TAME RIVER EDUCATIONAL TRUST

Great schools in which to learn, teach and belong.

Complaints Policy and Procedure

This is a Tame River Educational Trust policy. As an employer the Trust will ensure that at every level, in all our work and throughout all aspects of the Trust communities, all will be treated equally, with respect and dignity, free from discrimination and harassment. Each person will be given fair and equal opportunities to develop their full potential regardless of their age, disability, gender, gender-identity, race, religion or belief, sexual orientation, socio-economic background and special educational needs. Our Trust will tackle the barriers which could lead to unequal outcomes for these protected groups, ensuring there is equality of access and that we celebrate and value the diversity within our Trust communities. The Trust will work actively to promote equality and foster positive attitudes and commitment to an education for equality.

Review Cycle: Two Years
Next Review Date: September 2027
Person Responsible: CEO
Approving Body: Trust Board

1.1 **Aims:**

1.2 Our Trust aims to meet its statutory obligations when responding to complaints from parents of students at our schools, and other stakeholders.
When responding to complaints, we aim to:

- Be impartial and non-adversarial;
- Facilitate a full and fair investigation by an independent person or panel, where necessary;
- Address all the points at issue and provide an effective and prompt response;
- Respect complainants' desire for confidentiality;
- Treat complainants with respect and courtesy;
- Ensure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in-line with the principles of administrative law;
- Keep complainants informed of the progress of the complaints process;
- Consider how the complaint can feed into school improvement evaluation processes.

1.3 We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The school or Trust will aim to give the complainant the opportunity to complete the complaints procedure in full. To support this, we will ensure we publicise the existence of this policy and make it available on the Trust and school websites. Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

2. Legislation and Guidance:

2.1 This document meets the requirements set out in Part 7 of the schedule to the Education (Independent School Standards) Regulations 2014, which states that we must have and make available a written procedure to deal with complaints from parents of students at our schools.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on creating a complaints procedure that complies with the above regulations, and refers to good practice guidance on setting up complaints procedures from the Department for Education (DfE).

2.2 This policy complies with our funding agreement and articles of association.

3. Definitions and Scope:

3.1 Definitions:

The DfE guidance explains the difference between a concern and a complaint:

- A **concern** is defined as *"an expression of worry or doubt over an issue considered to be important for which reassurances are sought".*
- Our schools will resolve concerns through day-to-day communication as far as

possible.

- A **complaint** is defined as *"an expression of dissatisfaction however made, about actions taken or a lack of action".*
- A **grievance** is an issue raised by a member of staff where they feel the school at which they work has not implemented a policy or process fairly or properly. Grievances will be dealt with in line with the school's Grievance Policy.

3.2 Scope:

The Trust intends to resolve complaints informally where possible, at the earliest possible stage. There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does **not** cover complaints procedures relating to:

- Admissions.
- Statutory assessments of special educational needs and disabilities (SEND) safeguarding matters.
- Suspension and Exclusion.
- Whistle-blowing.
- Staff grievances.
- Staff discipline.

Please see our separate policies for procedures relating to these types of complaint.

3.3 Arrangements for handling complaints from parents of children with special educational needs (SEND) about the school's support are within the scope of this policy, but not related to statutory assessment. Such complaints should first be made to the special educational needs co-ordinator (SENCO)/Headteacher; they will then be referred to this complaints policy. Our SEND policy includes information about the rights of parents of students with disabilities who believe that our school has discriminated against their child.

3.4 Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned, such as external schools' letting agencies for out of hours' activities.

4. Roles and Responsibilities

4.1 The complainant:

The complainant will get a more effective and timely response to their complaint if they:

- Follow these procedures.
- Ask for assistance as required.
- Co-operate with the school throughout the process, and respond to deadlines and communication promptly.
- Treat all those involved with respect.
- Not publish details about the complaint on social media.

4.2 The investigator

An individual will be appointed to look into the complaint, and establish the facts. They will:

- Interview all relevant parties, keeping notes.
- Consider records and any written evidence and keep these securely.
- Identify and recommend solutions and courses of actions to take.
- Respond to the complainant in a clear and understandable manner.
- Prepare a comprehensive report to the Headteacher or Complaints Committee which includes the facts and potential solutions.

