

Complaints Policy & Procedure

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| Links to other procedures | Disciplinary Policy & Procedure, Grievance Policy & Procedure, Dignity at Work Policy |

This policy has been adopted by the Board of Directors of the South York Multi Academy Trust and applies to all schools that make up the Trust. This policy applies to each school operating within the South York Multi-Academy Trust unless specific conditions and applications are identified within this policy.

This policy will be monitored regularly by the Multi Academy Trust Board in line with the agreed timetable for policy review or sooner as events or legislation changes require.

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| Signed: Mr Steve Lewis Chief Executive Officer | Signed: Kerry Davies - Executive Headteacher, Archbishop of York's Junior / Bishopthorpe Infants School Signed: Caroline Hancy, Headteacher, Dunnington School Signed: Emma Miller, Headteacher, Escrick School |
| Signed: Mr Ian Dolben Chair of Trust Board | Signed: Steve Lewis, Headteacher, Fulford School Signed: Alison Shaw, Headteacher, Wheldrake with Thorganby School Signed: Russell Harris, Headteacher, Fulford School |

South York Multi-Academy Trust Complaints Policy & Procedure

1.1 Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at the school.

Any person, including members of the public, may make a complaint to the South York Multi-Academy Trust (South York MAT) 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.

Those who wish to make a complaint are designated "Complainant" within this policy and procedure

1.2 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.
- Schools within South York MAT take concerns seriously and will make every effort to resolve the matter as quickly as possible.
- If you have difficulty discussing a concern with a particular member of staff, we will respect your views.
- In these cases, the Headteacher will refer you to another staff member.
- Similarly, if the member of staff directly involved feels unable to deal with a concern, the Headteacher will refer you to another staff member. In some instances this may be another member of staff at another Trust school if it is felt appropriate.
- The member of staff may be more senior but does not have to be.
- The ability to consider the concern objectively and impartially is more important.
- We understand however, that there are occasions when people would like to raise their concerns formally.

In this case, South York MAT will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

1.3 How to raise a concern or make a complaint

- 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.

- Concerns should be raised with a member of staff. If the issue remains unresolved, the next step is to make a formal complaint.
- Complaints against school staff (except Headteachers) should be made in the first instance, to the Headteacher via the school office. Please mark them as Private and Confidential.
- Complaints that involve or are about the Headteacher should be addressed to the Chair of Governors, via the school office. Please mark them as Private and Confidential.
- Complaints about the Chair of Governors, any individual governor or the whole or part of the governing body should be addressed to The Clerk to the Trust Board via the Trust Office (which is located at Fulford School). Please mark them as Private and Confidential.
- Complaints about the Chief Executive Officer (CEO) or a trustee of the Trust, should be addressed to the Chair of Trustees, via the Trust Office (which is located at Fulford School). Please mark them 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 school office. You can also ask a third-party organisation for example like the 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. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

Anonymous complaints

We will not normally investigate anonymous complaints. However, the Headteacher, CEO or Chair of Governors / Trustees, if appropriate, will determine whether the complaint warrants an investigation.

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.

Complaints received outside of term time

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

1.4 Scope of this complaints procedure

It is not intended to cover those matters for which there is a specific statutory process to object, complain or appeal, for example child abuse, staff discipline, special needs assessments, school admissions or exclusions. (See below)

Where your complaint is relating to your child's attendance within school or a request for a leave of absence from the school, the school will decide whether this matter is investigated through the complaints procedure.

If your complaint is relating to a specific statutory process it may not be appropriate for this matter to be investigated in line with this policy. If this is the case on receipt and review of your letter, South York MAT will write to you to advise you this.

| Area of complaint | Who to contact |
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| Admissions to schools | Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority (City of York Council) or North Yorkshire Council |
| Matters likely to require a Child Protection Investigation | <p>Complaints about child protection matters are handled under our child protection and safeguarding policy and 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). Multi-Agency Safeguarding Hub (MASH) in York - 01904 551900. NYC LADO Number - 01609 533080.</p> |
| Exclusion of children from school* | <p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.</p> <p><i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i></p> |
| Whistleblowing | <p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. 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 school should complain through the school's complaints procedure.</p> <p>You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p> |
| Staff grievances | Complaints from staff will be dealt with under the school's internal grievance / Dignity at Work procedures. |

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| <p>Staff conduct</p> | <p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</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> |
| <p>Complaints about services provided by other providers who may use school premises or facilities.</p> | <p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.</p> |

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our 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, we will inform you of a proposed new timescale.

