

# COMPLAINTS POLICY & PROCEDURE



<b>Summary</b>	Complaints Policy
<b>Responsible Person/Author:</b>	Head of Governance and Compliance
<b>Applies to:</b> (please circle/delete as appropriate)	<b>Staff</b> <input checked="" type="checkbox"/> <b>Student</b> <input checked="" type="checkbox"/> <b>Community</b> <input checked="" type="checkbox"/>
<b>Ratifying Committee(s) and Date of Final Approval:</b>	Trust Board -
<b>Available On:</b>	Website and On Demand
<b>Effective from:</b>	25.08.23
<b>Date of Next Formal Review:</b>	August 2025
<b>Review Period</b>	2 years
<b>Owner</b>	The Rodillian Multi Academy Trust
<b>Version:</b>	7

### Document Control

Date	Version	Action	Amendments
06.04.2021	4	Policy amended	Policy amended to take account of updated guidance on complaints against the Trust Central Services Team or the Trust, Local Review Board Members, Prohibition of electronic records, Anonymous complaints, complaint campaigns
22.11.21	5	Policy amended	Policy amended to refer to complaints about SEND provision
03.08.22	6	Policy amended	New Para 2 – Making clear non-parents may not pursue the complaint to an LRB panel. Para 3 and Appendix 1 – Refer to suspensions instead of exclusions following change in statutory guidance. Para 95 – Clarify that and LRB member from another Academy may sit on a complaint panel with hyperlink to govt guidance. Insert Para 153,154 to clarify the role of the ESFA.
11.08.23	7	Policy amended	Para 3 onwards: Amendments to definitions in the policy. Para 13: Key Principles of the procedure included. Part 1: Procedure for parents and carers more clearly defined. Stage 2 complaints narrative reduced. Stage 3 Trust review section of the complaints process omitted. Part 3 – Examples of vexatious behaviour included in policy and not appendix. Appendix 3 – Minor amendments to Complaints reporting form to seek that complainants detail outcomes that they want more clearly.

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## Introduction

1. The Rodillian Multi Academy Trust (“RMAT”) recognises that on occasions parents/carers, students or members of the public may need to raise a concern or complaint about the Trust or one of its Academies. The Trust takes all concerns and complaints seriously and is committed to seek to resolve any matter raised in a positive way and make any identified improvements.
2. This complaints policy and procedure is not limited to parents or carers of children who are registered at one of the academies within RMAT or Southway. Any person may make a complaint to an individual academy within RMAT or Southway or RMAT itself or about any provision of facilities or services that RMAT provides. Part 1 of this policy outlines how parents/carers of registered students currently attending RMAT academies or Southway may complain. Concerns or complaints from other persons are dealt with in accordance with Part 2 of this policy.

## Aims and application of this policy.

3. The aims of the procedure are to deal with complaints and concerns about an academy, Southway, RMAT or any individual connected with it by following the correct procedure thoroughly; and in an open, honest, and fair manner.
4. This procedure does not apply to concerns and complaints relating to the matters listed in Appendix 1.
5. Anonymous concerns or complaints will not normally be investigated under this procedure. The Head of Governance and Compliance or the Chief Executive (as appropriate), will determine whether there are exceptional circumstances to justify investigating the issues raised.
6. In this procedure:
  - ‘complaint’ means an expression of dissatisfaction however made, about actions taken or a lack of action.
  - ‘concern’ means an expression of worry or doubt over an issue considered to be important for which reassurances are sought.
  - ‘meeting’ means an in person or virtual meeting (i.e., telephone or video conference where all parties can participate verbally), virtual meetings will only be held if all parties have access to appropriate equipment to attend and are happy to do so.
  - ‘parent’ means a parent, carer, or anyone with legal parental responsibility for a child.
  - ‘school days’ excludes weekends and academy holidays and periods of partial or total academy closure.

7. The periods referred to in this policy are our usual time limits and RMAT will seek to adhere to these time limits where possible.
8. Reasonable adjustments will be made to this procedure where required to ensure that all complainants can access and complete this complaints procedure. For example, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

### Publication of this Policy

9. This policy will be brought to the attention of all Trustees, Local Review Boards, and the Principal of each Academy. The policy will be available on the Trust and Academy websites and be available to all parents and carers, students, members of the public and staff. Following any further review of the policy resulting in an updated version being adopted by the Trust, staff and stakeholders will be advised by email where they may access it and advised whether they are required to provide confirmation that they have read the document.
10. Guidance on any aspect of this policy can be obtained from the Head of Governance and Compliance whose email address is [amarham@rmat.uk](mailto:amarham@rmat.uk).

### Responsibility for this Policy

11. The Trust has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory or Trust framework. The Trust has delegated day to day responsibility for operating the policy to the Trust Executive, the Local Review Boards, and the Principal at each Academy.
12. The Local Review Board, Principal and any Investigating Officer appointed by the Principal at each Academy has a specific responsibility to ensure the fair application of this policy and all members of staff are responsible for supporting colleagues and ensuring its success.

### Key Principles

13. RMAT expects all complainants to make reasonable attempts to seek an informal resolution.
14. RMAT encourages parents and others to approach the academy with any concerns and refrain from airing concerns about the academy and its staff on social media sites. Posting negative comments on social media can cause damage and upset and is often counter-productive to a student's education.
15. To investigate your complaint properly and fairly, we have implemented a staged approach. We anticipate that all complaints that arise will be resolved at Stage 1 or Stage 2 outlined below.