4.3 The Headteacher's Personal Assistant (PA) or Clerk to the Governing / Trust Board will:

- Be the contact point for the complainant, including circulating the relevant papers and evidence before the complaints committee meetings.
- Arrange the complaints hearing.
- Record and circulate the minutes and outcome of the hearing.

4.4 Committee Chair

The Committee Chair will:

- Chair the meeting, ensuring that everyone is treated with respect throughout.
- Make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case.

5. Principles for Investigation:

When investigating a complaint, we will try to clarify:

- What has happened?
- Who was involved?
- What the complainant feels would put things right?

5.1 **Time scales:**

The complainant must raise the complaint **within 3 months** of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.

We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

When complaints are made out of term time or at weekends, we will consider them to have been received on the next school day.

If at any point we cannot meet the time scales we have set out in this policy, we will:

- Set new time limits with the complainant
- Send the complainant details of the new deadline and explain the delay.

6. Stages of Complaint (not complaints against the Headteacher or Governors):

The complaints procedure consists of at least 3 stages, including:

- an informal stage.
- a formal stage.
- a panel hearing.

All meetings at all stages will be held in private. Electronic recordings of meetings or conversations 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 recording of meetings or conversations take place. Consent will be recorded in any minutes taken.**

6.1 Stage 1: Informal:

The Trust will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant should first raise the complaint **as soon as possible** with the relevant member of staff (or the Headteacher as appropriate) to try and resolve the issue, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact their child's school office by phone/email, details of which can be found on each school's website.

The school will acknowledge informal complaints by email/telephone conversation within **2 school days**, and investigate and provide a response within **10 school days**. The informal stage will involve a meeting between the complainant and the member of staff investigating the complaint and/or the subject of the complaint, as appropriate.

If the complaint is not resolved informally, it will be escalated to a formal complaint.

6.2 Stage 2: Formal:

The formal stage involves the complainant putting the complaint to the Headteacher or Governing Board as follows:

- **By completing the complaints form (see school or Trust website) and sending it to school by email or post.**
- By a third party acting on behalf of the complainant, **but still using the complaints form**, to log the formal complaint.

The complainant should provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents, **and what they feel would resolve the complaint**.

If complainants need assistance raising a formal complaint, they should contact the school office.

6.2.1 The Headteacher (or designated member of the Senior Leadership Team) will arrange a meeting to clarify concerns, and seek a resolution. The complainant may be

accompanied to this meeting, and should inform the school of the identity of their companion in advance.

6.2.2 In certain circumstances, the school may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the school will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

6.2.3 The Headteacher (or designated member of the Senior Leadership Team) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within **10 school days**.

6.2.4 If the complainant still feels their complaint has not been sufficiently resolved they may wish to proceed to the next stage of the procedure. Notification of this must be within **5 school days of receiving the written conclusion** to the Stage 2 investigation, they should inform the Headteacher's PA or nominated individual:

- By letter or email.
- Through a third party acting on behalf of the complainant.

The Headteacher's PA or nominated individual will need the details of the complaint as set out above, as well as details from the complainant on how they feel the previous stage of the procedure has not addressed their complaint sufficiently, **and what they feel would resolve the complaint.**

6.2.5 Requests received outside of this time frame will be considered in exceptional circumstances.

6.2.6 The Headteacher's PA or nominated individual will acknowledge receipt of the request within 2 school days.

6.3 **Stage 3: Review Panel:**

6.3.1 Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the second, formal, stage.

6.3.2 The panel will be appointed by or on behalf of the Governors and must consist of at least 3 people who were not directly involved in the matters detailed in the complaint. The members of the panel will be made up of at least two school Governors and one independent person (e.g. a Trust leader or a governor from another Trust school) who have not been involved in the issue.

6.3.3 The panel will have access to the existing record of the complaint's progress (see section 10).

6.3.4 The complainant must have reasonable notice of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather than that of the complainant, but a minimum of 5 school days' notice will be given. At the review panel meeting, the complainant and the investigating officer and Headteacher from the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

6.3.5 The complainant must be allowed to attend the panel hearing and be accompanied by one person if they wish.

6.3.6 A person aged 18 or under will be permitted to attend a panel hearing when invited to do so by the panel, and will then leave when their submission has been presented and questions posed.

