

Complaints Policy

1 Introduction

1.1 Any person, including members of the public, may make a complaint to the Heart of Mercia Multi-Academy Trust (HoM) about any provision of its central services or if the complaint is in relation to the Chief Executive Officer (CEO), Chief Financial Officer (CFO) or a Trustee.

1.2 Complaints received from a member of the public or a member of staff about the facilities or services provided by an academy of the Trust should be made following the complaints procedures of the academy itself in the first instance.

Each academy of the Trust produces an annual report to their Local Governing Body which summarises complaints received, category (students, parents, community etc.) and outcome (resolved or ongoing).

A summary is compiled by the Chief Executive and presented to the Trust Board annually.

Complaints by staff, grievances, and disciplinary actions in each academy of the Trust are reviewed by the HoM HR Director and reported to the Trust Board in the annual HR report.

1.3 The difference between a concern and a complaint can be defined as follows:

- 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.'*

1.4 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 complaint's procedure. HoM takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

We understand however, that there are occasions when the Trust will attempt to resolve the issue internally, through the stages outlined within this complaint's procedure.

2 Aims & Objectives

2.1 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 on a complainant, as long as they have appropriate consent to do so.

2.2 Complaints about the Chief Executive Officer (CEO), Chief Financial Officer (CFO) or a trustee of the Trust, should be addressed to the Chair of Trustees, via the registered trust address (Folly Lane, Hereford, HR1 1LU). Please mark them as Private and Confidential.

- 2.3** A member of the public or a member of staff complaining about the facilities or services provided by a member academy, can, if their appeal to the Local Governing Body (LGB) for that academy is unsuccessful, appeal to the Trust.

Complainants can appeal to the Trust on the grounds of maladministration or procedural irregularity by the LGB during the appeal. The Trust will only hear appeals based upon maladministration or procedural irregularity, not dissatisfaction with the decision made by an LGB in the appeal.

- 2.4** HoM will not normally investigate anonymous complaints. However, the CEO or Chair of Trustees, if appropriate, will determine whether the complaint warrants an investigation.

- 2.5** While the vast majority of complaints and concerns received by the Trust will be made in good faith, it must be recognised that there is the potential for unreasonably persistent, frivolous, or vexatious complaints.

Examples of unreasonable, frivolous, or vexatious complaints or complainants might include:

- Unreasonable expectations about the level of resources to be devoted to investigating a matter.
- Unrealistic expectations about the seriousness of the matter complained about
- Unreasonably frequent communication about the matter.
- Excessively long lists of questions about the matter.
- Repeated complaints about unrelated items.

In such cases the CEO or Chair of Trustees may decide that the complaint will not be investigated in the usual way. This decision will be communicated to the complainant in writing. If the complainant is not satisfied with this decision, they can appeal (refer to stage 3).

- 2.6** 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 timeframe if exceptional circumstances apply.

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

- 2.7** This procedure covers all complaints about any provision of services by HoM, other than complaints that are dealt with under other statutory procedures and policies listed below.

Exceptions	Who to contact
<ul style="list-style-type: none"> Academy Admissions 	<p>Concerns about admissions should be handled through a separate process – <u>Please refer to the admissions policy of the relevant academy.</u></p>
<ul style="list-style-type: none"> Matters likely to require a Child Protection Investigation 	<p>Complaints about child protection matters are handled under the HoM Safeguarding and Managing Allegations policies in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).</p>
<ul style="list-style-type: none"> Exclusion or suspension 	<p>Please refer to the <u>exclusions and suspensions policy of the relevant academy.</u></p>
<ul style="list-style-type: none"> Whistleblowing 	<p>HoM has a Whistleblowing policy for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus.</p> <p>Volunteer staff who have concerns about our Trust should complain through the Complaints procedure.</p>
<ul style="list-style-type: none"> Staff grievances 	<p>Complaints from staff will be dealt with under the HoM Staff Grievance policy unless it is against the CEO, CFO, or a Trustee. Complaints about the CEO, CFO or a Trustee will be dealt with under the HoM Complaints policy.</p>
<ul style="list-style-type: none"> Staff conduct 	<p>HoM has a staff code of conduct for all employees in its academy's. Complaints about staff will be dealt with under the academy's complaints and/or the HoM Staff Disciplinary policy, unless it is in relation to the CEO, CFO, or a Trustee. Complaints about the CEO, CFO or a Trustee will be dealt with under the HoM Complaints policy and/or HoM Senior Post Holder's Disciplinary policy.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
<ul style="list-style-type: none"> Suspected Fraud or Financial Irregularity 	<p>If the concern or complaint relates to suspected fraud or financial irregularity the person who wishes to complain should contact the Education and Skills</p>

	<p>Funding Agency (ESFA). The ESFA will consider and determine appropriate action when they receive allegations of suspected fraud and/or financial irregularity, including where a funded provider has:</p> <ul style="list-style-type: none"> • Claimed ESFA funding through deception. • Broken the funding rules. • Not delivered education/training funded by the ESFA. <p>Before raising a concern with ESFA, you must have a reasonable belief that the disclosure is true. Allegations should be raised with the ESFA by emailing allegations.mailbox@education.gov.uk, by telephoning 0370 000 2288 or in writing to:</p> <p>Counter Fraud and Investigation Team Education and Skills Funding Agency Cheylesmore House Quinton Road Coventry CV1 2WT</p>
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- 2.8** If other bodies are investigating aspects of the complaint, for example the Police, the funding body, safeguarding teams or Tribunals, this may impact on the Trust’s ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations. If this happens, the Trust will inform the complainant of a proposed new timescale.