16. We expect our members of staff to be addressed in a respectful manner and for communication to always remain calm. The procedure under Part 3 will only be used on rare occasions to deal with repetitious and/or vexatious complaints or complaints pursued in an otherwise unreasonable manner.
17. Concerns or complaints should be brought to our attention as soon as possible. Any matter raised more than 3 months after the incident being complained of (or, where a series of associated incidents have occurred, within 3 months of the last of these incidents) will not be considered unless the Principal or Head of Governance or Compliance accepts that there are good reasons to explain the delay, or the complaint is about a particularly serious matter.
18. Where a complaint is received outside of term time, we will consider it to have been received on the first school day following the holiday period.
19. On rare occasions an academy or RMAT may receive complaints from several individuals relating to the same issue. To deal with these complaints efficiently the academy/RMAT will follow the procedure set out in Part 4.
20. If it becomes necessary to alter the time limits and deadlines set out within this procedure, complainants will be advised accordingly and given an explanation as to why this has been the case and provided with revised timescales. If other bodies are investigating aspects of the complaint, for example the police, local authority safeguarding teams or tribunals/courts, 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.
21. Where a complaint is raised but we do not have clarity from the complainant on the issues and/or desired outcomes, we will inform the complainant what information we need to progress the complaint and pause this procedure until reasonable clarity is achieved.
22. Where a complainant seeks an unreasonable outcome to the complaint, we will inform the complainant of this and indicate if they wish to pursue this outcome, we will not be able to deal with the matter under the complaints process. Unreasonable outcomes may include:
  - Seeking dismissal of staff or exclusion of a student which would not be proportionate with RMAT's disciplinary or behaviour policies.
  - Unlimited compensation
  - Unilateral demands which the Academy cannot accommodate.
  - Retroactive changes
  - Immediate resolution

23. Complainants should not approach individual LRB members (governors) or trustees to raise concerns or complaints. They have no power to act on an individual basis and it may prevent them from considering complaints at later stages.
24. If a complainant commences legal action against RMAT in relation to their complaint, we will consider whether it would be appropriate to suspend the complaints procedure until those legal proceedings have concluded.
25. If a complainant wishes to withdraw their complaint, we will acknowledge this in writing.
26. Contact with the Head of Governance and Compliance, for when required within this Policy, can be made via [amarham@rmat.uk](mailto:amarham@rmat.uk). Any complaint incorrectly directed to the Head of Governance and Compliance when it is not appropriate will be redirected to the Principal of the appropriate Academy.

### Records of Complaints

27. A record will be kept of all written formal complaints, including at what stage they were resolved, and action taken by us because of those complaints regardless of whether they were upheld. Correspondence, statements, and records relating to individual complaints will be kept confidential except where:
  - access is requested by the Secretary of State.
  - disclosure is required during an academy inspection.
  - an individual has a legal right to access their own personal data contained within such documentation; or
  - under other legal authority.
28. Findings and recommendations from complaints are made available to the Head of Governance and Compliance to monitor implementation and the Academy Principal to implement them. They may also be shared across the wider trust to improve our systems and processes.

## Part 1 Complaints procedure for parents

### Stage 1: Informal resolution of Concerns

29. RMAT recognises from time to time there may be normal and legitimate concerns about decisions within their Academies. For example, concerns from parents or carers regarding the progress, achievement, behaviour, or welfare of their child. They are encouraged to make their concerns known at the earliest opportunity so they can be addressed.
30. The desire of RMAT is for concerns to be resolved quickly and informally through discussion, clarification, explanation, or provision of further information or by acknowledgement of an issue and an apology.



31. An informal concern can be raised in person, by telephone or e-mail. Most enquiries and concerns can be dealt with satisfactorily by the head of year or other members of staff without the need to resort to the formal procedure. We value informal meetings and discussions and encourage parents to approach staff with any concerns they may have and aim to resolve all issues with open dialogue and mutual understanding.
32. It is always helpful if you can fully explain the nature of the concern and identify the outcome you are looking for. Where appropriate, you may be invited to an informal meeting with the member of staff most appropriate for dealing with that concern. The member of staff dealing with the concern will make sure that you are clear on what action (if any) has been agreed. This may be put in writing if appropriate.
33. If the matter is brought to the attention of the Principal, they may decide to deal with your concerns directly at this stage. If the concerns are about the Principal these should be referred directly to the Head of Governance and Compliance under Stage 2.
34. The academy will respect the views of a parent who indicates that they would have difficulty discussing a concern with a particular member of staff. In this case, the Principal will refer the parent to another designated member of staff. Similarly, if the member of staff directly involved in the circumstances leading to the concern feels too compromised to deal with it, the Principal may consider referring the parent to another member of staff. The member of staff may be more senior, but this is not essential.
35. Staff members should log all informal concerns in line with their academy procedure and inform the Principal of any serious concerns.
36. There is no suggested timescale for resolution at this stage given the importance of dialogue through informal discussion, although it would be expected that most issues will be resolved within 15 school days. Where no satisfactory solution has been found, you will be advised that if you wish your concerns to be considered further you should write to the Principal under Stage 2 of this procedure within 15 school days.

### **Stage 1: Informal resolution of Concerns regarding Special Educational Needs and Disability (“SEND”) provision.**

34. We know that all parents want the best for their child, and we will always seek to resolve any concerns quickly. Where parents have a concern about the SEND provision being made, they should initially contact their child’s head of year who will try to resolve the issue.
35. If this does not resolve the issue, then a formal complaint should be raised following the procedure outlined below relating to the support provided for student(s) with SEND.

### **Stage 2: Formal Complaint**

36. If a Parent or Carer feels that their concern has not been resolved or it is of sufficient magnitude that an informal resolution is unlikely, they may raise a Formal Complaint under this policy.