6.3.7 At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called, as appropriate, to present their evidence.

6.3.8 The panel, the complainant and the school representative(s) will be given the chance to ask and reply to questions. Once the complainant and school representative(s) have presented their cases, they will be asked to leave and evidence will then be considered.

6.3.9 The panel will then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint, and make a copy available for inspection by the Chair of Trustees and CEO. The Chair of Trustees and CEO will be provided with copies of the complaint outcome letters.

The school will inform those involved of the decision in writing within 5 school days.

7. Complaints against the Headteacher, a Governor, the CEO or a Trustee

7.1 Stage 1: Informal:

- Complaints made against the Headteacher or a member of the Local Governing Board (not the chair) should be directed to the Chair of the Local Governing Board in the first instance who will assign a suitably- skilled and impartial Governor to carry out the steps at Stage 1 (set out in section 6.1 above).
- Complaints made against the Chair of Governors, the complaint should be directed to the Chair of Trustees who will assign a suitably-skilled and impartial Trustee to carry out the steps at Stage 1 (set out in section 6.1 above).
- Complaints made against the CEO should be directed to the Chair of Trustees who will assign a suitably- skilled and impartial Trustee to carry out the steps at Stage 1 (set out in section 6.1 above).
- If the complaint is about the Chair of Trustees, the complaint will be dealt with (as set out in section 6.1 above) by an independent person from the Members of the Trust.

7.2 Stage 2: Formal:

The complainant must complete the complaints form (on the school website).
The formal stage involves the complainant putting the complaint to either:

- The Chair of the Local Governing Body (for complaints against the Headteacher or member of the Local Governing Board), who will, with the support of the CEO, conduct their own investigation in-line with 6.2.
- The Chair of Trustees (for complaints against the CEO and / or the Chair of Governors), who will, with the support of the CEO (if they are not part of the complaint), conduct

their own investigation in-line with 6.2.

Both will write a formal response to the complainant at the end of their investigation.

7.3 **Stage 3: Review Panel:**

Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the second, formal stage.

The panel will be appointed by, or on behalf of, the Trust and must consist of at least 3 people who were not directly involved in the matters detailed in the complaint, one of which will be a Trustee.

7.4 If the complaint is about a Trustee or the CEO, the Chair of Trustees will investigate the complaint. If the complaint is about the Chair of Trustees, a committee of independent persons will hear the complaint. They will be sourced from the Members of the Trust and will carry out the steps at Stage 3 (set out in section 6.3 above).

8. Referring Complaints on Completion of the School's Procedure:

If the complainant is unsatisfied with the outcome of the Trust's complaints procedure they can:

For an Academy:
Refer their complaint to the DFE. The DFE will check whether the complaint has been dealt with properly by the school. The DFE will not overturn a school's decision about a complaint. However, it will look into:

- Whether there was undue delay, or the school did not comply with its own complaint's procedure;
- Whether the school was in breach of its funding agreement with the Secretary of State;
- Whether the school has failed to comply with any other legal obligation.

For a Maintained School:
Refer their complaint to the Local Authority (LA). The LA will not overturn a school's decision about a complaint. However, it will look into:

- Whether there was undue delay, or the school did not comply with its own complaint's procedure;
- Whether the school has failed to comply with any other legal obligation.

8.1 If the school did not deal with the complaint properly, it will be asked to re- investigate the complaint. If the school's complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly. For more information or to refer a complaint, see the following webpage: https://www.gov.uk/complain-about-school

We will include this information in the outcome letter to complainant.

8.2 **Maintained School Only: What will the Department for Education (DFE) do?**
If a complaint has exhausted the local procedures, the DFE will examine if the complaints' policy and other relevant policies were followed in accordance with the provisions set out. The DFE also examines policies to determine if they adhere to education legislation. **However, the DFE will not re-investigate the substance of the complaint**. This remains the responsibility of schools. If legislative or policy

breaches are found, the DFE will report them to the school and the complainant and, where necessary, require remedial action to be taken. Failure to carry out remedial actions could ultimately result in a formal direction being issued by the Secretary of State.

