



MERCHANT TAYLORS' OXFORDSHIRE ACADEMY TRUST

COMPLAINTS POLICY

Version v1

January 2023



MERCHANT TAYLORS'
OXFORDSHIRE
ACADEMY TRUST

Complaints Policy

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Complaints Policy

Contents

1. Introduction	3
2. Summary of Procedures.....	3
3. Framework of Principles.....	4
4. Recording Complaints	4
5. Resolving the Complaint	4
6. Stage 1 – Informal Stage.....	5
7. Stage 2 – Formal Investigation.....	6
8. Stage 3 – Local Governing Body / Trust Panel.....	7
9. Panel Membership	8
10. Documentation	9
11. Attendance	9
12. Remit of the Panel	10
13. The Panel Hearing.....	11
14. Monitoring Complaints	12
15. Mediation.....	13
16. Serial or Persistent Complaints on the Same Issue	13
17. Review of Policy	13
Appendix A.....	14
Appendix B - Complaints Form.....	15

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MTOAT Complaints Policy_Jan23



Complaints Policy

1. Introduction

The Merchant Taylors' Oxfordshire Academy Trust (the Trust) is committed to the delivery of a high quality education to all students attending the academies within the Trust. However, at times things can and do go wrong and this can result in concerns or complaints being raised either with the Trust or one of the academies.

This policy applies to the Trust and all the academies within the Trust. Except as noted below, it applies to all concerns and complaints raised with the Trust or one of the academies, either by a member of the Trust community or the general public. The parents of students can make a complaint on behalf of the student. Students who are eighteen years of age (or older) can use this process to make a complaint themselves.

This policy does not apply to concerns or complaints where specific policies and procedures apply, including child protection issues, admissions and exclusions. Where a complaint is made against a member of staff, depending upon the nature and seriousness of the complaint, the matter may be dealt with under separate HR procedures which are strictly confidential, rather than under this Complaints Policy. Complaints brought by staff relating to their personal circumstances in the workplace should be handled according to the Trust's grievance procedures and not this Complaints Policy. Staff with wider concerns about wrongdoing within the Trust should raise their concerns using the Whistleblowing Policy.

All references to parents within this policy refer to parents, guardians and carers.

This policy meets the requirements of the Education (Independent School Standards (England) Regulations 2014 Schedule 1, Part 7. In the case of any variance between the procedure outlined in this Complaints Policy and the regulations, the procedure outlined in the regulations will apply.

2. Summary of Procedures

There are three stages to the complaints process.

- Stage 1: Informal
- Stage 2: Formal investigation by an appropriate person

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- Stage 3: Local governing body (LGB) panel / Trust panel

3. Framework of Principles

This policy is designed to:

- be well publicised and easily accessible
- 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 fair investigation by an independent person, where necessary
- allow for a hearing by a local governing body panel or a Trust panel, where appropriate
- respect people's desire for confidentiality, wherever possible
- address all points of issue, providing an effective response and appropriate redress where necessary
- provide information to the Trust's senior management team so that services can be improved.

4. Recording Complaints

The Trust will retain a written record of all complaints that reach Stage 2. Written records may also be kept for complaints that are resolved informally.

All written records, statements and correspondence relating to an individual complaint will be treated with complete confidentiality. However, the Trust is required to make these records available to the Secretary of State or (or someone acting on their behalf) if they request access to them.

5. Resolving the Complaint

At each stage in the procedure, the investigator will consider how the complaint can

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Complaints Policy

be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology
- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that the event complained of will not recur
- an explanation of the steps that have been taken to ensure that it will not happen again
- an undertaking to review policies in light of the complaint.

It is useful if complainants can state what actions they feel might resolve the problem at any stage. An admission that the academy could have handled the situation better is not the same as an admission of negligence. Equally, an effective procedure will identify areas of agreement between the parties. It is also of importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

If the complaint is not upheld, it is important to demonstrate to the complainant that the matter has been thoroughly investigated.

6. Stage 1 – Informal Stage

It is in everyone's best interest to resolve concerns and complaints at the earliest possible stage. Our experience is that the vast majority of concerns and complaints can be resolved informally to the full satisfaction of those who raise them. There are many occasions where concerns can be resolved straight away, providing the complainant with the benefit of an immediate response and avoiding the need to submit a formal complaint.