37. The Complainant must put the complaint in writing to the Principal of the relevant academy. They should include a clear statement of the actions they think could resolve the complaint. RMAT strongly encourages complainants to use the RMAT complaint form provided at appendix 3 to this procedure. If you require help in completing the form, please contact the Academy office. You can also ask third parties such as Citizen’s advice to help you. In all cases written complaints must include:
- The nature of the complaint.
  - Details of how the matter has been dealt with so far.
  - The names of potential witnesses, dates and times of events and copies of any relevant documents
  - A clear statement of the actions that you would like RMAT to take to resolve the complaint.
38. Once received, the Principal should immediately forward a copy of the Complaint to the Head of Governance and Compliance who will oversee the progress of the complaint and provide advice and guidance as needed.
39. The Academy will acknowledge receipt of the complaint within 5 school days and pass the complaint to a nominated senior member of staff (“the investigating officer”), as appropriate for investigation. The acknowledgement of receipt of the complaint will identify the investigating officer, give a brief explanation of RMAT’s complaint procedure and a target date for providing a response to the complaint which will usually be 15 school days of receipt of the complaint.
40. The investigating officer will be a senior member of staff who has had no prior involvement with the complaint. This is to enable detachment and independence from the complaint.
41. The investigating officer will investigate the complaint and report the outcome of the investigation to the Principal. The investigation will include:
- Seeking any clarification from the Complainant if required to support an effective and thorough investigation.
  - Gathering all relevant information to establish the facts of the matter. This may include interviewing and taking statements from any student or member of staff who is the subject of the complaint and from any witnesses or others involved in the matter.
42. If appropriate, the Principal (or someone appointed by them) may invite the Complainant to a meeting to clarify their complaint and to explore resolutions. If the Complainant accepts that invitation, they may be accompanied by one other person, such as a friend, relative or interpreter, to assist them. Where possible, this meeting will take place within 10 school days of receipt of the written complaint.
43. If necessary, witnesses will be interviewed, and statements taken from those involved. If the complaint centres on a student, the student will usually be interviewed. Students will normally be interviewed with their parent present, but if this would seriously delay the investigation of a serious or urgent complaint or if the student has specifically said that they would prefer that their parents were not involved, another member of staff with whom the student feels comfortable will be present.

44. If the matter includes a complaint relating to a member of staff, the member of staff will have the opportunity to respond to the complaint.
45. Once the relevant facts have been established as far as possible, the Complainant will be provided with a written response to the complaint, including an explanation of the decision and the reasons for it. This will include what action will be taken to resolve the complaint (if any). The Complainant will be advised that if they are dissatisfied with the outcome of the complaint, the Complainant may request that the complaint be heard by a Complaints Committee under Stage 3 of this procedure.
46. RMAAT may engage an independent, external person to conduct the investigation into the Stage 2 complaint or to review the investigation and response at Stage 2. This may be appropriate where the complaint is particularly complex or involves legal issues. RMAAT may also ask a senior member of Trust staff to review the investigation and response at Stage 2.
47. The written response to the complaint may include the following: -
- That in the view of the Investigating Officer, the complaint requires no further action and the reasons why.
  - That in the view of the Investigating Officer there is insufficient evidence to reach a conclusion such that the complaint cannot be upheld.
  - That the situation could have been managed differently or better.
  - An apology.
  - An explanation of the steps that have been taken to ensure it will not happen again.
  - That the Academy or Trust will review procedures following consideration of the complaint.
48. The written response **must** include that if the Complainant is dissatisfied, they may refer the matter for referral to a complaints panel. The Complainant should contact the Head of Governance and Compliance in writing clearly stating their reasons for requesting a review. The request must set out clearly the reasons why the Complainant is dissatisfied with the response and may include any evidence to support their reasons.

**Stage 2: Formal complaint against a Principal, or the Principal has considered a complaint, or the complaint is about a member of the Trust Central Services Team or the Trust**

49. In these cases, the complaint should be sent to the Head of Governance and Compliance whose postal address is:

RMAAT  
Featherstone Academy  
Pontefract Road  
Featherstone  
Pontefract  
West Yorkshire  
WF7 5AJ

E-mail: [amarham@rmat.uk](mailto:amarham@rmat.uk)

## Stage 2: Formal Complaints against a Local Review Board member, the Chief Executive, a Local Review Board, a member of the Trust, a Trustee, or the Trust as a whole

50. In these cases, the complaint should be sent to the Head of Governance and Compliance at the contact details above. Please mark it as private and confidential. Arrangements will be made for the complaint to be investigated.

## Stage 2: Formal Complaints against the Head of Governance and Compliance

51. In this case, the complaint should be sent to the Chief Executive either at the postal address above or via email: [contact@rodillianacademytrust.co.uk](mailto:contact@rodillianacademytrust.co.uk). Please mark it as private and confidential. Arrangements will be made for the complaint to be investigated.

## Stage 3: Complaints Committee

52. If a Parent is not satisfied with the outcome of the previous applicable stages, the Complainant may request that the complaint be considered by a Complaints Committee
53. A request to use this stage must be in writing and addressed to the Head of Governance and Compliance within 10 school days of the previous stage 2 or 3 response being sent to the Complainant. The request must set out clearly the reasons why the Complainant is dissatisfied with the response and may include any evidence to support their reasons.
54. The Complaints Committee will comprise of 2 members of the Academy's Local Review Board who have no prior knowledge of the complaint and one person independent of the management and running of the Academy. The Head of Governance and Compliance will support the selection of the independent member.
55. The Independent member will not be a Member of the Trust, a Trustee, an employee of the Trust or anyone who has a clear connection with the Trust such as its Solicitor. The Trust will endeavour to ensure that the independent member does not have a clear connection with the Trust or the Academy. A Local Review Board member from a different Academy in the Trust is considered to have no conflict of interest or prior knowledge of the complaint as they are not involved in the management and running of the Academy where the complaint has been made.<sup>1</sup>
56. New allegations that have not been raised at Stage 2 **may not** be raised at this point. New evidence which was not provided before the completion of the Stage 2 investigation **will not** normally be considered. The chair of the independent panel shall have discretion to permit further evidence if it is relevant to the matters to be considered as part of the appeal.
57. The role of the Panel **is not** to conduct a further investigation of the complaint. The Panel's role is to consider the procedural fairness of the investigation undertaken at Stage 2 and the determination made. To attempt to reconcile the parties where possible and to put right things that may have gone wrong.
58. The Clerk to the Local Review Board or the Head of Governance and Compliance will convene the Independent Panel Hearing. The hearing will be held as quickly as practicable given the need to

