



COMPLAINTS

POLICY & PROCEDURE

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1. Introduction

- 1.1. As a trust, MLP and its schools will always strive to do our best for all the young people in our care, for their families, and for the wider communities we serve. Nonetheless, there will be occasions where we get things wrong, or where people aren't happy with the services we provide, or the decisions we take. In these instances, we recognise that people may wish to make a complaint. This policy sets out the process which we will follow when complaints are made.
- 1.2. It is in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to follow formal procedures. We aim to take informal concerns seriously and make every effort to resolve the matter as quickly as possible.
- 1.3. However, there will be occasions when complainants want to raise their concerns formally. In those cases, this complaints procedure will be followed.

2. Guidance from the Department for Education (DfE)

- 2.1. We always follow the most recent best practice guidance on managing and resolving complaints, as outlined by the DfE. That information, which supports this process, can be found here:
<https://www.gov.uk/government/publications/school-complaints-procedures/best-practice-advice-for-school-complaints-procedures-2019#managing-serial-and-persistent-complaints>

3. Who can make a complaint?

- 3.1. This complaints procedure is not limited to parents or carers of children that are registered at one of the trust's schools. Any person, including members of the public, may make a complaint to Middlesex Learning Partnership 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.

4. Resolving complaints

- 4.1. At each stage in this three-stage complaints procedure, Middlesex Learning Partnership wants to resolve the complaint. In order to address your concerns or complaints, the three stages of the complaint's procedure should be followed in order from stage one to stage three.
- 4.2. 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 such as Citizens Advice to help you.
- 4.3. 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.
- 4.4. This policy sets out our procedures and outlines the likely outcomes. 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 and/or trust policies in light of the complaint

- an apology.

5. Timescales

- 5.1. It is usually easiest to respond effectively to complaints or concerns where they are raised at the time that an incident occurs. As such, we encourage anyone with a concern about Middlesex Learning Partnership, or any of our schools, to raise this concern or complaint with us informally, as a stage one complaint, as soon as is practically possible. Any formal complaints (stage two) must be raised 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 may consider complaints made outside of this time frame if exceptional circumstances apply.

6. Complaints received outside of term time

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

7. Withdrawal of a complaint

- 7.1. If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.
- 7.2. **All information discussed or documents relating to complaints are confidential and subject to UK GDPR regulations. They must not be shared with anyone outside of the complaints process as outlined below.**
- 7.3. *Note: Where a complaint relates to staff conduct, it may be addressed via the appropriate HR staff policy, for example disciplinary, or code of conduct. The outcome of complaints dealt with in this way will not usually be shared with the complainant.*

8. Stage one – informal complaints

- 8.1. We hope that most concerns can be expressed and resolved quickly and effectively on an informal basis.
- 8.2. In the first instance, concerns should be raised with the most appropriate person, this could be, for instance, the class teacher/form tutor, year/key Stage leader, or line manager. If needed, the concern/complaint can then be escalated to a more senior member of staff to support the agreement of a positive, timely outcome without the need to use the formal process.
- 8.3. When raising a concern at this informal stage, it is important to ensure that both the individual raising a concern and the employee(s) receiving the feedback are **clear on the outcome that the individual is seeking** and to ensure that this is fully explored and satisfactorily concluded if possible. For example, this could be by way of an explanation, adjusted action, or agreement to hold a follow-up meeting.
- 8.4. Complainants should not approach individual governors or trustees to raise concerns or complaints. Governors and trustees have no power to act on an individual basis and it may also prevent them from considering complaints later in the process at Stage three if needed.
- 8.5. If the issue remains unresolved, the next step is to make a formal complaint.

9. Stage two – formal complaint

- 9.1. Formal complaints must be made to the school or trust's general enquiries email address, details of which can be found on the relevant school or trust website. Complaints may also be made via the school office. Complaints via the school office may be made in person or in writing. Complainants are encouraged to use the complaint form to submit complaints, as this helps to ensure that all relevant information is provided to support the effective investigation of the complaint. A copy of the complaint form can be found at the end of this policy.
- 9.2. The school/trust, will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within **5 school days**
- 9.3. Within this response, the school may seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see (if this is not already evident from the correspondence or Complaint Form). The school can consider whether a face-to-face meeting is the most appropriate way of doing this. Children and young people will not usually be involved in face-to-face meetings of this nature.
- 9.4. A period of time for investigation into the matter will follow.
- 9.5. *Note: The headteacher/trust may delegate the investigation to another member of the school/trust's senior leadership team, or to another appropriately experienced senior leader, for example from another school.*
- 9.6. During the investigation, the investigator will:
 - review any written materials or other relevant information related to the complaint
 - decide who, if anyone, they need to interview as part of their investigation. This could include, for example, those with knowledge of the matter and/or those complained about, allowing them to be accompanied if they wish (depending on the circumstances and if appropriate)
 - keep a written record of any meetings/interviews in relation to their investigation.
- 9.7. At the conclusion of their investigation, the school will provide a formal written response within **10 school days** of the date of receipt of the complaint.
- 9.8. If the school is unable to meet this deadline, they will provide the complainant with an update and revised response date.
- 9.9. The response will detail any actions taken to investigate the complaint, the findings of any investigation, and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions taken to resolve the complaint.
- 9.10. The written response will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of stage two.
- 9.11. If the complaint is about the headteacher, or a member of the governing body (including the chair or vice-chair), a suitably skilled governor, trustee or other neutral expert will be appointed to complete all the actions at stage two.
- 9.12. Complaints about the headteacher or members of the governing body should be addressed to the trust chief executive.
- 9.13. If the complaint is:
 - jointly about the chair and vice-chair, or
 - the entire governing body, or
 - the majority of the governing body

