



Policy:	Complaints Policy
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1. Introduction

- 1.1 The TDET and Academy committees of Thomas Deacon Education Trust are committed to ensuring that the highest standards are maintained at all academies both in the provision of education to pupils and in every other aspect of the running of the academy.
- 1.2 A complaints procedure is an important part of the management of a well-run academy allowing parents and others the opportunity to voice any concerns they may have through appropriate channels.
- 1.3 This policy explains the procedure which has been adopted by the academy committee to ensure a timely, systematic and fair approach to the resolution of such concerns.
- 1.4 We recognise the need to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage reduces the numbers that develop into formal complaints.
- 1.5 We aim to ensure that concerns are handled, if at all possible, without the need for formal procedures.
- 1.6 Our formal complaints procedure is only necessary if efforts to resolve the concern informally are unsuccessful. In most cases, a class teacher or an individual delivering the service will receive the first approach.
- 1.7 Our formal procedures are invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further. (See appendix A.)
- 1.8 This policy does not cover certain types of complaints, which are dealt with under separate procedures. These include:
 - Any complaint relating to child protection. (These will immediately be raised in line with academy procedures)
 - Complaints arising through conflict between estranged parents over the application of parental responsibility. (These will be dealt with having the best interest of the child in mind and with reference to the DFE guidance '*Understanding and Dealing with Issues Relating to Parental Responsibility January 2016*' and with further legal advice if necessary.)
 - Curriculum complaints – addressed under the curriculum complaints procedure.
 - SEN complaints – addressed under the SEN procedures.
 - Complaints by staff – addressed under the academy's grievance procedure or other personnel policies.
 - Admissions – addressed under the admissions and admissions appeals procedure.
 - Whistle blowing – (matters of impropriety e.g. a breach of law, academy procedures or ethics) – addressed under the whistle blowing procedure.
 - Complaints about academy re-organisation.
 - Complaints against services provided by third party hirers of the academy premises.
- 1.9 A complaint may result in disciplinary action by the academy against a member of staff and this would be confidential between that member of staff and the academy, but otherwise complainants will be kept fully informed of the handling of any complaint. Any complaint will be kept confidential, unless it is necessary to involve other parties, and will be dealt with as quickly as possible.

1.10 If a complaint is investigated according to the academy's policy but not to the satisfaction of the complainant, who then tries to reopen the same issue, the chair of the academy committee will inform them in writing that the procedure has been exhausted and that the matter is now closed. However, if the complainant raises an entirely new, separate complaint, it will be dealt with in accordance with the academy's complaints procedure.

1.11 Members of staff recognise that complainants may sometimes act out of character in times of stress, anxiety or distress and will make reasonable allowances for this. However, all instances of unacceptable behaviour such as harassment, aggressive verbal or physical abuse at any time will be documented and this may result in the complaint being dealt with only through written communication thereafter.

2. Objectives and targets

2.1 To be effective our complaints procedure will:

- Encourage resolution of problems by informal means wherever possible.
- Be easily accessible and publicised, including to third parties who hire academy premises.
- Be simple to understand and use.
- Be impartial.
- Be compliant with the academy's obligations under the Equality Act 2010.
- Be non-adversarial.
- Allow swift handling with established time-limits for action and keeping people informed of the progress.
- Ensure a full and fair investigation by an independent person where necessary.
- Respect people's desire for confidentiality.
- Address all the points at issue and provide an effective response and appropriate redress, where necessary.
- Provide information to the academy's senior management team so that services can be improved.

3. Action plan

3.1 At each academy, the principal or nominated person has overall responsibility for the operation and management of the academy complaints procedure.

3.2 In practical terms, the principal will nominate a senior member of staff as complaints co-ordinator to deal with matters on a day-by-day basis and hold records relating to any complaints received.

3.3 Complaints from anyone who is not a parent of a pupil currently attending the academy, should be addressed to the principal in the first instance.

3.4 It is expected that attempts will be made to resolve concerns informally, calmly and quickly with the class teacher/form teacher/head of year before being referred to the principal.

3.5 The informal stage of the procedure will be exhausted before the matter is referred to the formal stages and a complaint form issued (see appendix B), together with a copy of the academy's complaints procedure guidance.

3.6 If any substantial complaint is made to a member of staff by a parent, it will be referred to the line manager or principal, as appropriate, if it cannot be resolved immediately by the member of staff to the satisfaction of the parent.