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

1.5 Social Media

In order for complaints to be resolved as quickly and fairly as possible, South York MAT requests the complainants do not discuss complaints publicly via social media such as Facebook and Twitter. Complaints will be dealt with confidentially for those involved, and we expect complainants to observe confidentiality also.

2. Resolving complaints

At each stage in the procedure, South York MAT 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.

Withdrawal of a complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

3. Evaluation

- This policy will be evaluated annually by the Trust Board to ensure it is still fit for purpose.
- Anecdotal evidence will be sought of the operation of the policy to inform this.

4. Procedures

Procedures to support this policy are contained as follows:

Appendix 1 South York MAT Complaints Procedure - Information for Parents / Carers / Others

Appendix 2 South York MAT Complaints Form

Appendix 3 Extract from South York MAT Disciplinary Procedure - referred to in Stage 1


Appendix 4 Complaints Procedure Flow chart


Appendix 1


South York MAT Complaints Procedure - Information for Parents / Carers / Others


The majority of concerns from parents, carers and others are handled under the following general procedures.

The procedure is divided into four stages:

 **Stage 1** - is the Informal Stage aims to resolve the concern through informal contact at the appropriate level in school.

 **Stage 2** - is the first formal stage at which written complaints are considered by the Investigating Officer.

 **Stage 3** - is the next stage once Stage 1 has been worked through. It involves a complaints appeal panel of Governors Trustees, which will include one independent panel member with no connection to the school.

 **Stage 4** - Appeal to the ESFA if you feel the Stage 3 Panel is acting or proposing to act unreasonably or illegally.

Stage 1 – Informal Stage - Your initial contact with the school

1. Many concerns will be dealt with informally when you make them known to us. The first point of contact may be your child's teacher, form tutor, subject teacher, pastoral leader etc.
2. Once your concern is made known to us, we will see you, or contact you by telephone, by email, or in writing, as soon as possible. The member of staff will make a clear note of the details and will check later to make sure that the matter has been followed up.
3. Any actions or monitoring of the situation that has been agreed, will be communicated clearly and we will confirm this in writing to you.
4. If necessary we will contact appropriate people who may be able to assist us with our enquiries into your concern.
5. We will normally update you on the progress of our enquiries within **ten school days**. Once we have responded to your concern, you will have the opportunity of asking for the matter to be considered further.
6. If you are still dissatisfied following this informal approach, your concern will become a formal complaint and you should submit this in writing and we will deal with it at the next stage.

Notes:

- Complainants (The person raising the complaint) should not approach individual governors to raise concerns or complaints.
- They have no power to act on an individual basis and it may also prevent them from considering complaints at further stages of the procedure.
- Where the complaint relates to the conduct of a member of staff or members of staff - advice may be sought from the Trust's HR Advisers and an appropriate initial investigation carried out in accordance with the SYMAT Disciplinary Policy & Procedure to establish whether they may be grounds for a formal disciplinary investigation.

- The procedure at Appendix 3 will be followed which is from the Trust's Disciplinary Policy & Procedure - it might be that further informal or formal action is taken or no further action is taken.
- In all instances relating to staff conduct there is a need to respect the confidentiality of staff and complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint.



Stage 2 – Formal complaints - formal consideration of your complaint

This stage in our procedures deals with written complaints. It applies where initial attempts to resolve issues have been unsuccessful and you are not happy with the informal approach to dealing with your concern, as outlined above.

1. Normally, your formal written complaints must be made to the Headteacher (unless they are about the Headteacher) - in these instances it should be sent to the school for the Chair of Governors), via the school office. Complaints ideally should be submitted on the South York MAT Complaints Form (Appendix 2).

