



The Data Protection Officer (the “DPO”) is responsible for ensuring the Trust is compliant with the GDPR. This post is held at Trust level by Sabrina Bridges, dpo@apat.org.uk. Any questions or concerns about the operation of the GDPR policy should be referred in the first instance to the DPO.

The complainant should direct complaints that arise following a DSAR to the Headteacher, only in exceptional circumstances will the Trust Leadership Team hear the complaint as part of the complaint resolution stage.

## Aims and Objectives

Our Trust aims to be fair, open and honest when dealing with any complaint. When considering a complaint, we endeavour to deal with them as swiftly as possible. We aim to resolve any complaint through dialogue and mutual understanding, and, in all cases, we put the interests of the child above all other issues. We provide sufficient opportunity for any complaint to be fully discussed, and then resolved.

## Complaints Procedure

Our Complaints Procedure will:

- Encourage resolution of problems by informal means wherever possible.
- Be easily accessible and publicised.
- Be simple to understand and use.
- Be impartial.
- Be non-adversarial.
- Allow swift handling with established time limits for action and keeping people informed of the progress.
- Ensure a full and fair investigation by an independent person where necessary.
- Respect people’s desire for confidentiality (where appropriate).
- Address all the points at issue and provide effective response and appropriate redress, where necessary.
- Provide information to the Academy’s senior management team to enable services to be improved.

The Academy will be clear about the difference between a concern and a complaint. We will take concerns seriously at the earliest stage to reduce the numbers that develop into complaints.

## Stage 1 – Informal Resolution

If a parent/carer is concerned about anything to do with the educational provision that we are providing within our Trust, they should, in the first instance, discuss the matter with their child’s class teacher or other relevant member of staff. Most matters of concern can be dealt with in this way. All teachers and non-teaching staff work very hard to ensure that each child is happy at our Academy and are making good progress; they always want to know if there is a problem, so that they can take action before the problem seriously affects the child’s wellbeing or progress.

A parent may raise a concern verbally and where possible we should encourage this to be made in writing.

A concern raised by a parent/carer at stage 1 will be heard by the class teacher. The full process at this stage should take no more than 20 days unless mitigating circumstances arise. In the event that the timeframe is of concern, the teacher should write to the parents with an explanation and update.

<b>Acknowledgement</b>	<b>Informal Meeting</b>	<b>Response</b>	<b>Escalation</b>
Written acknowledgment issued.	The parent/carer will be invited to a meeting with the member of staff to discuss the concern.	A follow up meeting or letter/email to confirm the outcome of the discussion must be issued.	Referred to the formal process within the policy.
Within 5 Academy days	Within 10 days of acknowledgement	Within 5 Academy days of the information meeting.	Transfer to Stage 2a.

In the event that the concern raised is in relation to SEND, stage 1 is followed, however the parent/carer will meet with the SENCO.

Concerns relating to SEND should be directed to the SENCO in the first instance. In this event the process outline in stage 1 should be followed.

**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’.

If initial attempts to resolve the issue informally are unsuccessful and the parent/carer raising the concern remains dissatisfied, they may wish to take the matter further, then the formal procedures set out below will need to be followed. It may be the case that it is not possible to resolve all your concerns and meet all of your wishes. Sometimes it is preferable to ‘agree to disagree’ and move on.

If there are continued representations or correspondence regarding the same issues, the Amadeus Primary Academies Trust Board reserves the right to inform you, in writing, that the appropriate procedures have all been followed, that all reasonable actions have been taken to try to resolve the issue and that the matter has been closed. In this event a member of the Leadership Team will refer inform the parent/carer to the Complaints Resolution of the Complaints Policy.

Should the complaint be about the Principal, a member of the Trust Leadership Team will do all they can to resolve the issue informally through a dialogue with the persons concerned.

**Stage 2 – Formal Resolution**

If the complaint cannot be resolved on an informal basis the parent/carer should put their complaint in writing (using Appendix 1 attached) and hand this into the Academy office for the attention of the Principal. There may be instances where the complaint will be heard by another member of Senior Leadership.

The Principal considers any such complaint very seriously. The complaint will be investigated thoroughly by the Principal or a person delegated to undertake the investigation.

