

# Complaints Policy

<b>Policy Number</b>	
<b>Named Person(s)</b>	<b>COO</b>
<b>Review Committee</b>	<b>Board</b>
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Document History		
Version 1	COO	Policy approved Sept 2019
Version 2	CEO	Policy reviewed in line with current Dfe guidance on model complaints policy for MATs. Inclusion of details of where to make

		complaints to. Approved:
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## **COMPLAINTS PROCEDURE FOR USE BY PARENTS AND MEMBERS OF THE PUBLIC**

This procedure is for use for complaints against an individual school of the Trust, a member of staff or the Board of Directors. There are separate arrangements, laid down by law to cover the following:

- Complaints against the curriculum, collective worship and religious education
- Appeals against admissions
- Appeals against exclusions
- Appeals about assessments and statements of special educational needs

For further guidance on any of the above please refer to appendix E

### **Introduction**

TCLT is committed to ensuring that all our schools work in a productive and positive way with all parents, carers and other members of the public.

However if a parent/ carer or member of the public feels that a situation has arisen that they are dissatisfied with, then they have the right to make a complaint. Every complaint will be taken seriously and dealt with in a professional and in a timely manner. All parents/ carers and members of the public will be made aware of this policy if they wish to make a complaint.

### **Policy Implementation**

The CEO is responsible for ensuring that this policy is implemented in our schools. Complainants should be aware that Headteachers may refer complaints to the central team of the Trust if they consider that the complaint is of such a nature that it should be investigated independently of the school. Likewise, complaints may be retrieved and dealt with by the central team of the Trust for the same reason. Where a complaint is made directly to the central offices of the Trust, it will be logged and sent to the school.

### **Records**

All complaints will be recorded by the school, including informal complaints. These will be held within the CPoms systems of the school, or electronically on school systems, depending on the nature of the complaint. The outcome of the complaint, whether it is held or not upheld and any action taken will also be recorded.

Records relating to individual complaints are confidential, except where the Secretary of State or a statutory body conducting and inspection requests access to them.

The School will monitor the level and the subject matter of complaints and review the outcomes on a regular basis with their Local Governing Bodies. The Headteacher is responsible for ensuring that monitoring of complaints takes place.

Serial and Persistent Complaints - see appendix C

## **Aims**

Tyne Community Learning Trust is committed to ensuring that all children and young people are provided with a first-class educational experience and that each School works in a productive and positive partnership with all parents, carers and other members of the public.

The aim of this policy is to ensure that a concern or complaint by a parent/carer is managed sympathetically, efficiently, at the appropriate level and is resolved promptly. All parents/carers and members of the public will be made aware of this policy and the procedures to follow if they wish to make a complaint.

This policy applies to all employees of the Trust. The relevant school will try to resolve problems informally wherever possible. An effective response and appropriate redress will be provided to all complaints as quickly as possible depending upon the complexity of the issues raised. This policy relates to complaints about the schools and typically applies to complaints made by parents and carers of children and young people. However, it also applies to other members of the public. It does not relate to matters which are governed by employment legislation or those where the principles of civil contract law would normally apply e.g. service/supply contracts entered into with an academy; or where separate statutory procedures apply, e.g. admissions. - See Appendix E

### 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.”

The aim of this policy is to prevent a concern becoming a complaint.

It is in everyone’s interests that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally without the need to use the formal stages of the complaints policy. The Trust takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

### How to raise a concern or a complaint

A concern or a complaint can be made in person, in writing (or email) or by telephone. They may also be made by a third party action on behalf of a complainant, as long as they have appropriate consent to do so.

If you have difficulty discussing a concern with a particular member of staff these views will be respected. In these cases you will be referred to another staff member. Similarly if the member of staff directly involved feels unable to deal with a concern the Headteacher will refer you to another staff member. The member of staff may be more senior but does not

have to be. The ability to consider the concern objectively and impartially is more important.

All complaints should be marked as ***Private and Confidential***.

Complaints against school staff (except the Headteacher) should be made, in the first instance, to the Headteacher via the school office/ school's email address.

Complaints about the Headteacher should be addressed to the Chief Executive Officer using the [info@tcltrust.org](mailto:info@tcltrust.org) address.