2. The Headteacher will acknowledge your complaint in writing (email / letter) within **five school days**.

The Headteacher will appoint an Investigating Officer to investigate your complaint (If the complaint is regarding the Headteacher - the Chair of the Governors will appoint an Investigating Officer - usually another Governor or other suitably skilled person).

The Investigating Officer can be any one of the following:

- The Headteacher
- A designated member of staff assigned by the Headteacher
- HR Advisor
- Chair / Vice Chair of the Governors or other Governor
- CEO

3. We will enclose a copy of these procedures with the acknowledgement.
4. Normally we would expect to respond to your complaint in full within a further **20 school days**, but if this is not possible we will write to explain the reason for the delay and let you know when we hope to be able to provide a full response.
5. As part of our consideration of your complaint, we may invite you to a meeting to discuss the complaint. If you wish, you can ask someone to accompany you to help you explain the reasons for your complaint (not acting in a legal capacity).
6. The Investigating Officer may also be accompanied by a suitable person if they wish.
7. Following the meeting, the Investigating Officer will, where necessary, talk to witnesses and take statements from others involved. If the complaint centres on a student, we will talk to the student concerned and, where appropriate, others present at the time of the incident in question.
8. When a complaint is made and the Investigating Officer decides it is necessary to interview a student, we will contact parents/carers and advise them that the investigation will require an interview with their child. If a parent/carer specifically states that they want to be present for the interview, the appropriate arrangements will be made. (Please note any questions asked by the Investigating Officer will be made directly to the student.

Parents/carers will not be given the opportunity to respond on their behalf, as the role of a parent/carer in the process is purely to accompany the student and act as a witness to the process.) If the parent/carer is not available and they or the student request another person to be present at the

interview, we will ensure that another member of staff, with whom the student feels comfortable, is present.

Parents / carers will normally be offered a typed or written transcript of the interview in due course.

9. If the complaint is against the conduct of a member of staff - then in most instances an investigation will have been carried out at stage 1 of the process to determine if any further action was appropriate.

Further advice should be sought from the Trust's HR Advisors if a stage 2 complaint is received in respect of the conduct of a member of staff and the investigating officer will - as a minimum review - carry out a review of the decision taken at stage 1 if appropriate and if the complaint is a new complaint then it is likely that the complaint will be investigated at stage 1 of this process.

10. The Investigating Officer will ensure accurate records of all meetings and related documentation.
11. Once all relevant facts have been established, the Investigating Officer will provide a written response to your complaint - usually within **5 school days**. This will give an explanation of the Investigating Officer's decision and the reasons for it. If follow-up action is required, we will indicate, where appropriate, what we are proposing to do.

We may invite you to a meeting to discuss the outcome as part of our commitment to building and maintaining good relations with you.

12. The Investigating Officer may decide that we have done all we can to resolve the complaint, in which case we may use our discretion to close the complaint at this point. Please see the next page for further information about this process.
13. If you are unhappy with the way in which we reached our conclusions, you may wish to proceed to Stage 3, as described below.
14. Note: Complaints about the Chair / Vice chair or the entire or majority of the governing body will be escalated to the CEO of the Trust. The CEO will determine how to proceed at Stage 2 of the process and then at the conclusion of their investigation provide a formal written response.



Stage 3 - consideration by a Stage 3 Appeal Panel

1. If you are dissatisfied with the outcome at Stage 2 and wish to take the matter further, you can escalate the complaint to Stage 3 – a panel hearing consisting of at least three people who were not directly involved in the matters detailed in the complaint with one panel member who is independent of the management and running of the school.

This is the final stage of the complaints procedure.

2. A request to escalate to Stage 3 must be made to the Clerk to the Governing Body, via the school office, within **ten school days** of receipt of the Stage 2 response.
3. The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within five school days. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk will write to you to inform you of the date of the meeting.

4. They will aim to convene a meeting within **20 school days** of receipt of the Stage 3 request.
5. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If you reject the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting.

6. It will then proceed in your absence on the basis of written submissions from both parties.

7. If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 3 will be heard by the Trustees of the MAT and an independent panel member.

8. The committee will decide whether to deal with the complaint by inviting all parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.