No specific timescales are imposed for resolving issues at the informal stage. Nevertheless, all issues should be considered effectively and as quickly as is reasonably possible.

Concerns should initially be raised with the member of the Trust staff mostly directly involved. If the complainant is not satisfied with the handling of their complaint, they should discuss their concerns with a senior member of the Trust staff.

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If the first approach is made to a director or governor, the next step must be to refer the complainant to the appropriate member of staff and advise the complainant that this is the procedure. Directors and governors must not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

If the complainant is unhappy with the outcome of the informal stage, the process should move to Stage 2.

7. Stage 2 – Formal Investigation

Where informal attempts have been unsuccessful in resolving a complaint, the matter will be formally investigated by an appropriate person from the Trust (the designated person). The designated person will depend upon the nature of the complaint, see Appendix A.

A complainant wishing to instigate the formal procedure should be asked to complete a complaint form, see Appendix B. Complainants should outline how they wish their complaint to be resolved. The academy or the Trust should offer to help an individual to complete the form, and the person providing this help should be unconnected with the complaint.

The designated person will ensure that a written acknowledgement is provided to the complainant within five academy days of receiving a complaint. The acknowledgement will give a target date for providing a response to the complaint, which should normally be within 10 academy days. If the target cannot be met, a letter should be written within 10 academy days explaining the reason for the delay and providing a revised target date.

When appropriate, a suitably qualified external advisor may be appointed to undertake the detailed investigation and report back to the designated person. The designated person remains responsible for trying to reach an outcome that is satisfactory to all parties.

It is essential to report the progress of any complaint and the final outcome. It is necessary that at each stage the person investigating the complaint makes sure that they:

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Complaints Policy

- establish what has happened so far, and who has been involved
- clarify the nature of the complaint and what remains unresolved
- meet with the complainant or contact them (if unsure or further information is necessary)
- clarify what the complainant feels would put things right
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- conduct the interview with an open mind and be prepared to persist in the questioning
- keep notes of the interview.

Once the designated person is satisfied that, so far as is practicable, all of the relevant facts have been established then a decision will be made. Complainants will be informed of this decision in writing and reasons for the decision will be given. The designated person may also arrange to meet with complainant to explain the decision.

8. Stage 3 – Local Governing Body / Trust Panel

Where the complainant is still not satisfied that their complaint has been dealt with fully and properly in Stage 2, they may request that their complaint be further considered by a Stage 3 appeal panel. This request must be made in writing and addressed to the headteacher for academy related issues or to the chief executive for Trust issues.

Complainants must lodge their appeal within 10 working days of the date of the Stage 2 decision. Complainants should provide details of the complaint made and the reasons why they believe the complaint has not been resolved by the Stage 2 procedure. Complainants should also outline how they wish their complaint to be resolved and attach any supporting documentation.

The Stage 3 panel is only obliged to consider the complaint(s) lodged in the Stage 2 complaint form although they may use their discretion to consider other relevant and related matters that may subsequently arise.

When a request to move to Stage 3 of this process is received, a panel hearing will

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be arranged as soon as possible to consider the matter. This will normally be no later than 20 academy days after receipt of the request. However, timing will depend upon the availability of eligible panel members.

The Trust operations director is responsible for arranging a suitable date and location for the panel meeting. If the complaint is about a single academy and the complainant is uncomfortable with a meeting at the academy site, the hearing will be held at a different location.

9. Panel Membership

The nature of the complaint determines if the Stage 3 panel will be a local governing body panel or a Trust panel – see Appendix A.

A panel will be comprised of three people who have had no prior involvement with the complaint. One of these three panel members must be independent of the management and running of the academy/Trust.

A local governing body panel will normally include two governors of the academy. If for any reason it is not possible to establish a suitable panel within a reasonable timeframe, up to two directors and/or governors from other academies within the Trust may sit on the panel.