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<sup>1</sup> See Government guidance on this: <https://www.gov.uk/government/publications/setting-up-an-academies-complaints-procedure/best-practice-guidance-for-academies-complaints-procedures#complaints>

- find a date that is convenient for the Complainant, the Academy, and the members of the Panel. Whenever possible the Panel will be held within 30 school days of receipt of the hearing request.
59. The Complainant must engage with the Clerk in providing details of convenient school days for attendance. In the absence of engagement, the Clerk in discussion with the Head of Governance and Compliance and the Panel chair may list the hearing.
60. All parties will be provided with a minimum of 14 school days' notice of the date of the hearing. Where a Complainant refuses or is unable to attend a meeting and reasonable attempt has been made to accommodate them, the meeting may proceed in their absence and reach a conclusion in the interests of drawing the complaint to a close.
61. The following are entitled to attend the Panel Hearing, submit written representations and relevant documents, and address the panel:
- The Complainant(s) accompanied if they so wish by a friend, relative or other third party.
  - The Principal of the Academy accompanied if they so wish by a colleague. The colleague may include any investigating or review officer.
  - The Trust's Head of Governance and Compliance to address any procedural questions which may arise. If the Head of Governance and Compliance is not in attendance, they may be contacted by the Chair of the Panel or the Clerk to the Local Review Board during the hearing to address any procedural questions.
  - Any other interested person who the Panel considers having a reasonable and just interest in the hearing and whose contribution would assist the Panel in their decision making.
62. Any written representations/relevant documentation for consideration by the Panel and the names of any representatives attending the hearing, should be sent to the Head of Governance and Compliance at least 8 school days prior to the hearing. Any submissions or documents not submitted in accordance with this timescale will not be considered unless the panel in their absolute discretion, believes it is just to accept them.
63. If the Complainant believes that a proposed member of the panel is biased, they should raise the same with the Head of Governance and Compliance as soon as possible. They should submit evidence of the bias in support of the suggestion. Local Review Board members with no prior exposure to the complaint will usually be considered not to be bias unless evidence is shown to the contrary.
64. All parties will be issued with papers 7 school days prior to the hearing.
65. The Panel may request to speak to witnesses and this decision will be at the discretion of the Panel.
66. The hearing will be conducted to ensure that each party can address the Complaints Committee. The procedure to be followed during the hearing will be explained to the parties by letter in advance of the hearing. The Clerk will ensure that sufficient notes are taken to record an accurate reflection of the points considered and any decisions taken, or actions agreed. Electronic recordings of the hearing will not normally be permitted and, in any event, would require the consent of all those present.

67. Unless otherwise stated, the procedure for the Stage 3 hearing is as follows:
- the parent and academy representative will enter the hearing together.
  - the Chair of the Committee will introduce the committee members and outline the process.
  - the parent will explain the complaint.
  - the academy representative and committee members will question the parent.
  - the academy representative will explain the academy/trust's actions.
  - the parent and the committee members will question the academy representative.
  - the parent will sum up their complaint.
  - the academy representative will sum up the academy/trust's actions.
  - the Chair of the Committee will explain that both parties will hear from the committee within five school days.
  - both parties will leave together while the committee decides.
  - the Clerk, and any legal advisor assisting the committee (if applicable), will stay to assist the committee with its decision making.
68. The Clerk and or Complaints Committee reserves the right to modify the above procedure at their sole discretion, for example requiring the parent and the academy representative to present their complaint/actions separately to the Complaints Committee in the absence of the other party.
69. A Complaints Committee may be adjourned if the Complaints Committee require further evidence or in exceptional circumstances (for example, if clarification sought by the Complaints Committee is essential to the proceedings). The adjourned date must be as soon as possible.
70. After the hearing, the Complaints Committee will consider their decision and inform the Complainant and, where relevant, the person complained about of their decision in writing within five school days. The letter will set out the decision of the committee together with the reasons underpinning that decision. The committee can (by a majority if necessary):
- dismiss the complaint in whole or in part.
  - uphold the complaint in whole or in part.
  - decide on the appropriate action to be taken to resolve the complaint.
  - recommend changes to the academy or trust systems or procedures to ensure that problems of a similar nature do not happen again.

### Complaints to the ESFA

71. If the Complainant is not satisfied with the way their complaint has been managed, they may escalate their complaint to the ESFA. The ESFA **will expect** the Complainant to have exhausted the Trust's complaints policy before complaining to them.
72. The ESFA **will not** overturn a Trust's decision about a complaint. If they find that a Trust did not comply with its own complaints policy when considering a complaint, they will request that the complaint is looked at again.
73. The role of the ESFA is to consider: -
- Whether the Trust has a complaints policy such as this one.
  - Whether the Trust provided a copy of the complaints policy when requested to.
  - Whether the Trust's complaints policy complies with statutory regulations.

- Whether the Trust has followed this policy.
- Whether the Trust has allowed the procedure in this policy to be completed or not.

74. The ESFA **cannot**: -

- Overturn a decision of a Trust panel.
- Reinvestigate the original complaint.
- Review the accuracy of minutes taken or documents provided.
- Order that compensation is paid.
- Direct the Trust or an Academy in the Trust to discipline students.
- Force the Trust to discipline or dismiss staff; or
- Instruct the Academy to apologise.