Complaints about the chair of the Local Governing Body or any individual governor or the whole Local Governing Body should be addressed to the Governance Professional of the Trust: [vicki.evans@northumberland.gov.uk](mailto:vicki.evans@northumberland.gov.uk)

Complaints about the chief executive officer (CEO) chief, operation officer (COO) or a director of the Trust should be marked for the attention of the Trust board and sent to the Chair of the Board: [rob.moore@tcltrust.org](mailto:rob.moore@tcltrust.org)

Complaints about the Central Team apart from CEO or COO should be addressed to the COO using the [info@tcltrust.org](mailto:info@tcltrust.org) address.

Complaints about the chair of the board should be addressed to the Governance Professional of the Trust: [vicki.evans@northumberland.gov.uk](mailto:vicki.evans@northumberland.gov.uk)

A template complaint form can be found at Appendix B. If the complainant does not have access to email please call 01661 830442 or send a hard copy to : TCLT Central Office, Ovingham House, Ovingham Middle School, Prudhoe, Northumberland NE42 6DE, marking it for the attention of the appropriate individual.

In accordance with equality law, reasonable adjustments will be considered, if required to enable complainants to access and complete the complaints policy.

### **Anonymous Complaints**

Anonymous complaint will not normally be considered. However the Headteacher or other senior staff members will determine whether the complaint warrants investigation.

### **Timescales: - see appendix D**

We aim to resolve any complaint in a timely manner. Timescales for each stage of the Complaints Procedure are set out below in the relevant paragraphs. For the purposes of this policy, a "school day" is defined as a weekday during term time, when the relevant school is open. The definition of a "school day" excludes weekends and Bank Holidays. Complaints made outside of term time will be considered to have been received on the first day of school after the holiday period.

The complaint 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. Complaints made outside of this time frame will only be considered if exceptional circumstances apply.

If other bodies are investigating aspects of the complaint, for example the police, local authority safeguarding teams or tribunals, this may impact on the Trust's ability to adhere to the timescales within this policy resulting in the procedure being suspended until those public bodies have completed their investigation. If this happens, you will be informed of a proposed new timescale.

### **Resolving Complaints**

At each stage in the policy, the aim is always to resolve the complaint. If appropriate, it will be acknowledged that the complaint is upheld in whole or in part. In addition one or more of the following may be offered:

- An explanation
- An admission the the situation could have been handled differently or better
- An assurance that the Trust will try to ensure the event complained about will not recur
- An explanation of the steps that have been or will be taken to help ensure that is will not happened again and an indication of the timescales within which any changes will be made
- An undertaking to review school processes in light of the complaint
- An apology

### **Withdrawal of a complaint**

If a complainant wants to withdraw their complaint, this should be confirmed in writing.

## **Stage One: Informal Complaints**

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. To that end, staff must be aware of the procedures so they know what to do when they receive a complaint.

- **Concerns:** Most concerns, where a parent/carer seeks intervention, reconsideration or some other action to be taken, can be resolved informally. Most concerns at this stage can be expressed verbally and resolved without recourse to this complaints policy.
- Concerns should be raised with the appropriate person which may include the class teacher, year lead, phase lead or senior leadership of the school. Complainants should not approach individual governors or directors to raise complaints. They have no power to act on an individual basis.
- At the conclusion of their investigation the appropriate person investigating the complaint will provide an informal response. This may be in writing, by email or through a telephone call or face to face interview. A record of the response must

be kept. The response will be provided to the complainant within 10 school days of the complaint being raised.

- If a complainant first approaches a director, he/she should be referred to the appropriate person i.e. the member of staff concerned and identified above. **Directors should 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 committee at a later stage of the procedure.**

It is hoped the majority of complaints can be resolved at this stage. If the issue remains unresolved the next step is to make a formal complaint, within 10 days of an informal response.

## **Stage Two: Formal Consideration of Complaint**

If the complainant feels their concern has not been resolved at the informal stage, they need to follow the formal complaint process as detailed below.

In most cases all complaints will be dealt with via the informal stage initially before progressing to the formal stage. It is acknowledged however, that on occasion, depending on the nature of the complaint, it may be appropriate to proceed straight to the formal stage, in agreement with the school and the complainant.

- Formal complaints must be made to the Headteacher (unless the complaint is about the Headteacher in which case it should be made to the CEO via the [info@tcltrust.org](mailto:info@tcltrust.org) email box or in writing to the TCLT Central Offices.)
- The Headteacher/ CEO will record the date the complaint is received and will acknowledge receipt of the complaint (in writing or by email) within five school days.
- The Headteacher or senior executive of the Trust will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. They may do this by phone or in person or they may decide that a telephone conversation will be sufficient. The Headteacher or Trust executive may delegate the investigation to another member of the senior staff, but not the decision taken.

If the matter is about:

- the actions of the Local Governing Body
- the actions of the board of directors
- the actions of an individual director
- the actions of the Chief Executive Officer

The matter will be considered by the Chair of the Board of Directors and one or more other Directors. Where the complaint is made about the Chair of the Board of Directors, a suitably skilled director will investigate the complaint.

The person(s) carrying out the investigation will review the way in which the complaint has been handled and ensure that the issues have been dealt with properly and fairly.

They may seek further information from the complainant or the school and will investigate the matter.

The Headteacher or senior Trust executive/ chair of the board, will provide a formal, written response at the conclusion of the investigation within 20 working days of receipt of the complaint.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason (s) for it. Where appropriate it will include details of actions the school will take to resolve the complaint.

### **Stage Three: Consideration by a Panel**

If the complainant is not satisfied with the result from Stage 2, they may choose to refer their complaint to Stage 3 of the procedure. This must be done in writing to the Chief Executive Officer (unless the complaint is about them when it should be addressed to the Chair of the Board) at *TCLT Central Offices, Ovingham House, Ovingham Middle School, Prudhoe NE42 6DE* within 10 School days of the completion of Stage 2.

At this Stage, the complaint will be considered by a panel comprising Directors and/ or members of the Local Governing Body.

The Local Governing Body /Directors will consider the manner in which the complaint was addressed and decide whether it has been properly dealt with.

They will make a final decision about the case and will determine whether the complaint has received fair and proper consideration within the Trust's procedure. If they have any concerns, they may direct that further investigation takes place. The complainant will be kept informed of any delay.

Where the complaint is considered by a panel of Directors/Local Governing Body members this will comprise of persons who have no detailed prior knowledge of the complaint, and will have no connection with the complainant. There will also be one independent person who is independent of the management or governance of the Trust.

*The meeting will normally take place within 20 School days of the request. If the complainant rejects the offer of three proposed dates, without good reason, the meeting will be held in the complainant's absence on the basis of written submissions from both parties.*

Complainants will have the opportunity to submit written evidence on the complaint prior to the meeting of the panel and also to attend, accompanied by a friend/partner if they wish, to present their case. The Headteacher or CEO will be given the same opportunities.

The complainant will be informed of the date, time and place of the meeting. The letter will also explain what will happen at the meeting. As a general rule, no new evidence or witnesses previously undisclosed should be introduced into the meetings by the complainant at this stage.



The decision of the panel will normally be communicated to the complainant within 15 School days of the meeting.

The decision taken at Stage 3 is final. For most complaints this decision will be the last step in the process.

*Note: Where appropriate, complaints about staff conduct will not generally be handled under this complaints policy. Complainants will be advised that any staff conduct complaints will be considered under the disciplinary procedures of the Trust, but outcomes will not be shared with them.*

Representatives from the media are not permitted to attend.

At least ten school days prior to the meeting the date, time and venue will be confirmed. Any written materials will be circulated to all parties at least five school days before the date of the meeting. The committee will not normally accept as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The meeting will be held in private. Electronic recordings of the meetings are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before recordings of meetings or conversations take place. Consent will be recorded in any minutes taken. Recordings will be managed and retained by the Trust.

The committee will consider the complaint and all the evidence presented. The committee can:

- Uphold the complaint in whole or in part
- Not uphold the complaining in whole or in part

If the complaint is upheld in whole or in part the committee will:

Decide on the appropriate action to be taken to resolve the complaint

Where appropriate, recommend changes to trust or school processes or procedures to prevent similar issues in the future.

The chair of the committee will provide the complainant and the academy with a full explanation of their decision and the reason (s) for it, in writing within ten school days.

The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason/s for it. Where appropriate it will include details of actions that will be taken to resolve the complaint.

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

A written record will be kept of all complaints and of whether they are resolved at the preliminary stage or proceed to a panel hearing.

#### **Stage Four: Education and Skills Funding Agency (ESFA)**

Complaints can be made directly to the ESFA using their online enquiry form and ticking the complaints box.

ESFA may only be able to help if you are unable to complain, or are not satisfied with how the school handles your complaint because the school:

- does not have a complaints procedure
- did not provide a copy of its complaints procedure when requested
- does not have a procedure that complies with statutory regulations
- has not followed its published complaints procedure
- has not allowed its complaints procedure to be completed

ESFA cannot change a decision about a complaint. Their role is to make sure the academy handles your complaint properly by following a published procedure.

#### **Vexatious Complaints**

If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. Please see Appendix C for further details of how such complaints will be dealt with and examples of behaviour which will not be tolerated.

#### **General Principles of dealing with complaints**

Written records will be kept of all complaints and their outcomes, whether they were resolved at the preliminary stage, when a complaint is submitted in writing or whether they proceeded to a panel hearing.

The person(s) who investigate the complaint may take statements from other persons where it is considered helpful or where their evidence would be material to the complaint. All correspondence, statements and records of complaints will be kept confidential but will be available for inspection by the Academy Trust or the Headteacher. All correspondence, statements and records relating to individual complaints are also to be made available, upon request, to the Secretary of State or a body conducting an inspection.

Complaints from employees, where they concern employment matters, will be treated as a grievance or will be dealt with through other procedures where they fall outside the scope of these procedures.

This procedure does not cover concerns about the following, for which there are separate arrangements laid down by law:

- Matters relating to the exclusion of pupils from a school where there are separate arrangements in place
- Pupil admissions
- Home to school Transport
- Certain matters concerning provision for special educational needs provision (e.g. the making of Statements of special educational needs)

If it becomes apparent that the complaint warrants the use of a disciplinary or capability procedure, then the matter will be dealt with in the appropriate manner. Complainants are not entitled to know which procedure is used in such instances or the final outcome.

Any third parties that use academy premises for any purpose are encouraged to adopt their own complaints procedures.

The outcome of any complaint could include:

- To dismiss the complaint in whole or part
- To uphold the complaint in whole or part
- To decide on appropriate action to resolve the complaint
- To recommend changes to systems or procedures


## **Appendix A: Hearing Panel Procedures**

### **Procedures for Hearing Panel:**

- The hearing is as informal as possible
- The hearing will be clerked by an independent person
- The Hearing panel will keep an open mind
- Any member of the Hearing panel must declare any conflict of interests or any prior involvement with the complaint or the circumstances surrounding it.
- The panel should be aware that parents and carers can be emotional, nervous and inhibited in a formal setting. Every effort should be made to ensure that panel everyone is appropriately supported and breaks are conveyed throughout the proceedings.
- The panel should nominate a chair in advance of the hearing
- Witnesses are only required to attend for the part of the hearing in which they give their evidence
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses
- The Headteacher may question both the complainant and the witnesses after each has spoken
- The Headteacher is then invited to explain the school's actions and be followed by the school's witnesses
- The complainant may question both the Headteacher and the witnesses after each has spoken
- The panel may ask questions at any point
- The complainant is then invited to sum up the school's actions and response to the complaint
- Both parties leave together while the panel decides on the issues
- The chair explains that both parties will hear from the panel within a set time-scale as outlined in the policy.

The safety and welfare of pupils is paramount

## Appendix B - Formal Complaint Form

 <b>TYNE COMMUNITY LEARNING TRUST</b>	
<b>FORMAL COMPLAINT FORM</b>	
<b>Your Name</b>	
<b>Pupil's Name</b>	
<b>School</b>	
<b>Relationship to pupil (if relevant)</b>	
<b>Address</b>	
<b>Contact Number</b>	
<b>Contact email address</b>	
<b>Details of complaint</b>	

<b>Actions already taken to resolve complaint</b>	
<b>Actions you feel may resolve your complaint</b>	
<b>Any attachments (please detail)</b>	
<b>Signature</b>	
<b>Date</b>	

## **Appendix C: Vexatious Complaints/Unreasonably Persistent Complaints**

The Board of Directors recognises that it is the last resort for complaints. They also have a duty to ensure the safety and welfare of pupils, parents and staff. The Board of Directors is committed to dealing with all complaints fairly and impartially and to providing a high-quality service to those who make them. As part of this service it would not normally limit the contact complainants have. However, the Board of Directors does not expect any School's staff to tolerate behaviour by complainants which is unacceptable, for example, which is abusive, offensive or threatening, and it will act to protect staff from that behaviour. This applies to unacceptable behaviour on any part of the school premises, including the yard.

If the Headteacher considers that a complainant's behaviour is unacceptable the complainant will be told why their behaviour is deemed to be unreasonable and will be asked to change it. These are some of the actions and behaviours which the Trust could find problematic. It is by no means an exhaustive list and local factors may vary, but these are examples that have come to our attention.

- out of proportion to the nature of the complaint, or
- persistent – even when the complaints procedure has been exhausted, or personally harassing, or unjustifiably repetitious, e.g. Making unnecessarily excessive demands on the time and resources of staff, by for example excessive telephoning or sending emails to numerous staff, writing lengthy complex letters every few days and expecting immediate responses
- an insistence on pursuing unjustified complaints and/or unrealistic outcomes to justified complaints
- an insistence on pursuing justifiable complaints in an unreasonable manner (e.g. using abusive or threatening language) or
- making complaints in public; or
- refusing to attend appointments to discuss the complaint.

If the unacceptable behaviour continues the Headteacher will act to restrict the complainant's contact with the School. Any restrictions imposed will be appropriate and proportionate. The options most likely to be considered are:

- Requesting contact in a particular form (for example, letters only)
- Requiring contact to take place with a named member of staff
- Restricting telephone calls to specific days and times; and or
- Asking the complainant to enter into an agreement about their conduct

In all cases we will write to tell the complainant why we believe his or her behaviour is unacceptable, what action we are taking and duration of that action.

Where a complainant continues to behave in a way which is unacceptable, we may decide to terminate contact with that complainant and discontinue any investigation into their complaint. However, the Board of Directors will seek to limit any detriment to any students who attend the School, as far as is reasonable within these circumstances e.g. access to parents' evenings, newsletters and any other correspondence.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of the School's staff, 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 prior warning of that action.

## Appendix D: Complaints Policy Timescales

<p>Stage 1 Informal Complaints</p>	<p>Complaint form sent or complaint or concern raised with the school.</p> <p>Within 5 days the school/ trust will acknowledge the complaint</p> <p>Within 10 days (from receipt of the complaint) a response to the complaint will be sent to the complainant.</p>
<p>Stage 2 Formal Complaint</p>	<p>Complainant writes to the Headteacher/ CEO if they remain unhappy within 10 school days of receipt of the stage 1 response.</p> <p>Within 5 days the school/ trust will acknowledge the complaint</p> <p>Within 20 school days the school/ trust will investigate and respond in writing.</p>
<p>Stage 3 Formal Complaint Hearing</p>	<p>Complainant writes to the CEO/ Chair of the Trust to say they remain unhappy within 10 school days of receipt of the stage 2 response.</p> <p>Within 5 days the school/ trust will acknowledge the complaint.</p> <p>A hearing will be conveyed within 20 school days of receipt of the request to proceed to the hearing.</p> <p>10 school days notice of the date and time of a hearing will be given to the complainant.</p> <p>All papers (panel pack) will be circulated to all parties at least 5 school days prior to the hearing.</p> <p>The outcome of the hearing will be communicated in writing within 10 school days.</p>
	<p>The complainant may refer their complaint to the Education and Skills Funding Agency (ESFA) if they remain unhappy.</p>



## Appendix E : Scope of this Complaints Policy

This policy covers all complaints about any provision of community facilities or services by the Trust, other than complaints that are dealt with under other statutory procedures, including:

Admissions to schools	Concerns about admissions should be handled through a separate process - either through the appeals process of the admission authority or via the appeals process of the Local Authority.
Matters likely to require a child protection investigation.	Complaints about child protection matters are handled under the safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has responsibility for safeguarding, the police or the NSPCC.
Whistleblowing	<p>The Trust has a whistleblowing procedure for all employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters directly 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 about the schools should complain through the complaints policy.</p>
Staff grievances	Complaints from staff will be dealt with under the Trust's grievance procedures.
Staff conduct	Where appropriate, complaints about staff conduct will be dealt with under the academy disciplinary procedures. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.