The Principal will decide, after considering the complaint, the appropriate course of action to take. In most cases, the Principal will meet or speak with the parents or carer concerned to discuss the matter. If possible, a resolution will be reached at this stage.

Acknowledgement	Meeting with SLT	Response	Escalation
Written acknowledgment issued.	A meeting will be held	A follow up meeting or letter/email to confirm the outcome of the discussion must be issued.	Referred to the formal process within the policy.
Within 5 Academy days	Within 10 days of acknowledgement	Within 10 Academy days of the meeting with SLT.	Transfer to Complaint Resolution

Each Academy in the Trust will hold a written record of all formal complaints, including records of meetings and interviews held in relation to the complaint and the Academy’s decision. The record will be retained for 1 year after the pupil leaves the Academy.

Should the complaint be about the Principal, it will be considered by the Director of Education who will follow the above steps.

## Stage 2 – Complaint Resolution

A parent or carer may seek to invoke the Complaint Resolution, following failure to reach an earlier resolution with the Principal in respect of their formal complaint. Such a request must be made in writing addressed to the Chief Finance and Operations Officer of Amadeus Primary Academies Trust.

If the Academy have been able to resolve the matter having followed the earlier stages, they may also invoke the Complaint Resolution. In this instance, the Academy will write to the parent/carer detailing their decision to refer the matter to the Trust Leadership Team.

The parent must complete the form and include the detail of the complaint and detail of the desired resolution. The parent will receive an acknowledgement of the complaint and confirmation of the assigned member of the Trust Leadership Team normally within 5 working days.

The complaint will be investigated thoroughly by the Trust Leadership Team.

The member of the Trust Leadership Team will decide, after considering the complaint, the appropriate course of action to take. In the event that a more detailed investigation needs to be completed we will endeavour to resolve the matter within a reasonable time frame.

Acknowledgement	Resolution Meeting	Response	Escalation
Written acknowledgment issued.	A meeting will be held	A follow up meeting or letter/email to confirm the outcome of the discussion must be issued.	Referred to the formal process within the policy.
Within 5 Academy days	Within 10 days of acknowledgement	Within 10 Academy days of the information meeting.	

In most cases, the member of the Trust Leadership Team will meet with both the complainant and Principal to reach a possible resolution. The meeting may also include other representatives of the Academy or Trust.

Once the member of the Trust Leadership Team is satisfied that, so far is practicable, all of the relevant facts have been established, a decision will be made which will be communicated to the parent or carer in writing, giving the reasons for the decision.

The Trust will hold a written record of all formal complaints, including records of meetings and interviews held in relation to the complaint and the Academy’s decision. The record will be retained for 1 year after the pupil leaves the Academy.

The Trust Leadership Team will endeavour to establish a resolution agreeable by all parties. In some instances, the Academy may not be able to meet the expectations of the complainant and therefore the complainant may remain dissatisfied.

In the event that you remain dissatisfied despite the Trust having followed the procedures outlined above including providing reasonable responses it may be the case that it is not possible to resolve all your concerns and meet all your wishes. Sometimes it is preferable to ‘agree to disagree’ and move on.

If the parent/carer continues to make representations to the Academy or continue correspondence into the same issues, the Amadeus Primary Academies Trust Board reserves the right to inform you, in writing, that the appropriate procedures have all been followed, that all reasonable actions have been taken to try to resolve the issue and that the matter is now closed.

Only if Stage 2 proceedings fail to resolve the matter should a complaint be heard by the CEO.

### Stage 3 – CEO

If following a period of 3 weeks the complainant and the issue has not be resolved, the complainant can request to meet with the Trust Leadership Team and CEO. In this instance, the complainant should address their request to [complaints@apat.org.uk](mailto:complaints@apat.org.uk) and the Company Secretary will arrange a meeting. If a meeting is required, this would normally be arranged within 10 working days.

Acknowledgement	Resolution Meeting	Response	Escalation
Written acknowledgment issued.	A meeting will be held with the CEO	A follow up meeting or letter/email to confirm the outcome of the discussion must be issued.	Referred to the formal process within the policy.
Within 5 Academy days	Within 10 days of acknowledgement	Within 10 Academy days of the information meeting.	