### Roles and Responsibilities in respect of Part 1 of the Complaints Policy and Procedure

75. The **Head of Governance and Compliance** is the contact point for complainants and Complaints Committee. They are responsible for:

- Consult with staff, Principal, the Chief Executive, Chair of LRB of an academy and Chair of the trustee board (as applicable) to ensure the smooth running of the complaints' procedure.
- be mindful of the timescales to respond to complaints.
- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR).
- ensure that the Complaints Committee has access to legal advice, where appropriate.
- set the date, time, and venue of the meeting, taking reasonable steps to find a date that is convenient to all parties and that the venue and proceedings are accessible.
- collate any written material relevant to the complaint (for example: stage 1 paperwork, academy, and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale.
- minute meetings of the complaints committee.
- notify all parties of the Complaint Committee's decision.
- assist the committee in issuing a summary letter to the complainant.

76. Any **Investigating Officers** at stage 2 of the process are responsible for:

- Ensuring that the complainant is fully updated at each stage of the procedure.
- Ensuring that the correct procedure has been followed.
- Ensure that an investigation is conducted, and a report compiled.
- Meeting the complainant, if appropriate.
- if the complaint is being referred to Stage 3, notify the Head of Governance and Compliance to arrange the Complaints Committee.

77. Any **Chairs of Complaints Committees** at stage 3 of the process are responsible for ensuring that:

- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy.

- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child.
- the remit of the Complaints Committee is explained to the complainant.
- the written material is seen by everyone in attendance (provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR).
- key findings of fact are made, and that any issues not previously mentioned in writing should not be raised at the meeting and, if they are mentioned at the meeting, these should not be noted or considered by the Complaints Committee.
- both the complainant and the academy/trust are given the opportunity to make their case, and seek clarity, either through written submissions ahead of the meeting, or verbally in the meeting itself.
- the Complaints Committee is open-minded, acts independently and no committee member has an external interest in the outcome or any involvement in an earlier stage of the procedure.
- the meeting is minuted.

## Part 2 Concerns or complaints from other persons

77. Part 1 of the complaints policy applies only to complaints made by parents or carers of students currently attending a Trust Academy. However, RMAT wishes to collaborate closely with other members of the local community and will deal with their concerns and complaints as follows:

- **Stage 1** - a concern regarding an academy or its operations may be made to any member of staff. That member of staff will attempt to resolve the matter immediately or may, if appropriate, refer the matter to their line manager or member of the senior leadership team (SLT) who is best placed to deal with the concern. It is expected that most concerns will be responded to orally or in writing within five school days. If a longer period is required, you will be kept informed of the progress of the investigation.
- **Stage 2** - where a concern is not resolved at Stage 1, or you wish your concerns to be dealt with immediately as a formal complaint, you should put your complaint in writing and send this to the Principal of the relevant academy to investigate. The Principal may delegate the task of investigation and/or responding to the complaint to a member of SLT or may escalate the complaint straight to Stage 3. A formal response to the complaint will usually be provided within 15 school days of receipt of the letter of complaint although if a longer period is required to respond, you will be kept updated.
- **Stage 3** - if you are not satisfied with the response at Stage 2, you may request a review by writing to the Chief Executive. You should write to the Chief Executive within 15 school days of receipt of the letter at Stage 2. Requests received outside of this period will only be considered if exceptional circumstances apply. The Chief Executive will usually arrange for a senior member of Trust staff not previously involved in the complaint to consider the complaint alone or may refer the matter to the Head of Governance and Compliance to convene a Complaints Committee on the same terms as set out in Part 1 of this complaints policy. The decision at this stage will usually be sent to you within 15 school days of receipt of the request for a review or within five school days of the Complaints Committee hearing (as applicable).



- **Stage 4** - if you are dissatisfied with the decision at Stage 3, you are entitled to refer your complaint to the Education and Skills Funding Agency (ESFA) as outlined in Part 1 of this complaints policy.

78. Concerns or complaints regarding a Principal, a member of Central Services, an LRB member, the Chief Executive, a LRB, member of the Trust, Trustees or the Trust should be referred direct to the Head of Governance and Compliance who will arrange for the stages above to be considered by an appropriate person. Their postal address is:

RMAT  
Featherstone Academy  
Pontefract Road  
Featherstone  
Pontefract  
West Yorkshire  
WF7 5AJ

E-mail: [amarham@rmat.uk](mailto:amarham@rmat.uk)

79. Concerns or complaints about the Head of Governance and Compliance should be referred to the Chief Executive at the postal address above or via email to [contact@rodillianacademytrust.co.uk](mailto:contact@rodillianacademytrust.co.uk)

### Part 3: Dealing with unreasonably persistent or vexatious complaints and behaviour.

80. There are rare circumstances where we will deviate from the Complaints Procedure set out in Parts 1 and 2 above. These include but are not necessarily limited to:

#### Repetitious, including serial and/or persistent, complaints.

81. Where the complainant's complaint is the same, like or based on the same facts of a complaint which has already been considered in full and we have:

- taken every reasonable step to address the complainant's concerns; and
- given the complainant a clear statement of our position and their options,

we will write to the complainant to advise that the complaints procedure has been exhausted and that we will not be responding to any further correspondence in relation to these matters. The complainant will be referred to Stage 4.

#### Vexatious complaints

82. The Office of the Independent Adjudicator defines the characteristics of a 'frivolous' or 'vexatious' complaint as:

- complaints which are obsessive, persistent, harassing, prolific or repetitious.
- insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason.
- insistence upon pursuing meritorious complaints in an unreasonable manner.
- complaints which are designed to cause disruption or annoyance; and

- demands for redress that lack any serious purpose or value.

83. Examples include but are not limited to:

- refusal to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance.
- refusal to co-operate with the complaint's investigation process.
- refusal to accept that certain issues are not within the scope of the complaints' procedure.
- insistence on the complaint being dealt with in ways which are incompatible with the complaints' procedure or with good practice.
- introducing trivial or irrelevant information which they expect to be considered and commented on.
- raising large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales.
- making unjustified complaints about staff who are trying to deal with the issues and seek to have them replaced.
- changing the basis of the complaint as the investigation proceeds.
- seeking an unrealistic outcome, such as the inappropriate dismissal of staff.
- making excessive demands on school time by frequent, lengthy, and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.
- knowingly providing falsified information.
- publishing unacceptable information on social media or other public forums.

