

TRUST COMPLAINTS POLICY

Issued: March 2016

Purpose

This policy is in two parts.

Part A deals with complaints received by the Multi Academy Trust (MAT) which have been dealt with at academy level, but the complainant is not satisfied with the outcome.

Part B is a three stage policy which deals with complaints made against the Trust itself, or central staff.

If you are unsure which policy applies, please contact 01274 909120 or email info@bdot-academies.org

PART A

PROCEDURE FOR APPEALING COMPLAINTS MADE TO AN ACADEMY

Where the academy-based complaints procedure has been completed 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.

Generally the Trust will only look into complaints about academies that fall into the following two areas.

- a) 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 within 30 days. Similarly, if the academy's complaints procedure does not meet statutory requirements then the Trust will ensure this is put right and the complaint is reconsidered within 30 days.

- b) 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.

Investigations will not usually take place 6 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.

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.

Procedures for Dealing with a Complaint

1. Written complaints will be acknowledged in writing within **5 working days**. The complainant will be given the name of the Investigating Officer at the Trust.
2. The complainant will be asked to submit a written summary of the complaint.
3. The academy will be asked to provide:
 - a copy of its complaints procedures and details of any other relevant policies or procedures;
 - an explanation of how each stage of its complaints procedures has been followed;
 - a response to the summary of the complaint, together with relevant documents and copies of correspondence with the complainant.
4. The academy will be asked to respond within **10 working days**, notifying the Investigating Officer if there is any confidential information which may not be shared with the complainant such as data belonging to individuals not involved in the complaint.
5. The Investigating Officer will respond in writing to the complainant, usually within **15 working 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 of any revised timescale for production of the written response.
6. 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

The Role of the Education Funding Agency

1. If the complainant still continues to be dissatisfied after the matter has been considered by the Trust they may refer the matter to the Education Funding Agency via an online complaints form at the following address:



**Bradford Diocesan
Academies Trust**

https://form.education.gov.uk/submitform.php?self=1&form_id=cCCNJ1xSfBE&type=form&ShowMsg=1&form_name=Contact+the+Department+for+EducationnoRegister=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1

2. The Education Funding Agency will ensure that the complaint has been dealt with properly by the Trust and will consider complaints about the Trust or academies that fall into any of the following three areas:
 - Where there is an undue delay or the Trust or academy did not comply with its own complaints procedure when considering the complaint
 - Where the Trust or academy is in breach of its funding agreement with the Secretary of State
 - Where the Trust or an academy has failed to comply with any other legal obligation.
3. The Education Funding Agency will not overturn an academy's decision about a complaint. However if the Education Funding Agency find 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.

The contact details for complaints or information are: 01274 909120 or email info@bdot-academies.org

PART B

PROCEDURE FOR COMPLAINTS AGAINST THE MULTI ACADEMY TRUST OR CENTRAL STAFF

1. Stage 1 Expressing Concerns

There are inevitably issues that arise that, if dealt with promptly and in a considerate manner, will avoid the need for a formal complaint. Any problem or concern should be raised promptly with the member of staff responsible for the area you are concerned about. If your concern is more serious you may prefer to make an appointment to discuss it with the Chief Executive Officer.

All staff will make every effort to resolve your problem promptly at this informal stage.

If your concern is about the Chief Executive Officer, it will be handled by the Chair of Trustees or a delegated representative.

2. Formal Complaints

Formal procedures will be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further. All details of a complaint will be kept confidential except in so far as they need to be shared with people who might contribute to their resolution. The complaint will be dealt with in line with the Trust's complaints procedure.

In most cases it will be your choice as to whether to mount a formal complaint, but the Trust reserves the right to utilise the formal complaint procedures where the Trust feels that 'informal' methods of resolving concerns have been exhausted but a complainant clearly remains dissatisfied.

It should be noted that some outcomes of a complaint may lead to action being initiated under other formal procedures, such as safeguarding or disciplinary matters. Where this is the case you will be advised and informed of the procedures that are to be followed. It should be noted, however, that the Trust will not necessarily be able to provide you with the details of the outcome of those procedures for data protection reasons or otherwise, depending on the circumstances.

If a formal complaint is made to the Trust you will be provided with a copy of this complaints policy. It is not a requirement that a formal complaint is made in writing, but the Trust will need to be clear what the complaint is about, and may therefore request written clarification from you before investigating the complaint.