A Trust panel will normally include two directors of the Trust, in addition to an independent person. If for any reason it is not possible to establish a suitable panel within a reasonable timeframe, governors from one of the academies within the Trust or members, including representatives of corporate members, may sit on the panel.

The decision about the membership of a particular panel and the chair of that panel will depend on factors such as availability, whether any governors or directors have prior knowledge, etc. For LGB panels, the decision will be made by the chair of governors. For Trust panels the decision will be made by the chair of the board unless the complaint is about the chair, in which case the vice-chair will decide.

It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor or director may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.

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Complaints Policy

10. Documentation

The Trust operations director is responsible for obtaining papers setting out the case from both sides, with any supporting evidence. These should be copied and sent to panel members, the complainant and the appropriate representatives of the academy/Trust, ideally at least five working days before the hearing. This ensures that everyone has ample time to read and understand the papers.

If the complainant wishes to rely on the account of a witness, they should ask the witness to write down, sign and date their account and forward it to the Trust operations director at least five academy days before the hearing.

If the complainant submits any other additional documentation after submitting their initial request for the panel meeting, the chair of the panel may choose to postpone the panel hearing. The postponed meeting will normally be within 20 academy days after receipt of the new material.

The introduction of fresh documentary evidence at the hearing is discouraged; it is much better to provide the information in advance so that all parties have time to study it. In the event that additional documents are introduced during the hearing, the panel can choose to accept the additional evidence as part of the hearing or not. If it is accepted, the chair must either allow all parties a reasonable amount of time to read the new documents or adjourn the panel meeting to another day, which will normally be within 20 academy days.

11. Attendance

Complainants will be informed in writing that they can attend the panel hearing and, if they wish, be accompanied by one friend or representative. If the complaint is being made by a parent on behalf of a student, the student can also attend. If the complaint is being made by a student themselves (who must be at least eighteen years old) then a parent may attend as the permitted friend or representative. A complainant may request that more than one friend or representative attends the hearing and the panel is obliged to consider that request but does not have to agree to it.

The chair of the panel will decide, at their absolute discretion, which witnesses will be permitted to attend the hearing to give a verbal statement rather than relying on a

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Complaints Policy

written statement or record of meeting which has been signed by the witness.

Witnesses under the age of eighteen other than the complainant's own family will only be allowed to attend the hearing at the discretion of the chair of the panel, and then only if they are accompanied by one of their parents or carers. Any written accounts provided by the complainant relating to witnesses under the age of eighteen must be signed and dated by the witness and one of the witness' parents.

Members of staff involved in the matters which gave rise to the complaint will usually have provided a signed written account or have signed a note of a meeting during the previous stages, which will be forwarded to all parties with the other complaint documentation in the usual way. The complainant may ask for employees of the Trust to appear as witnesses but they would have to do so under their own free will. The staff member may, if they wish, provide a written statement in place of their appearance in person.

The complaints panel will proceed irrespective of whether or not the complainant and/or their representative attend. If the complainant fails to attend on the day without compelling reasons, the complaints panel will proceed in their absence and the process will continue to its conclusion. Any further attempt to re-open the matter will be considered as falling under the serial/persistent complaint section as below.

12. Remit of the Panel

A local governing body panel needs to firstly consider if the appeal is in relation to:

- a decision taken by the headteacher within the scope of their professional responsibility, including any decisions made during Stage 2 of a complaint about a member of the academy staff
- an area where the local governing body has responsibility (or shared responsibility) but has delegated this to the headteacher, or
- the way in which a complaint or concern was handled during Stage 2.

If the complaint was in relation to a decision taken by the headteacher that is within the headteacher's professional responsibility, the LGB panel can:

- consider the thoroughness with which the headteacher investigated a complaint

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Complaints Policy

about a member of staff but cannot expect the headteacher to provide details about confidential discussions with that staff member

- consider the manner in which the complaint was addressed but cannot overturn the decision itself nor expect the headteacher to change the decision
- recommend changes to the academy's systems or procedures to ensure that problems of a similar nature do not recur.

For all other complaints the panel can:

- 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 Trust's or academy's systems or procedures to ensure that problems of a similar nature do not recur.

13. The Panel Hearing

The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve a just and fair judgement. It is desirable that the resolution is also satisfactory to all parties.