The CEO will only hear complaints where the issue remains unresolved after a period of at least three weeks.

The written outcome should be provided no later than 10 Academy days after speaking with or meeting with CEO and a member of the Trust Leadership Team.

The complainant may remain unhappy with the decision, but the decision of the CEO and Trust Leadership Team is final.

The following are entitled to attend at stage 2 and/or, submit written representations:

- The parent(s)/carer(s);
- The Principal of the Academy
- Trust Leadership Team
- Any other interested person whom it is considered reasonable and has just interest and whose contribution would assist the decision-making.

Only where process has not been followed can the complaint progress to stage 3.

### Stage 4 – Complaints Panel

A parent or carer may seek to invoke Stage 4, following failure of the complaint’s procedure.

The Trustees and Local Governing Body Chair will be advised of complaints where internal Academy process was not followed regardless to the outcome of the complaint.

The panel will not hear complaints where:

- The complainant remains dissatisfied, yet a resolution was agreed by all parties at stage 3.
- The complainant remains dissatisfied, yet the Academy are not able to meet the full request of the complainant.

Such a request must be made in writing addressed to the Company Secretary. If Academy Holidays, the complaint can be sent to [complaints@apat.org.uk](mailto:complaints@apat.org.uk). This will then be considered by the Complaints Panel.

Parents/carers must lodge their complaint in writing within 10 working days of the date of the Academy’s decision made in accordance with the Stage 3 procedure. The parent or carer should provide, in writing, a list of the complaints made against the Academy and specified which of these complaints they believe have not been resolved satisfactorily at Stage 3, along with the remedies sought in respect of each issue.

<b>Acknowledgement</b>	<b>Resolution Meeting</b>	<b>Response</b>	<b>Escalation</b>
An acknowledgement in writing.	The parent/carer will be invited to a appeal hearing.	A follow up meeting or letter/email to confirm the outcome of the discussion must be issued.	Subject to the outcome of the meeting.
Within 10 Academy days	Within 20 days of acknowledgement	Within 10 Academy days of the information meeting.	

The Complaints Panel is only obliged to consider the complaint lodged in this ‘initial submission’ although they may use their discretion to consider other relevant and related matters that may subsequently arise.

Where an appeal is received by the Academy, the Academy will, within 5 Academy days, refer the matter to the Company Secretary who will appoint a Clerk for the Complaints Panel. Where the appeal is received by the Trust during Academy holidays, or within 2 working days of their commencement, the Trust has 5 Academy days upon commencement of the Academy term to refer the matter to the appointed Clerk.

The Clerk provides an independent source of advice on procedure for all parties and will liaise with the Trust for legal support where appropriate.

The panel will consist of 3 members who don’t have direct knowledge of the complaint.

The composition of the panel will be as follows:

- A maximum of 2 Local Governors, with only 1 representing the Academy for which the complaint relates to.
- A maximum of 2 Trustees

If not enough impartial members (Trustees/Governors) are available, we will seek panel members from other Academy /Schools, the Local Authority or the Diocese. We will make sure the governors we source are suitably skilled and can demonstrate that they are independent and impartial.

The complainant may be accompanied by a friend or representative, and the friend or representative is entitled to speak on the parent's behalf at the panel hearing. The complainant must advise the Company Secretary or appointed Clerk that they will be accompanied at the hearing.

The following are entitled to attend a hearing and/or, submit written representations and address the Panel:

- The parent(s)/carer(s);
- The Principal of the Academy
- Any other interested person whom the Complaints Panel considers to have a reasonable and just interest in the appeal and whose contribution would assist the Panel in their decision-making.

Where required, the Complaints Panel may request any reports, documents, chronology or other useful information in advance of the hearing. Evidence will be sent to and collated by the Clerk who will distribute the information to the relevant parties in advance of the hearing.

The decision reached by the Complaints Panel is final. The clerk assigned to the complaint will make available the findings and recommendations and, where relevant, share with the person complained about and other relevant parties.

Any decision reached that may have financial implications for the Academy will need the appropriate approval from the Academy Trust, although any such approval must be compatible with the decision of the Complaints Panel.