The committee may feel it appropriate for school or other MAT school staff including the Headteacher, SENDco etc., where appropriate and relevant, to attend the panel hearing.

Representatives from the media are not permitted to attend.

9. If the complainant is invited to the meeting they may bring someone along to the panel meeting to provide support.

This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting.

However, there may be occasions when legal representation is appropriate. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

10. At least **ten school days** before the meeting, the Clerk 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 committee at least **six school days** before the meeting.

11. Any written material will be circulated to all parties at least **five school days** before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

12. The committee 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.

13. 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.

14. 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.

15. 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 school's systems or procedures to prevent similar issues in the future.

16. The Chair of the Committee will provide the complainant and the school with a full explanation of their decision and the reason(s) for it, in writing, within **five school days**.
17. 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 South York MAT.
18. 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 school of trust will take to resolve the complaint.

The panel will ensure that those findings and recommendations are sent by email or otherwise given to the complainant and, where relevant, the person complained about.

Furthermore, they will be available for inspection on the school premises by the proprietor, Headteacher and CEO.

19. 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 2008 Act requests access to them.

Complaints escalated to / about the Trust, CEO or Trustee

1. If a complaint is escalated to South York MAT "the trust" or if a complainant wishes to complain directly about the trust, then the complaint should be sent to the CEO to be investigated.

The CEO will write to the complainant acknowledging the complaint **within five school days** of the date that the written request was received.

2. The acknowledgement will confirm that the complaint will now be investigated under Stage 2 of this Complaints Policy and will confirm the date for providing a response to the complainant.
3. Following the investigation, the CEO will write to the complainant confirming the outcome within **20 school days** of the date that the letter was received.
4. If this time limit cannot be met, the CEO will write to the Complainant **ten school days** of the date that the letter was received, explaining the reason for the delay and providing a revised date.
5. If the complaint concerns the CEO or a Trustee, the complaint should be investigated by the Chair of the Trust Board.
6. If a formal complaint form is received about the Chair, the complaint will be referred to the Vice Chair for investigation
7. 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.
8. If the complainant is not satisfied with the outcome of the previous stage, the complainant should write to the Clerk to the Trust Board asking for the complaint to be heard before a Complaint Panel, within **five school days** i.e. Stage 3.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within **five school days**.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

9. The Clerk will write to the complainant to inform them of the date of the meeting.
They will aim to convene a meeting within **20 school days** of receipt of the Stage 3 request.
10. If this is not possible, the Clerk will provide an anticipated date and keep you informed about possible future dates.
11. If you reject the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting.
It will then proceed in your absence on the basis of written submissions from both parties.
12. If the complaint is:
 - jointly about the Chair and Vice Chair or
 - the entire trust board or
 - the majority of the trust boardStage 3 will be heard by a completely independent committee panel.
13. The Complaint Panel will consist of three members.
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.
14. One of the Complaint Panel members will be independent of the management and running of the Academy Trust.
15. This means that the independent Complaint Panel member will not be a Trustee or an employee of the Trust.
A complainant may bring someone along to the panel meeting to provide support.
This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee 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.
16. Representatives from the media are not permitted to attend.
17. At least **ten school days** before the meeting, the Clerk 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 committee at least six school days before the meeting.
18. Any written material will be circulated to all parties at least **five school days** before the date of the meeting.

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

19. The committee 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.

20. Electronic recordings of meetings or conversations are not normally permitted unless your 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.
21. 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.

22. 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 school's systems or procedures to prevent similar issues in the future.

23. The Chair of the Committee will provide the complainant and South York MAT with a full explanation of their decision and the reason(s) for it, in writing, within **five school days**.

24. 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 South York MAT.

25. 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.

26. Where appropriate, it will include details of actions South York MAT will take to resolve the complaint.

27. The panel will ensure that those findings and recommendations are sent by email or otherwise given to the complainant and, where relevant, the person complained about.

28. Furthermore, they will be available for inspection on the school premises by the proprietor and the CEO.

29. 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 2008 Act requests access to them.