- 9.14. Stage two will be escalated to the chief executive of the trust to progress. They may investigate the complaint directly, or appoint a suitably experienced, independent investigator using the process described above.
- 9.15. If the complaint is about:
- the chief executive (CEO), or
 - a trustee of the trust, or
 - The trust
- 9.16. If the complaint is about a trustee or the chief executive, stage two will be escalated to the chair of trustees to progress. They may investigate the complaint directly, or appoint a suitably experienced, independent investigator using the process described above. If the complaint is about the chair of trustees, the trust chief executive will work with the trust's independent clerk to identify a suitably experienced external expert to conduct the investigation using the process described above.

10. Stage three – panel hearing

11. If the complainant is dissatisfied with the outcome at stage two and wishes to take the matter further, they can escalate the complaint to stage three – a panel hearing. Panels will consist of three members, none of whom 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. At least one panel member will be independent of the management and running of the school (or of the trust if the complaint is about the trust itself). This could be, for example, a governor or trustee from another school within or beyond the trust, an appropriate officer from the local authority, or an independent third party with appropriate experience/skills. This is the final stage of the complaint's procedure.
- 11.1. A request to escalate to stage three must be made by responding to the stage two outcome letter, within **10 school days** of receipt of the stage two response.
- 11.2. The school/trust will record the date the request to escalate the complaint to stage three is received and acknowledge receipt of the complaint in writing (either by letter or email) within **5 school days**.
- 11.3. Requests received outside of this time frame will only be considered if exceptional circumstances apply.
- 11.4. The school/trust will write to the complainant to inform them of the date of the complaint panel meeting. They will aim to convene a meeting **within 10 school days** of receipt of the stage three request. Where it becomes necessary to find panel members from beyond the trust, it can take some time to convene a suitable panel. If it is not possible to convene the panel within 10 days, the school/trust will keep the complainant informed of the actions being taken and of likely timescales.
- 11.5. If the complainant rejects the offer of three proposed dates, without good reason, the school/trust will decide when to hold the meeting. The panel meeting may then proceed in the complainant's absence.
- 11.6. If the complaint is:
- jointly about the chair and vice-chair of the governing body, or
 - the entire governing body, or
 - the majority of the governing body, or
 - about a trustee, or

- a minority of trustees
- 11.7. Stage three will be heard by a panel of three governors/trustees and/or external experts, including at least one independent panel member who is not an employee, governor, or trustee with the trust, for example an external senior leader, governor or trustee from another trust.
- 11.8. If the complaint is:
- jointly about the chair and vice-chair, or
 - the entire trust board, or
 - the majority of the trust board, or
 - the chief executive (CEO)
- 11.9. Stage three will be heard by a completely independent panel. None of the three members of the 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. The Panel Hearing process will follow the same procedure as set out above relating to Panel Hearings.
- 11.10. A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. We do not permit either party to bring legal representatives to the panel hearing. Students and young people will not be permitted to attend panel hearings. Representatives from the media are not permitted to attend.
- 11.11. At least **5 school days** before the panel meeting, the school/trust 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 5 school days before the meeting
- 11.12. Any written material will be circulated to all parties at least 2 school days before the date of the meeting. The panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.
12. The panel will not review any new complaints at this stage or allow evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage one of the procedures.
- 12.1. The meeting will be held in private. Minutes will be taken at panel hearings. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations are recorded. Consent will be recorded in any minutes taken.
13. The panel will consider the complaint, and all the evidence presented. The panel can:
- uphold the complaint in whole or in part
 - dismiss the complaint in whole or in part.
- 13.1. If the complaint is upheld in whole or in part, the panel will:
- decide on the appropriate action to be taken to resolve the complaint

- where appropriate, recommend changes to the school's and/or trust's systems or procedures to prevent similar issues in the future.
- 13.2. The chair of the panel will provide the complainant and trust with a full explanation of their decision and the reason(s) for it, in writing, within 10 school days.
 - 13.3. The response will detail any further 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 and/or trust will take to resolve the complaint.
 - 13.4. The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant and appropriate, the person(s) complained about.

14. Record keeping

- 14.1. A written record will be kept of all formal complaints, and of whether they are resolved at stage two or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.
- 14.2. 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.