9.0 Managing Unreasonable Requests*

***See Procedure for Dealing with Persistent and Unreasonable Complaints or Harassment**

The Trust is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. We will not normally limit the contact complainants have with the Trust or any of its schools; however, we do not expect our staff to tolerate unacceptable behaviour and will act to protect staff from that behaviour, including that which is abusive, offensive or threatening.

A complaint may be regarded as unreasonable when the person making the complaint:

- Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance.
- Refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- Refuses to accept that certain issues are not within the scope of a complaints procedure.
- Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales.
- Makes unjustified complaints about staff who are trying to deal with the issues and seeks to have them replaced.
- Changes the basis of the complaint as the investigation proceeds.
- Repeatedly makes the same complaint despite previous investigations or responses concluding that the complaint is groundless or has been addressed.
- Refuses to accept the findings of the investigation into that complaint where the Trust's complaints procedure has been fully and properly implemented and completed including referral to independent bodies.
- Seeks an unrealistic outcome.
- Makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:

- Maliciously.
- Aggressively.
- Using threats, intimidation or violence.
- Using abusive, offensive or discriminatory language.
- Knowing it to be false.
- Using falsified information.
- By publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with the Trust while a complaint is being progressed. It is not helpful if repeated correspondence is sent, either by letter, phone, email or text, as it could delay the outcome being reached. Whenever possible, the member of staff, Governor or Trustee leading the response to a complaint will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues, the individual handling the complaint will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the Trust or any of its schools causing a significant level of disruption, the Trust may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after six months.

9.1 Stopping Responding:

A decision to stop responding will only be considered in circumstances where the following statements are true:

- Every reasonable step has been taken to address the complainant's concerns.
- Every reasonable step has been taken to contact the complainant and arrange meetings / listen to their concerns and the complainant fails to respond or engage with the school / Trust.
- The complainant has been given a clear statement of the school's / Trust's position and their options.
- The complainant contacts the Trust or any of its schools repeatedly, making substantially the same points each time.

If the above criteria are met, in deciding to stop responding, the school / Trust will also consider if the complainant is often abusive or aggressive in their communication, makes insulting personal comments about or threats towards staff, or if the school / Trust believes their intent is to disrupt or inconvenience the Trust or its schools.

The Trust will not stop responding to a complainant on the basis that they are difficult to deal with or they ask complex questions.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the premises.

9.2 Duplicate Complaints:

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.

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 the local process is complete;
- Direct them to the appropriate independent body if they are dissatisfied with our original handling of the complaint.

If there are new aspects, we will follow this procedure again.

9.3 Complaint Campaigns:

Where the school or Trust receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school or Trust may respond to these complaints by:

- Publishing a single response on the school or Trust website.
- Sending a template response to all of the complaints.

If complainants are not satisfied with the school or Trust's response, or wish to pursue the complaint further, the normal procedures will apply.

10. Record Keeping:

10.1 The school will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the Secretary of State (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

10.2 Records of complaints will be kept securely, only for as long as necessary and in line with data protection law and our privacy notices.

10.3 The details of the complaint, including the names of individuals involved, will not be shared with the whole Governing / Trust Board in case a review panel needs to be established at a later point.

Where all of the Governing / Trust Board is aware of the substance of the complaint before the review panel stage, the Trust will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the Trust Board, who will not unreasonably withhold consent.

11. Learning Lessons:

The Local Governing Board / Trust Board will review any underlying issues raised by complaints with the Headteacher / CEO where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

12. Monitoring Arrangements:

The Local Governing Board, along with the Headteacher and CEO will monitor the effectiveness of the complaint procedure in its school, ensuring that complaints are handled properly. The Local Governing Board, along with the Headteacher and CEO, will track the number and nature of complaints, and review underlying issues as stated in section 11.

The complaints records are logged and managed by a nominated individual in each school. This will normally be the Headteacher's Personal Assistant, if the Headteacher has a PA. If not, the Headteacher will nominate who will undertake this responsibility and indicate this on the formal complaints form for their school.

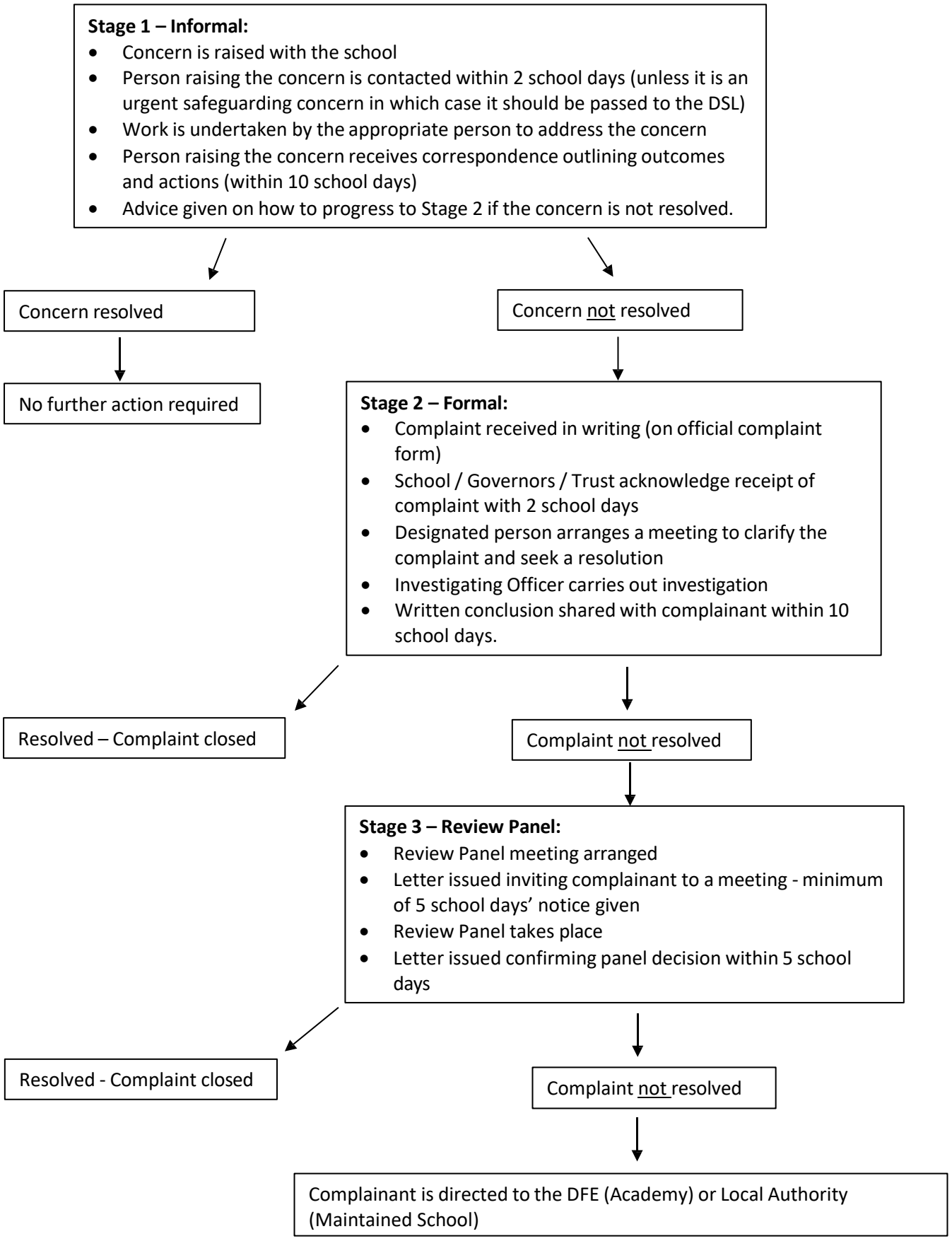
This policy will be reviewed by the Trust Board every 2 years. At each review, the policy will be approved by the full Board of Trustees.

13. Links with other Policies:

Policies dealing with other forms of complaints include:

- Child Protection and Safeguarding Policy and Procedures.
- Admissions Policy.
- Suspensions and Exclusions Statutory Guidance.
- Staff Grievance Procedures.
- Staff Disciplinary Procedures.
- SEN Policy.
- Privacy Notices.

Flowchart: Summary of Dealing with Complaints



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