Stage 4 - Referral to the Secretary of State for Education

- If the complainant feels that the Stage 3 Appeal Panel acted 'unreasonably' in the handling of the complaint, they can complain to the DfE after the complaints procedure has been exhausted.
- Please note that unreasonable is used in a legal sense and means acting in a way that no reasonable school or authority would act in the same circumstances.
- If you wish to pursue your complaint beyond this stage, you can write to the ESFA at:

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

Closure of Complaints

1. Very occasionally, we may feel that we need regretfully, to close a complaint where the complainant is still dissatisfied.
2. We will do all we can to help to resolve a complaint against the School but sometimes it is simply not possible to meet all of the complainant's wishes.

Sometimes it is simply a case of "agreeing to disagree".

4. If a complainant persists in making representations to the School / Trust – to the Headteacher, Chair of the Governing Body / Trustee Board or anyone else, this can be extremely time-consuming and can detract from our responsibility to look after the interests of all the children in our care.
5. For this reason, we are entitled to close correspondence (including personal approaches, as well as letters and telephone calls) on a complaint where we feel that we have taken all reasonable action to resolve the complaint and that the complaint has exhausted our official process.
6. In exceptional circumstances, closure may occur before a complaint has reached Stage 3 of the procedures described in this document.

This is because we must be sure that a Stage 3 hearing is likely to assist the process of investigating the complaint.
7. The Chair of the School Governing Body / Trust Board may decide, therefore, that every reasonable action has been undertaken to resolve the complaint and that an Appeal Panel would not help to move things forward.
8. Where a complaint relates to a Governor / Board of Governors or the Trust Board and has been investigated by an independent investigator, then the independent investigator may decide, that every reasonable action has been undertaken to resolve the complaint and that an Appeal Panel would not help to move things forward.

Vexatious and persistent Complaints

1. Where a complainant raises an issue that has already been dealt with via the School's complaints procedure, and that procedure has been exhausted, the school will not reinvestigate the complaint except in exceptional circumstances, for example where new evidence has come to light.
2. As a complainant you may remain dissatisfied despite all the procedures having been followed. It may well be a case of not being able to resolve all your concerns and meet all your wishes.

Therefore, it may, on occasion, simply be a case of 'agreeing to disagree' and moving on.
3. If you continue to make representations to the School / Trust or attempt to re-open the same issue, the Headteacher / CEO will inform you in writing, that the procedures have been followed and that all reasonable action has been taken to resolve the issue and that the matter is now closed.
4. A complaint may be seen to be unreasonable when the person making the complaint:
 - Refuses to articulate their complaint, specify the grounds of the complaint or detail their desired outcome.
 - Refuses to cooperate with the complaints investigation process or relevant procedures.
 - Insist on the complaint being dealt with in ways that are incompatible with the complaints procedure or good practice.

- Changes the basis of the complaint as the investigation proceeds.
 - Does not allow the school time to investigate the issues and respond accordingly.
 - The complainant seeks an unrealistic outcome.
 - Excessive demands are made on the time of staff and school Trustees and it is clearly intended to aggravate.
 - The complainant acts in a way that is abusive or offensive.
5. After closing the complaint if the School receives a duplicate complaint about the same subject we may inform you that the School has already considered the complaint and full procedures have been followed.

We will ensure prior to notifying you of this that we have considered all aspects of the duplicate complaint, if it is felt that any of the issues raised were not investigated previously we will consider these.

6. If, however, we feel this complaint is duplication and has been fully investigated previously we will advise you of this in writing.

This applies to duplicate complaints received from the following:

- Spouse
- Partner
- Grandparent

Child Complaint campaigns

7. Where the school becomes the focus of a campaign and receives a large volume of complaints:
- All based on the same subject
 - From complainants unconnected with the school Complaints Policy.
8. It may be that the School will send a template letter to all complainants or publish a response on the School's website.
9. Parental Responsibility Conflict between estranged parents can lead to a number of complaints in school. The Trust will endeavour to be understanding towards complex family relations and will communicate with parents accordingly and in line with our procedures.