15. Anonymous, persistent, or vexatious complaints

- 15.1. We will not normally investigate anonymous complaints. However, the headteacher, chair of governors, chief executive, or chair of trustees as appropriate, will determine whether an anonymous complaint warrants an investigation.
16. There will be some occasions when complainants are reluctant to accept the outcome of the process. Should the complainant continue to make contact on the same issue, the trust has the power to inform them that the process is complete, and the matter is therefore closed.
 - 16.1. In the context of Freedom of Information requests 'vexatious' is defined as the 'manifestly unjustified, inappropriate or improper use of a formal procedure.' The trust prefers the term 'serial' or 'persistent' complaints. The trust may apply the following criteria in determining whether the situation may be defined as 'serial', 'persistent', 'manifestly unjustified', 'inappropriate' or 'improper':
 - 16.2. A complaint may become unreasonable if the person:
 - Has made the same complaint before, and it has already been resolved by following the school's complaints procedure
 - Makes a complaint or complaints that are obsessive, persistent, harassing, prolific, defamatory or repetitive
 - Insists on pursuing a complaint(s) that is unfounded, or out of scope of the complaint's procedure, beyond all reason
 - Pursues a valid complaint(s), but in an unreasonable manner e.g. refuses to articulate the complaint, refuses to co-operate with this complaint's procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the timeframes it sets out
 - Makes a complaint, or complaints, designed to cause disruption, annoyance, or excessive demands on school/trust time
 - Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

- Submits excessive, frequent and unreasonable complaints which could reasonably be judged to be intended to cause nuisance, or to overwhelm the school or trust's ability to respond

17. Steps we will take

18. We will take every reasonable step to address the complainant's concerns and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process. We will follow our complaints procedure as normal (as outlined above) wherever possible.
- 18.1. If the complainant continues to contact the school in a disruptive way, we may put communications strategies in place. For example, we may:
 - Give the complainant a single point of contact via an email address
 - Limit the number of times the complainant can make contact, such as a fixed number per term
 - Ask the complainant to engage a third party to act on their behalf, such as [Citizens Advice](#)
 - Put any other strategy in place as necessary

19. Stopping responding

- 19.1. We may stop responding to the complainant when all of the following factors are met:
 - We believe we have taken all reasonable steps to help address their concerns
 - We have provided a clear statement of our position and their options
 - The complainant contacts us repeatedly, and we believe the intention is to cause disruption or inconvenience
- 19.2. Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make, unless these complaints could reasonably be judged to be designed to cause disruption or inconvenience. In such cases, we may ask the complainant to raise any new complaints via a third party, such as [Citizens Advice](#).
- 19.3. In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from our school site.
- 19.4. The trust may seek legal advice if they think that persistent contact by a complainant constitutes harassment.

20. Duplicate complaints

- 20.1. If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.
- 20.2. If we are satisfied that there are no new aspects, we will:
 - Tell the new complainant that we have already investigated and responded to this issue, and that the local process is complete.
 - Direct them to DfE if they are dissatisfied with our original handling of the complaint.

20.3. If there are new aspects, we will follow the complaints procedure set out in this document.

21. Complaint campaigns

- 21.1. Where the trust receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school/trust, the trust may respond to these complaints by:
- Publishing a single response on the school/trust website
 - Sending a template response to all of the complainants
- 21.2. If the complainants are not satisfied with the trust/school's response, or wish to pursue the complaint further, the normal procedures will apply.

22. Roles and responsibilities

22.1. Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school/trust in seeking a solution to the complaint
- respond promptly to requests e.g. for further information, or to arrange meetings
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

22.2. Complaint investigator

The complaint investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint. In doing so they may use a range of approaches to gather more information. These could include:
 - interviewing the complainant to establish what has happened and who has been involved
 - interviewing staff and children/young people and other people relevant to the complaint
 - considering records and other relevant information
 - analysing other information
- liaising with the complainant and the school/trust as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct any interviews with an open mind and be prepared to persist in questioning
- keep notes of any interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal

- be conscious of the timescales to respond
- prepare a comprehensive report for the head teacher/senior leader, or panel hearing, that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

22.3. *Chair for complaints panel meetings*

The panel's chair should ensure that:

- both parties are asked by the school/trust to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal but professional 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
- the remit of the committee is explained to the complainant
- 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 UK GDPR regulations.
- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting and/or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made where possible
- the panel is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted

22.4. *Complaints panel member*

Panel members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so
- nobody may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school/trust and the complainant
- the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts as far as practical and make recommendations
- complainants may feel nervous and inhibited in a formal setting
- Parents/carers often feel emotional when discussing an issue that affects their child

23. Conclusion

- 23.1. The trust is committed to working together with its community to work in collaboration to resolve any concerns or complaints quickly and positively. This statutory policy and procedure supports this intent.

Complaint Form

Please complete and return to the school office or to the school's enquiries email address for complaints about a school, or to the enquiries@mlp.org.uk for trust related complaints.

Your full name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address: Day time telephone number: Evening telephone number: Email address:
Please give details of your complaint, including whether you have spoken to anybody at the school about it.
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:
Action taken:
Date: