (Stages 1-3), and the complainant does not feel their complaint has been dealt with to their satisfaction by the academy, they may contact the Trust in writing to request a review of the complaint investigation (Stage 4)
- 1.2 Generally, the Trust will only look into complaints about academies that fall into the following areas:
  - 1.2.1 The academy did not comply with its own complaints procedure when considering a complaint or the academy's complaints procedure does not comply with statutory requirements. The Trust cannot review or overturn an academy's decisions about complaints but will look at whether the academy considered the complaint appropriately. The Trust will generally only do this after a complaint has been through the academy's own procedure but may investigate sooner if there is evidence of undue delays by the academy. If the Trust finds that an academy did not deal with a complaint appropriately it will request that the complaint is reconsidered. Similarly, if the academy's complaints procedure does not meet statutory requirements, then the Trust will ensure this is put right.
  - 1.2.2 The academy has failed to comply with a duty imposed under its funding agreement with the Secretary of State. The Trust will seek to resolve any concerns regarding potential or actual breaches of the funding agreement with the academy. The Trust will also consider evidence that an academy has failed to comply with any other legal obligation placed on it.
  - 1.2.3 Given the nature of the complaint(s), the Directors believe that an independent investigation is merited. In these circumstances, a panel of Directors will consider the outcome of the investigation and decide what action should be taken, if any, by the academy.
- 1.3 Where there is a complaint against a Director or Officer of the Trust, in this case, a panel of Directors will consider the complaint. Unless it involves a child protection issue, investigations will not usually take place 3 months or more after the decisions or action taken by the academy, unless the complainant has good reason for the delay in making the complaint.
- 1.4 The Trust reserve the right not to investigate complaints considered to be vexatious or malicious or where the Trust is satisfied with the action that the academy has already taken, or proposes to take, to resolve the complaint.

## **2. Procedures for dealing with a complaint**

- 2.1 Written complaints to the Trust will be acknowledged in writing within 5 academy working days. The complainant will be given the name of the Investigating Officer or Investigating Directors at the Trust where appropriate.
- The complainant will be asked to submit a written summary of the complaint. The academy will be asked to provide to the Board:
- i. A copy of its complaints procedures and details of any other relevant policies or procedures.
  - ii. An explanation of how each stage of its complaints procedures has been followed.
  - iii. A response to the summary of the complaint, together with relevant documents and copies of correspondence with the complainant.
- 2.2 The academy will be asked to respond within 10 academy working days, notifying the Investigating Officer if there is any confidential information that may not be shared with the complainant, such as data belonging to individuals not involved in the complaint.
- 2.3 The Investigating Officer will respond in writing to the complainant, usually within 15 academy days. However, whilst every effort will be made to complete investigations promptly, in some cases, requiring detailed investigations, it will take longer to produce a written response. Where this is the case, the complainant will be advised accordingly.
- 2.4 A hearing will be convened with a panel set up by the academy trust, comprising at least three people not directly involved in the matters detailed in the complaint, one of whom must be independent of the management and running of the school. Parents are allowed to attend the panel and be accompanied if they wish.
- 2.5 Where appropriate the Trust may direct the academy to review its decision on the complaint submitted to it or change its procedures for reaching the decision if they are non-compliant with statutory requirements.

### 3. The Role of the Education Skills and Funding Agency

- 3.1 If the complainant still continues to be dissatisfied after the Multi Academy Trust has considered the matter, they may refer the matter to the Education Skills and Funding Agency via an online complaints form [www.gov.uk/government/organisations/education-funding-agency/about/complaints-procedure](http://www.gov.uk/government/organisations/education-funding-agency/about/complaints-procedure).
- 3.2 The Education Skills and Funding Agency will ensure that the complaint has been dealt with properly by the academy/Trust and will consider complaints about the academies that fall into any of the following three areas:
- i. Where there is an undue delay, or the academy did not comply with its own complaints procedure when considering the complaint.
  - ii. Where the academy is in breach of its funding agreement with the Secretary of State.
  - iii. Where an academy has failed to comply with any other legal obligation.
- 3.3 The ESFA will not overturn a Trust or academy decision about a complaint and will not normally reinvestigate the substance of the complaint. However, if the ESFA find the Trust or an academy did not deal with a complaint properly, they may request that the complaint is looked at again and procedures are changed to meet the requirements set out in the Regulations.
- 3.4 The ESFA will only be able to consider your complaint if you can provide evidence that the academy/Trust
- does not have a complaints procedure
  - did not provide a copy of its complaints procedure when requested
  - does not have a procedure that complies with statutory regulation
  - has not followed its published complaints procedure
  - has not allowed its complaints procedure to be completed
- 3.5 The ESFA are not able to:
- overturn the decision of the Academy Board/Trust
  - re-investigate your original complaint
  - review the accuracy of minutes taken or documents provided
  - order the academy to pay you compensation
  - direct the academy to discipline / exclude pupils
  - force the academy to discipline / dismiss staff
  - instruct the academy to apologise to you

- 3.6 The complainant can refer their complaint to the ESFA online at [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by telephone on: 0370 000 2288 or by writing to:
- Academy Complaints and Customer Insight Unit  
Education and Skills Funding Agency  
Cheylesmore House  
5 Quinton Road  
Coventry  
CV1 2WT