#### Complaints pursued in an otherwise unreasonable manner.

84. Where the complainant's behaviour or language towards staff, LRB members, trustees or members is aggressive, abusive, offensive, discriminatory, or threatening or insulting personal comments are made about, or threats are made towards, staff.

85. In the circumstances outlined in above, we may:

- inform the complainant that we consider their complaint to be vexatious or the way they are pursuing their complaint to be unreasonable and why and ask them to desist.
- conduct the Complaints Committee on the papers only i.e., not hold a hearing.
- refuse to consider the complaint any further and refer the complainant directly to Stage 4.

86. We may also restrict the complainant's access to the academy, e.g., requesting contact in a particular form (for example, letters only), requiring contact to take place with a named person only, restricting telephone calls to specified days and times or number of contacts or banning the complainant from the academy's premises.

87. Where the complainant's behaviour is so extreme that it threatens the immediate safety and welfare of staff, LRB members, trustees, or members we will consider other options - for example, reporting the matter to the police or taking legal action. In such cases, we may not give the complainant warning of that action.

## Anonymous Complaints

88. Anonymous complaints will not normally be investigated as the Trust will be unable to respond to the Complainant. The exception to this is if there are serious concerns around child protection where the Trust is required to involve appropriate external agencies or where the Trust may investigate the same to find any corroborative evidence which might trigger a formal investigation.
89. Anonymous Complaints suggesting a criminal offence has taken place including fraud will be conducted either under the Trust's Anti-Fraud Bribery and Corruption Policy or the Trust's Whistleblowing Policy. Anonymous Complaints surrounding Health and Safety, Other criminal offences, damage to the Environment, breach of the Law by the Trust or the covering up of wrongdoing will all be investigated under the Trust's Whistleblowing policy.

## Part 4: Complaint Campaigns

90. For the purposes of this policy, a complaint campaign is defined as a complaint from three or more separate individuals (whether connected with the academy) which are all based on the same subject.
91. Depending on the subject in question, we may deviate from the procedure set out in this policy and instead:
  - send a template response to all complainants; and/or
  - publish a single response on the academy/Trust website (as applicable).

## Part 5: Matters which relate to all complaints.

### Confidentiality, data protection and records management

92. All complaints will be managed in the strictest confidence by the Trust and its Academies. Data protection principles will be applied in line with the Trust's data protection policy.
93. Correspondence, statements, and records relating to individual complaints will be kept confidential except where the Secretary of State for Education or a body conducting an inspection under section 162A of the Education Act 2002 requests access to them or where the Trust is otherwise required by law to disclose them.
94. It is expected that Complainants will also keep their complaint private and confidential. Complainants are not expected to discuss complaints publicly via any form or social media or with third parties.
95. The Complainant must not make electronic recordings of meetings. A meeting to discuss a complaint may not go ahead if the Complainant is insistent on recording the meeting. The Trust or Academy will take notes of any meetings to discuss a complaint, which may be shared afterwards, and Complainants may do likewise. The Trust will only consider an exception to this where the Complainant suffers from communication difficulties which would make it easier for them to access and review the meeting later. The Trust will balance this reasonable adjustment against how it will affect any witnesses and the potential impact and consequences of those

complained about in the event recordings are lost or leaked. The Trust may conclude that a recording and redacted transcription of the meeting be provided in such circumstances.

96. Due to privacy rights under data protection legislation, information disclosed relating to an outcome if it relates to a third-party individual, i.e., disciplinary action against a member of staff or another student, may sometimes be limited.
97. Audio or Video evidence from Complainants will not be accepted unless informed written consent from all parties has been given.

### Complaints regarding conflict between parents concerning Parental Responsibility

98. When parents fall out with each other, complaints can be made to the Trust about information provided to the other parents. Potential complainants should be aware that the Trust will follow the Department for Education guidance on [Understanding and dealing with issues relating to Parental Responsibility](#) both with the principles it will adopt in dealing with such parents, sharing information, obtaining consent, safeguarding, changing a surname and how it deals with any complaints arising from the same.

### Accountability

99. The Academy Principal holds delegated responsibility for discharging the sound application of all Academy and Trust policies.
100. The Academy Principal should inform the Trust Head of Governance and Compliance and their Local Review Board of all matters relating to serious breaches of this policy including any major incident to be addressed under this policy promptly, preferably prior to action being taken as far as is reasonably practicable.

### Other Documents

101. This policy should be read in conjunction with other Trust documents and policies which are detailed in Appendix 5. Other documents which have informed this policy are also detailed in Appendix 5.

### Monitoring

102. The Head of Governance and Compliance will monitor the implementation and effectiveness of the policy by monitoring complaints referred and resolutions reached. The Head of Governance and Compliance will also deal with any queries raised by anybody who engages in the implementation of this policy including Complainants, Investigating Officers, Review Officers, Academy Principals, the Chief Executive, Clerks to Local Review Boards, members of Local Review Boards and the Chair of the Board of Trustees.
103. The Head of Governance and Compliance will monitor the relevant legislation, guidelines, and information forthcoming from the relevant statutory bodies for any recommendation or changes. Where a gap, potential inequality or shortfall in performance is identified within the policy, the Head of Governance and Compliance will advise the Board of Trustees of any changes that are needed, and a proposal will be submitted to the Trust Board within an appropriate timescale.

There will be a full review of the policy by the Head of Governance and Compliance prior to the stated review date where recommendations will be made for consideration by the Trust Board.

### Diversity

104. The Rodillian Multi Academy Trust is committed to a policy of celebrating diversity, promoting equality of opportunity, providing an inclusive workplace, and eliminating any unfair treatment or unlawful discrimination. This overriding objective applies to all policies and procedures relating to staff and students. The Trust will always comply with the requirements of the Equality Act 2010 and associated guidance produced by the Department for Education.