Stage 2 (Chief Executive Officer or Trustee if about the Chief Executive Officer)

It may be that the Chief Executive Officer has not been aware of the concern raised prior to this point. At this stage the Chief Executive Officer or a delegated person will seek to investigate your

concerns, as well as attempting to resolve the matter to the satisfaction of all concerned. This may involve having a discussion/meeting with you.

If the complaint is about the Chief Executive Officer it will be considered by the Chair of Trustees (“the Chair”) at this stage. The Chair will seek to resolve the matter through discussion with the Chief Executive Officer and you. In doing so and, if considered appropriate, the Chair may wish to meet with you in person.

The Trust will endeavour to respond, in writing to a Stage 2 complaint within 14 working days after receiving the complaint.

Where concerns cannot be resolved by the Chief Executive Officer (or the Chair if applicable) then you will be advised that details of your continuing concerns will be accepted either in writing or verbally and then referred to the Complaints Panel (Stage 3). It would also be useful if you were able to state what actions you feel might resolve the problem.

Stage 3 (Complaints Panel)

If a complaint has been referred the Complaints Panel they will consider the complaint and endeavour to provide you with a written response within 14 working days. You will be given the opportunity to meet with the Complaints Panel to make representations in person and you will have the right to be accompanied. The meeting will therefore meet at a time and a venue convenient to all parties. If you decide not to meet with the Complaints Panel then a decision will be made in your absence.

3. Outcomes of Investigations

Whether the complaint has been investigated by the Chief Executive Officer, Chair or Complaints Panel a written response will be sent outlining the outcome of the investigation and how the conclusion has been reached. The letter will also tell you where to next take the complaint, if not satisfied with the response provided.

The aim of the investigation or review will always be to resolve the complaint and achieve reconciliation between you and the Trust. Nevertheless, it is acknowledged that sometimes you may not be satisfied with the outcome if matters are not found in your favour.

4. The Role of the Local Authority

The Local Authority does not have a statutory duty to consider Trust or academy complaints and you do not have a right of appeal to the Local Authority should you disagree with the decision. You may, however, raise the matter with the Local Authority if you consider the complaint wasn't investigated properly or fairly. So long as the method of investigation followed a proper procedure and considered the complaint in a reasonable manner, then the Local Authority will simply inform you of that fact. It cannot reverse a decision of the Trust.

5. The Role of the Secretary of State for Education (the Department for Education)

If you still remain dissatisfied and feel the Trust has acted unreasonably, or that it has failed to discharge a statutory duty, you may wish to refer your complaint to the Secretary of State for Education. Please go to the website www.gov.uk for the different avenues you may wish to take

6. Persistent or Vexatious Complaints

You may remain dissatisfied despite all the procedures having been followed and reasonable responses being provided. It may be the case that it is not possible to resolve all your concerns and meet all your wishes. Sometimes it is preferable to 'agree to disagree' and move on. If you continue to make representations to the Trust or continue correspondence into the same issues, the Trust reserves the right to inform you, in writing, that the appropriate procedures have all been followed, that all reasonable actions have been taken to try to resolve the issue and that the matter is now closed.

7. Dealing with Persistent and/or Vexatious Complaints

A vexatious or persistent complainant is not someone who raises legitimate concerns or criticisms of a complaints procedure as it progresses, for example, with regard to timescales, nor are they someone who is unhappy with the outcome of a complaint and are therefore seeking to challenge it.

Occasionally however there may be situations where the Chief Executive Officer, Chair or Trust have done all they can to resolve matters, and it is therefore appropriate to consider closing a complaint as it has been on-going for some time. Alternatively, there may be some circumstances in which there will be a valid reason for not following the full complaints process. Closing complaints may be appropriate in particular where responding to continual communications from a complainant is detracting from the school's responsibility to look after the interests of all the children in its care.

The Trust therefore reserves the right to close complaints from those who demonstrate vexatious behaviour.

Any complainants demonstrating vexatious behaviour will be given an opportunity to modify their behaviour before correspondence is closed. Correspondence received from the complainant subsequent to closure will be kept on file, indefinitely, as will notes of telephone calls and any further personal calls referring to the matter.

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