The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone, and care is needed to ensure the setting is informal and not adversarial.

Extra care needs to be taken if the complaint has been made on behalf of a child and they accompany their parent to the hearing. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults.

The panel members need to be aware of the complaints procedure.

The panel needs to take the following points into account:

- The hearing is as informal as possible
- Witnesses are only required to attend for the part of the hearing in which they

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Complaints Policy

- give their evidence
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses
- The headteacher / chief executive or designated person may question both the complainant and the witnesses after each has spoken
- The headteacher / chief executive or designated person is then invited to explain the academy / Trust's actions and be followed by the academy / Trust's witnesses
- The complainant may question both the headteacher or designated person and the witnesses after each has spoken
- The panel may ask questions at any point
- The complainant is then invited to sum up their complaint
- The headteacher / chief executive or designated person is then invited to sum up the academy / Trust's actions and response to the complaint
- Both parties leave together while the panel decides on the issues
- If the panel is able to reach a decision quickly and both parties are available, the panel will invite both parties to return and will inform them of the decision and the reasons for the decision
- If the panel determines that it is unable to reach a decision quickly, both parties will be told that they will hear from the panel within five working days.

Complainants will be informed of the panel's decision in writing and reasons for the decision will be included.

Complainants will also be advised that if they are dissatisfied with the way their complaint has been handled they are entitled to complain to the Education & Skills Funding Agency (ESFA) and will be provided with contact information for the ESFA complaints procedure.

14. Monitoring Complaints

As well as addressing an individual's complaint, the process of listening to and resolving complaints can contribute to academy or wider Trust improvements by helping identify issues that need to be addressed. In addition, the monitoring and review of complaints by academies, local governing bodies, the Trust and the board

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OXFORDSHIRE
ACADEMY TRUST

Complaints Policy

can be useful in evaluating academy or Trust performance. Any discussion of complaints by a local governing body, the board or others in the academy community should not name or be able to identify individuals.

15. Mediation

If, at any time, the academy or Trust believes that external mediation would help resolve the complaint, they may offer this option to the complainant. The Trust reserves the right to choose the mediation service offered. Mediation can only be used with the agreement of the complainant.

16. Serial or Persistent Complaints on the Same Issue

If a complainant attempts to reopen an issue or a closely related issue that has already been dealt with under this complaints procedure, the chair of the LGB or Trust may write to the complainant to inform them that the procedure has been exhausted and the matter closed and that neither the academy nor the Trust will respond to any further correspondence on this issue or a closely related issue.

17. Review of Policy

This policy is reviewed regularly.

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MTOAT Complaints Policy_Jan23



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Complaints Policy

Appendix A

Complaint Relates To	Designated Person	Stage 3 Panel
<ul style="list-style-type: none"> Day-to-day running of an academy Academy staff, other than the headteacher Interpretation of Trust / academy policies by academy staff 	Headteacher or a member of senior staff nominated by the headteacher	Local governing body
<ul style="list-style-type: none"> The headteacher Academy policies determined by the local governing body A governor, other than the chair of governors 	Chair of governors or a governor nominated by the chair of governors	
<ul style="list-style-type: none"> The local governing body of an academy The chair of governors of a local governing body The Trust as a whole rather than an individual academy The chief executive A director, other than the chair of the board 	Chair of the board or a director nominated by the chair of the board	Trust
<ul style="list-style-type: none"> The chair of the board 	Chief executive or the vice-chair of the board	

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MTOAT Complaints Policy_Jan23



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ACADEMY TRUST

Complaints Policy

Appendix B - Complaints Form

Please complete and return to Merchant Taylors' Oxfordshire Academy Trust or the appropriate MTOAT academy. Receipt will be acknowledged and you will subsequently be informed about any action to be taken. If you would like assistance in completing this form, please ask and assistance will be provided by someone who is unconnected with your complaint.

Name	
Address	
Postcode	
Telephone number(s)	
Email address	
Your relationship to the academy/Trust, e.g. parent, carer, neighbour, member of public	
Name of child/ren at academy (if applicable)	
Year group and form (if applicable)	

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