## Contacts

In respect of complaints about BBG Academy, complaints should be addressed to The Principal, BBG Academy, Bradford Road, Birkenshaw, BD19 4BE, Tel: 01274 871225, E-mail: [office@bbgacademy.com](mailto:office@bbgacademy.com)

In respect of complaints about Brayton Academy, complaints should be addressed to The Principal, Brayton Academy, Doncaster Road, Selby, North Yorkshire, YO8 8QS, Tel: 01757 707 731, E-mail: [info@braytonacademy.org.uk](mailto:info@braytonacademy.org.uk)

In respect of complaints about Featherstone Academy, complaints should be addressed to The Principal, Featherstone Academy, Pontefract Road, Featherstone, Pontefract, West Yorkshire, WF7 5AJ, Tel: 01977 698000, E-mail: [info@featherstoneacademy.org.uk](mailto:info@featherstoneacademy.org.uk)

In respect of complaints about Rodillian Academy, complaints should be addressed to The Principal, Rodillian Academy, Longthorp Lane, Lofthouse, Wakefield, WF3 3PS, Tel: 01924 825667, E-mail: [contact@rodillianacademy.co.uk](mailto:contact@rodillianacademy.co.uk)

In respect of complaints about Southway, complaints should be addressed to The Principal, Southway, South Leeds HUB, Middleton Road, Leeds, LS10 3JA, Tel: 0113 336 7772, E-mail: [info@southway.org.uk](mailto:info@southway.org.uk)

In respect of complaints about UTC Leeds, complaints should be addressed to The Principal, UTC Leeds, Sayner Road, Leeds, LS10 1LA, Tel: 0113 3530140, E-mail: [enquiries@utcleeds.co.uk](mailto:enquiries@utcleeds.co.uk)

In respect of complaints about a Principal, a member of the Trust Central Services Team or a Local Review Board complaints should be addressed to The Head of Governance and Compliance, Rodillian Multi Academy Trust, The Featherstone Academy, Pontefract Road, Featherstone, Pontefract, WF7 5AJ, Tel: 01977 698000, E-mail: [amarham@rmat.uk](mailto:amarham@rmat.uk)

In respect of complaints about the Head of Governance and Compliance, complaints should be addressed to the Chief Executive, RMAT, The Featherstone Academy, Pontefract Road, Featherstone, Pontefract, WF7 5AJ, Tel: 01977 698000, E-mail: [contact@rodillianacademytrust.co.uk](mailto:contact@rodillianacademytrust.co.uk)

In respect of complaints about the Chief Executive Officer, complaints should be addressed to the Chair of the Board of Trustees of the Rodillian Multi Academy Trust, The Featherstone Academy, Pontefract Road, Featherstone, Pontefract, WF7 5AJ, Tel: 01977 698000, E-mail: [amarham@rmat.uk](mailto:amarham@rmat.uk)

Any queries about this policy can be addressed to The Head of Governance and Compliance, Rodillian Multi Academy Trust, The Featherstone Academy, Pontefract Road, Featherstone, Pontefract, WF7 5AJ, Tel: 01977 698000, E-mail: [amarham@rmat.uk](mailto:amarham@rmat.uk)

**Following exhaustion of this complaints policy**, the ESFA can be contacted via the Department for Education's online schools complaint form: [www.gov.uk/complain-about-school](http://www.gov.uk/complain-about-school) or in writing to Ministerial and Public Communications Division, Department for Education, Piccadilly Gate, Store Street, Manchester, M1 2WD

## Appendix 1: Exceptions to the Complaints Policy

Exception	Further Information
Admissions to Academies except Southway	The Academy website will provide any admissions policies which are in place for an individual academy. Parents/Carers should can also contact the Local Authority in which the Academy is situated.
Admission to Rodillian Academy Sixth Form	The Academy website provides details of the Rodillian Academy Sixth Form admissions policy
Suspensions/Permanent Exclusion from Academies	Details of the processes to follow will be provided by the Academy in documentation provided at the time of suspension/permanent exclusion
Statutory assessments of Special Educational Needs	The Trust website provides details of its SEND policy. The Local Authority in which the Academy is situated can also be contacted
Academy reorganisation proposals	Any Consultation will provide an ability for Parents/Carers to comment
Matters likely to require a Child Protection Investigation	The Trust website provides details of its Safeguarding Policy. Each Academy has a Designated Safeguarding Lead who can be contacted via the Academy. Further information is also available from the Local Authority Designated Officer in which Authority area, the Academy is situated
Employee Grievances	The Trust website provides details of the Trust's Grievance Policy which should be followed.
Staff Disciplinary matters	Complaints about staff conduct will be dealt with mostly under the Trust's disciplinary policy Complainants will not be informed of any disciplinary action taken against a Staff member.
Whistleblowing matters	<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 whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a></p> <p>Volunteer staff who have concerns should complain through the school's complaints procedure. You may also be able to complain direct to the Department for Education (see link above), depending on the substance of the complaint</p>
External examination results	Details of the appeals procedure can be obtained from the Academy at which the examination was sat.
Complaints about services provided by external bodies using an Academy's premises or facilities	Complaints should be made to the provider of the service, club or other activity who should have their own procedure for such eventualities.
National Curriculum content	Please contact the Department for Education at <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>

Withdrawal from the curriculum	Where a Parent or Carer has withdrawn their student from Religious Education, the Trust will not usually investigate complaints where a religious matter has been spontaneously raised by students or has arisen in another subject such as history or citizenship.
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## Appendix 2: Summary of Complaints Procedure for Parents & Carers (Part 1)