A record including correspondence, statements and records relating to the complaints are kept confidential except where the Secretary of State of a body conducting an inspection under section 109 of the 2008 Act requests access to them.

The findings, outcome and recommendations of the panel will be available for inspection on the Trust premises.

### The Education and Skills Funding Agency (ESFA)

There is no further right of appeal to the Local Governing Body or Academy Trust. All complainants have the right, as a last resort, to contact the Education & Skills Funding Agency if they are not satisfied with the way in which their complaint has been considered. You can contact the ESFA at [www.gov.uk/government/organisations/education-funding-agency/about/complaints-procedure](http://www.gov.uk/government/organisations/education-funding-agency/about/complaints-procedure).

### The Local Authority

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

### Monitoring, Evaluation and review

The Trust Board will review this policy at least every three years and assess its implementation and effectiveness. The policy will be promoted and implemented throughout each Academy in the Trust.

The Local Governing Body monitor the complaints procedure, in order to ensure that all complaints in the Academy are handled properly. Governors should take into account any local or national decisions that affect the complaints process.

This policy is made available to all parents, so that they can be properly informed about the complaints process.

### Persistent or Vexatious Complaints

You may remain dissatisfied despite all the procedures having been followed and reasonable responses being provided. It may be the case that it is not possible to resolve all your concerns and meet all your wishes. Sometimes it is preferable to 'agree to disagree' and move on.

If you continue to make representations to the Academy or continue correspondence into the same issues, the Amadeus Primary Academies Trust Board reserves the right to inform you, in writing, that the appropriate procedures have all been followed, that all reasonable actions have been taken to try to resolve the issue and that the matter is now closed.

## Dealing with Persistent and/or Vexatious Complaints

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

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

The Amadeus Primary Academies Trust Board therefore reserves the right to close complaints from those who demonstrate any of the following behaviours:

- frequently complaining about a variety of different matters, or the same issue through a number of different channels in an obsessive, persistent, harassing, prolific and/or repetitious manner;
- seeking unrealistic outcomes relative to the issue being raised, and stating that their intention is to persist until that outcome is achieved;
- insisting upon pursuing valid complaints in an unreasonable manner;
- persistently making the same complaint with minor differences but never accepting the outcome of any investigation into their complaint;
- challenging a historical decision/action which cannot be changed;
- contacting the Academy frequently in a lengthy and/or complicated way;
- behaving aggressively and provocatively towards the Academy and individual members of staff;
- changing aspects of the complaint or the desired outcome part way through the investigation and/or after the investigation is completed and a conclusion has been reached;
- refusing to co-operate with the investigation process;
- insisting on the complaint being dealt with in ways which are incompatible with the adopted procedure or with good practice;
- making what appear to be groundless complaints about the staff dealing with the complaint, and seeking to have them replaced by someone more senior or with a person the complainant names;
- refusing to accept information provided, for no justifiable reason;
- making statements the complainant knows are not true or persuading others to do so;
- supplying manufactured 'evidence' or other information the complainant knows is incorrect;
- raising a large number of detailed but unimportant questions and insisting that they are all fully answered;
- lodging a number of complaints in batches over a period of time, resulting in related complaints being at differing stages of the complaints procedure;
- pressing for further investigation of matters that have already been addressed;
- electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved;
- using obscene, racist, offensive or threatening language in written or verbal communications;
- threatening or aggressive or abusive behaviour in direct personal contacts with staff;
- using the vehicle of valid new complaints to resurrect issues which were included in previous complaints; and/or
- persistently sending communications which demand responses, or making telephone calls seeking interview with staff, after the Academy has closed the investigation into a complaint and all rights of review and appeal have been exhausted.

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

Please complete and return to the headteacher who will acknowledge receipt and explain what action will be taken.

<b>Your name:</b>
<b>Pupil's name (if relevant):</b>
<b>Your relationship to the pupil (if relevant):</b>
<b>Address:</b>
<b>Postcode:</b>
<b>Day time telephone number:</b>
<b>Evening telephone number:</b>
<b>Please give details of your complaint.</b>



**What action, if any, have you already taken to try and resolve your complaint.  
(Who did you speak to and what was the response)?**

**What actions do you feel might resolve the problem at this stage?**



Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

Appendix 2 – Timeline