Barring from School Premises

10. It is important to stress the Trust and its Schools are private places and the public has no automatic right of entry.
- It is the responsibility of the Headteacher / CEO, School Governing Bodies / Trust Board that all schools are safe place for students, staff and other members of the community.
11. If an individual's behaviour is a cause for concern they may be asked to leave school premises.
12. In some cases the Trust / School may take the decision to bar an individual from entering school premises. This will be communicated usually by the Headteacher.
13. The individual will be given the opportunity to formally express their views on the decision to bar them from site.
14. You will be advised of the bar in writing, the letter will detail the reasons and duration of the barring.
15. The Headteacher's decision can be appealed; if you wish to appeal against the decision please do so by writing to the Chair of the Governing Body
16. On receipt of such letter the Chair of the Governing Body will review the decision that has been made and will either confirm or lift the bar. Once the decision has been made by the Chair of the Governing Board you will be notified in writing.

If the bar is to remain, the letter will detail how long the bar will be in place and when the decision will be reviewed. Once the School's appeal process has been completed, individuals who remain barred may be able to apply to the Courts for a review of the schools decision. Individuals wishing to exercise this option should seek independent legal advice.

Appendix 2 - South York MAT Complaint Form

Please complete and return to the Headteacher /CEO /Clerk as appropriate, who will acknowledge receipt and explain what action will be taken.

| | | | |
|--|----------------------|----------------|--|
| Your name: | | | |
| Pupils Name (If relevant): | | | |
| Your relationship to the Pupil (If relevant): | | | |
| Address: | | | |
| Contact Telephone Number(s): | | | |
| Email Address: | | | |
| <p>Please give details of your complaint, including whether you have spoken to anybody at the school about it and who that person is:</p> | | | |
| <p>What actions do you feel might resolve the problem at this stage?</p> | | | |
| <p>Are you attaching any paperwork? If so, please give details.</p> | | | |
| Signature: | | Date: | |
| <p>For completion by the School / Clerk / Chair of Governors/ CEO etc</p> | | | |
| Date Acknowledgement Sent: | | By Who: | |
| Complaint referred to: | Action taken: | | |

Appendix 3

Extract from South York MAT's Disciplinary Policy & Procedure

Pre-investigation

8.1 When an allegation has been made an informal pre-investigation will usually take place to inform how the potential disciplinary matter will be dealt with. This pre-investigation may include a manager, appointed by the Headteacher, reviewing documentation, speaking to a range of people, possibly including potential witnesses, pupils and the member of staff involved and gathering other information.

8.2 In cases where the allegation relates to potential risk and/or harm to children it must be reported to the Local Authority Designated Officer (LADO) before any actions are taken, including speaking to the employee concerned. In such cases, child protection procedures will take precedence and the Trust will not take any actions which could prejudice both this and any police processes.

8.3 In cases where the allegation relates to possible criminal behaviour, potential financial irregularity or fraud, advice should be taken from the Police and internal audit prior to the commencement of any investigation or discussion with the employee.

8.4 In all other cases, on the conclusion of the pre-investigation, the Headteacher will decide if further action is appropriate and whether this should follow the informal or formal route taking into account the nature and severity of the alleged misconduct and whether the informal process has already been followed.

8.5 Should the decision be to proceed into a formal process then it may be necessary to revisit some of the actions undertaken in the pre-investigation to ensure they are appropriately documented.

8.6 Consideration will be given at this stage to the impact and distress that the disciplinary process may have on the individuals involved and how this can be minimised. If an allegation has been made against an individual with an existing health condition which they have previously disclosed as a disability, the Trust will make reasonable adjustments to the process, taking into account appropriate medical advice.