<b>Stage 1: Informal concerns</b>	Parent brings complaint to attention of member of staff
	Issue to be resolved (guide: within 15 school days)
	Where no satisfactory solution has been found, parent to be advised that they should proceed to Stage 2
<b>Stage 2: Formal Written Complaint</b>	Parent to put complaint in writing using Complaint Form within 15 school days
	Complaint to be acknowledged within five school days
	Meeting with parents within 10 school days (where appropriate)
	Response to the complaint sent within 15 school days
<b>Stage 3: Referral to Complaints Committee</b>	Parent to request hearing within 15 school days of receiving notice of the outcome of Stage 2
	Request to be acknowledged within five school days
	Hearing to take place within 20 school days of receipt of request
	Notification of date, time and place of the hearing and details of the committee members present sent at least five school days before the hearing
	Academy representative and parents to submit evidence in support of their case to Clerk of the trustees at least 3 school days before the hearing
	Complaints Committee decision sent not more than five school days after the hearing

Appendix 3: Complaint reporting form

# Complaint Reporting Form



Please complete in BLOCK CAPITALS and return to the Principal of the Academy, who will acknowledge receipt and explain what action will be taken.

Your name:	
Student's name (if applicable):	
Your relationship to the student (if applicable):	
Name of Academy:	

Your Address, including Postcode:	
Daytime telephone number:	
Evening telephone number:	
E-mail address	

Please give details of your complaint:  
(Provide as much detail as possible about the matter, including dates and times of events, potential witnesses. You may also attach copies of any relevant documents). If you have more than one complaint, please number them.

What action, if any, have you already taken to try and resolve your complaint? To whom did you speak to and what was the response?
What would you like as an outcome from your complaint(s)
Are you attaching any paperwork? If so, please give details.

Signature:		Date:	
<b>For official use only</b>			
Date acknowledgement sent		Complaint referred to	
Acknowledgement sent by		Complaint referred on (date)	

## Appendix 4: Equality Impact Assessment

### Equality Impact Assessment

Equality, Diversity, Cohesion, and Integration Screening.

As a public authority, the Rodillian Multi Academy Trust needs to ensure that all our strategies, policies, service, and functions, both current and proposed have had proper consideration of equality, diversity, cohesion, and integration.

A **screening** process can help judge relevance and provides a record of both the **process** and **decision**. Screening should be a short, sharp exercise that determines relevance for all new and revised strategies, policies, services, and functions. Completed at the earliest opportunity it will help to determine:

- the relevance of proposals and decisions to equality, diversity, cohesion, and integration.
- whether or not equality, diversity, cohesion, and integration is being/has already been considered, and
- whether or not it is necessary to conduct an impact assessment.

<b>Organisation:</b> The Rodillian Multi- Academy Trust	<b>Department responsible for the Policy:</b> Head of Governance and Compliance
<b>Lead Person:</b> Adam Marham	<b>Contact Number:</b>

**1. Title:** Complaints Policy

**2. Please provide a brief description of what you are screening**

The Policy

<b>3. Relevance to equality, diversity, cohesion, and integration</b>		
<b>Questions</b>	<b>Yes</b>	<b>No</b>
Is there an existing or likely differential impact for the different equality characteristics?		x
Have there been or likely to be any public concerns about the Policy or proposal?		x
Could the proposal affect how services are organised, provided, located and by whom?		x
Could the proposal affect our workforce or employment practices?	x	
Does the proposal involve or will it have an impact on: -		
• Eliminating unlawful discrimination, victimisation, and harassment		X
• Advancing equality of opportunity		X
• Fostering good relations	x	

**4. Considering the impact on equality, diversity, cohesion, and integration**

<ul style="list-style-type: none"> <li>• <b>Scope of the proposal:</b> Students, parents, staff, the community.</li> <li>• <b>Who is likely to be affected?</b> Students, parents, staff, the community.</li> <li>• <b>Consultation and engagement activities with those likely to be affected.</b> Ongoing feedback from Students, parents, staff, the community. The Policy is available through the Trust and Academies websites and a written copy can be provided on request.</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Key findings</b></li> </ul> <p>We have considered the potential positive and negative impact on different equality characteristics in relation to the Policy and do not believe that any groups will be adversely affected. The Trust is vigilant in adhering to the appropriate legislation in relation to protected characteristics and to preventing discrimination. Managers are supported and trained in relation to these areas. The Policy has considered religious, racial and gender-specific clothing requirements and those of staff with disabilities in line with the Equality Act.</p> <p>We have considered the perception that the proposal could benefit one group at the expense of another and we do not believe that the Policy could be perceived to be discriminatory with regards to its wording or format.</p>
<ul style="list-style-type: none"> <li>• <b>Actions</b></li> </ul> <p>The Trust will continue to promote positive impact and remove/reduce negative impact through the application of this Policy within the organisation.</p>

<b>5. Governance, ownership, and approval</b>		
Please state here who has approved the actions and outcomes of the screening		
<b>Name</b>	<b>Job title</b>	<b>Date</b>
Adam Marham	Head of Governance and Compliance	14.08.23

<b>6. Publishing</b>	
This screening document will function as evidence that due regard to equality and diversity has been given.	
<b>Date screening completed</b>	14.08.23
<b>Date agreed at Trust Board</b>	24.08.23

## Appendix 5 – Linked Documents to the Complaints Policy

### **Trust Policies and Documents**

Academy Admissions Policies  
The Rodillian Sixth Form Admission Policy  
Anti-Fraud-Bribery and Corruption Policy  
Conflicts of Interest Policy  
Data Protection and Information Governance Policy  
Disciplinary Policy  
Grievance Policy  
Safeguarding Policy  
SEND Policy  
Whistleblowing Policy.

### **Statutes and Secondary Legislation**

[Data Protection Act 2018](#)

[Part 7 of the Education \(Independent School Standards\) Regulations 2014](#)

### **Government Guidance**

[Best practice guidance for academies complaints procedures](#)

[Understanding and dealing with issues relating to parental responsibility](#)