If a complainant commences legal action against HoM in relation to their complaint, the Trust will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

3 Procedures

- 3.1** If a complaint is directly about the Trust, then the complaint should be sent to the CEO to be investigated.
- 3.2** The CEO will write to the complainant to acknowledge receipt of the complaint and will confirm that the process by which the complaint will be investigated and will confirm the date for providing a response to the complainant.

Following the investigation, the CEO will write to the complainant confirming the outcome within ten working days of the date that the letter was received. If this time limit cannot be met, the CEO will write to the complainant within this time period, explaining the

reason for the delay and providing a revised date. It is regrettably inevitable that delays may occur when school/college holidays take place during the procedure.

3.3 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 CEO.

3.4 If the complaint concerns a decision made in a complaint appeal to the LGB of a member academy, the complainant should state in writing their grounds for appeal to the Trust within 14 calendar days of receiving the decision of the appeal to the LGB.

Trust Appeal hearings will only be granted based on alleged procedural irregularity or maladministration on the part of the LGB.

3.5 A Trust appeal hearing will be arranged within 1 calendar month of receipt of the appeal letter (subject to Trust Board members availability during school/college holidays).

The remit of the Trust appeal hearing will not be to have a re-hearing of the original complaint or consideration of any new evidence. However, as stated in Point 3.4, it can address points of alleged maladministration or procedural irregularity at the previous LGB hearing.

3.6 If the complainant is not satisfied with the outcome of the previous stage (see points 3.1 to 3.3), the complainant should write to the Director of Governance asking for the complaint to be heard before a Complaint Panel.

3.7 The Director of Governance will acknowledge receipt of the complaint and outline the process and timescales for the panel hearing. Requests received outside of this timeframe will only be considered if exceptional circumstances apply.

The Director of Governance will write to the complainant to inform them of the date of the meeting. They will issue a date and time within five working days of receipt of the Stage 2 request. If this is not possible, the Director of Governance will provide an anticipated date and keep the complainant informed. The complainant will be given five working days' notice of the date of the meeting.

3.8 If the complainant rejects the offer of three proposed dates, without good reason, the Director of Governance 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.

3.9 If the complaint is:

- jointly about the Chair and Vice Chair or

- the entire Trust board or
- the majority of the trust Board

Stage 3 will be heard by a committee panel.

- 3.10** The Complaint Panel will consist of three members, including one independent member. None of the three members of the Complaint Panel will have been involved in the incidents or events which led to the complaint or have been involved in dealing with the complaint in the previous stages, or have any detailed prior knowledge of the complaint.
- 3.11** A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. Legal representation will not usually be permitted at panel hearings although can be exceptionally granted at the discretion of the panel Chair. Representatives from the media are not permitted to attend.
- 3.12** Prior to the panel hearing, the Director of Governance will:
- confirm and notify the complainant of the date, time, and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
 - request copies of any further written material to be submitted to the panel.

Any written material will be circulated to all parties at least three working days before the date of the meeting. 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.

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

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 the recording of meetings or conversations would take place. Consent will be recorded in any minutes taken.

The committee will consider the complaint, and all the evidence presented. The committee can:

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

- 3.14** If the complaint is upheld in whole or in part, the committee will:
- decide on the appropriate action to be taken to resolve the complaint.
 - where appropriate, recommend changes to the trust's systems or procedures to prevent similar issues in the future.

The Chair of the Committee will provide the complainant and HoM with a full explanation of their decision and the reason(s) for it, in writing, within five working days.

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 HoM.

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 HoM will take to resolve the complaint.

The panel will ensure that those 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 academy premises by the proprietor and the Principal/Headteacher.

A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.

All 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 Education and Skills Act 2008 requests access to them.

3.15 If the complainant believes the Trust did not handle their complaint in accordance with the published complaints procedure or they 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 the Trust.

Rather, they will consider whether the Trust 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](#).

Details of the how to complain to the ESFA can be found here:

[Complaints procedure - Education and Skills Funding Agency - GOV.UK \(www.gov.uk\)](#)

The complainant can refer their complaint to the ESFA online at: www.education.gov.uk/contactus, by telephone on 0370 000 2288

or by writing to:

Policy document

Academy Complaints and Customer Insight Unit
Education and Skills Funding Agency
Cheylesmore House
5 Quinton Road
Coventry
CV1 2WT

4 Equality Impact

The Trust's responsibilities towards promoting equality, diversity and inclusion have been considered when drafting this policy.

Date of review	Date agreed	LGBs	MAT Board	Review date	Comments
March 2024	March 2024	Summer 2024	April 2024	March 2025	

Appendix 1