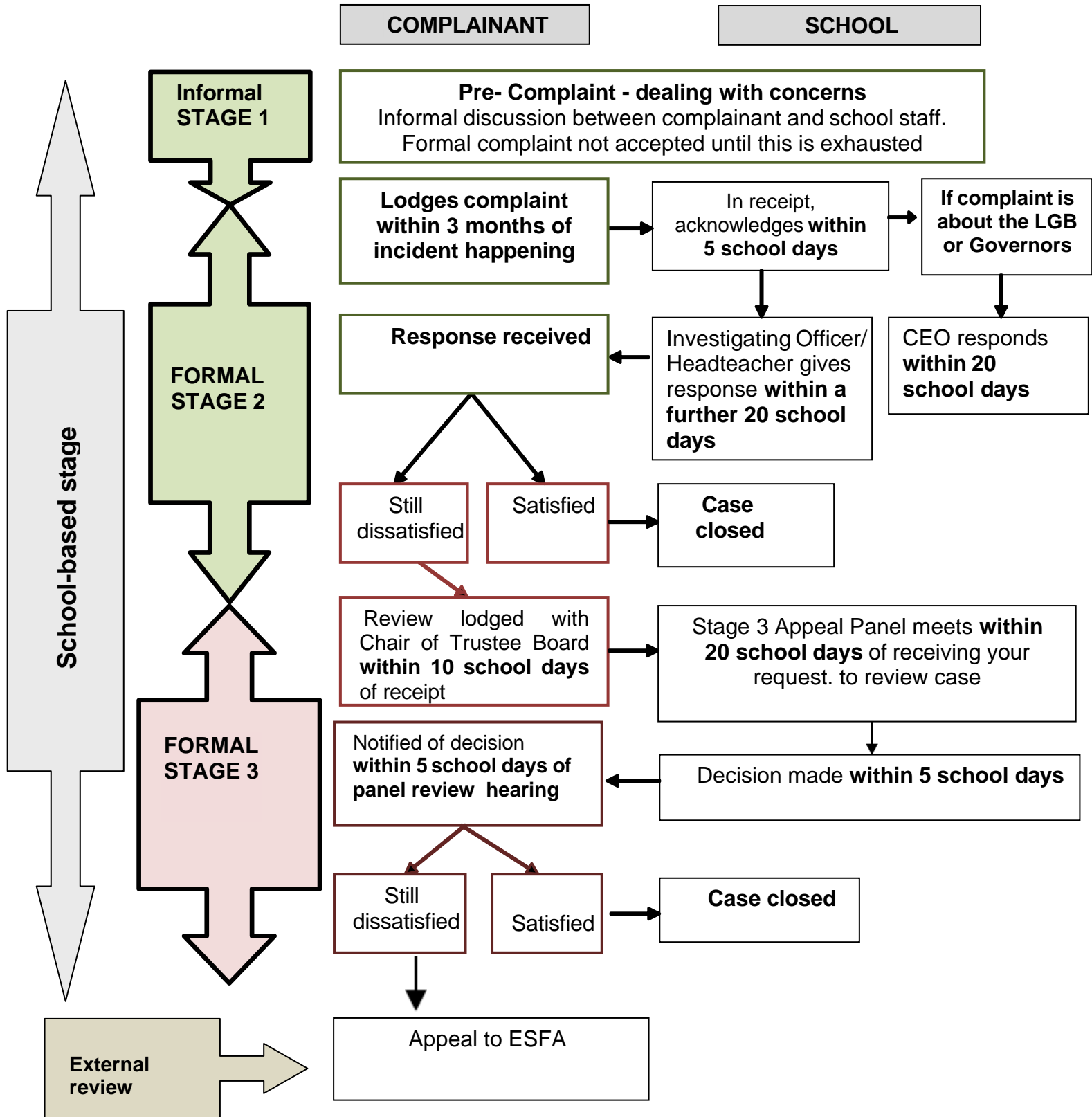
Informal Process

8.7 The Trust will always seek to resolve disciplinary issues informally where possible and appropriate. If such issues can be settled at an early stage, they are normally less time consuming and less likely to damage working relationships.

8.8 This involves the Headteacher, or another manager appointed by the Headteacher, talking to the employee in a two-way conversation, aimed at discussing possible shortcomings in conduct or performance and encouraging improvement. Although the employee does not have a legal right to representation at this stage of the process, both this and HR involvement will be considered if requested by either side and may be agreed in certain cases.

8.9 The Headteacher/manager will ensure that the employee understands the standard of behaviour/performance expected and the consequences if these standards are not met. They will also discuss how conduct or performance will be reviewed, the timescale for review and any support which has been identified. A written record of the issue and discussions will be produced and copies will be provided to the employee and placed on their confidential personal file.

Appendix 4 - SYMAT Complaints Procedure Flowchart



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