4. Roles and responsibilities of the participants in the investigation of a complaint

4.1 The complainant

The person who makes the complaint will receive the most effective response if he/she:

- Expresses the complaint in full as early as possible.
- Asks for assistance if needed throughout the handling of the complaint.
- Co-operates with the academy in its procedures of seeking a solution to the complaint.
- Responds promptly to requests for information or meetings or in agreeing the details of the complaint.
- Treats all those involved in the complaint with respect.

5. The complaints co-ordinator

5.1 Whenever a formal complaint is received it will be investigated. At each stage, the person investigating the complaint (the complaints co-ordinator), must:

5.2 Ensure that everyone involved in the complaint procedure is aware of the legislation around complaints including:

- The Equality Act 2010.
- Data Protection Act 1998.
- Freedom of Information Act 2000.

5.3 Be aware of issues regarding:

- Sharing third party information.
- Additional support for the complainant when making a complaint including interpretation support.

5.4 Liaise with staff members, principal, and the chair of trustees to ensure the smooth running of the complaints procedure.

5.5 Where relevant ensure that the complainant is fully updated at each stage of the procedure.

5.6 Keep records.

6. The investigator

6.1 The investigator is involved in stages 1 and 2 of the procedure. They investigate the complaint and will ensure that they:

- Conduct interviews with an open mind and are prepared to persist in the questioning.
- Keep notes of the interviews or arrange for an independent note taker to record minutes of all meetings.

6.2 The investigator's role will include:

6.3 Providing a comprehensive, open, transparent and fair consideration of the complaint through:

- Interviewing the complainant sensitively and thoroughly to establish what has happened and who has been involved.

- Interviewing staff, pupils and other people relevant to the complaint.
- Consideration of records and other relevant information.
- Analysing information.

6.4 Identifying solutions and recommending courses of action to resolve problems.

6.5 Being mindful of the timescales to respond.

6.6 Responding to the complainant in plain and clear language.

7. The panel clerk (this could be clerk to the academy committee or the complaints co-ordinator) - The clerk is involved from stage 3 of the complaint procedure. The panel clerk is the contact point for the complainant for the panel meeting and will:

7.1 Set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible.

7.2 Collate any written material and send it to the parties in advance of the hearing.

7.3 Record the proceedings.

7.4 Circulate the minutes of the panel hearing.

7.5 Notify all parties of the panel's decision.

7.6 Liaise with the complaints co-ordinator.

8. The panel chair - The panel chair will ensure that:

8.1 He/she liaises with the clerk and complaints co-ordinator

8.2 No member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure.

8.3 The panel is open-minded and acts independently.

8.4 The layout of the room is informal and not adversarial.

8.5 Parents/carers and others who may not be used to speaking at such a hearing are put at ease (particularly important if the complainant is a youngster).

8.6 The hearing is conducted in an informal manner with everyone treated with respect and courtesy.

8.7 While the hearing is conducted in an informal manner, all matters brought up will be considered seriously.

8.8 The role of the panel is explained to the complainant and both they and the academy have the opportunity of putting their case without undue interruption.

8.9 The meeting is minuted.

8.10 The issues are addressed.

8.11 Both the complainant and the academy are given the opportunity to state their case and seek clarity where necessary.

8.12 Key findings of fact are made.

8.13 Written material is seen by everyone in attendance.

8.14 If a new issue arises, a short adjournment of the hearing will take place so that everyone will have the opportunity to consider and comment upon it.

9. Panel members - Panel members become involved at stage 4 in the complaint procedure. They need to be aware that:

9.1 The aim of the hearing, which will be held in private, is to resolve the complaint and achieve reconciliation between the academy and the complainant.

9.2 The panel hearing is independent and impartial, and must be seen to be so.

9.3 Many complainants will feel nervous and inhibited in the setting.

9.4 Extra care must be taken when the complainant is a youngster and present during all or part of the hearing, and the welfare of the youngster is most important.

10. Stages in the procedure

10.1 There are four stages in the academy's complaints procedure. See appendix A for a flow chart.

At each stage in the procedure, we will remain mindful of ways in which a complaint can 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 academy policies in light of the complaint.

10.2 We encourage complainants to 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.

10.3 At all times we will seek to identify areas of agreement between the parties and clarify any misunderstandings that might have occurred because this can create a positive atmosphere in which to discuss any outstanding issues.

10.4 We encourage complaints to be made as soon as possible after an incident arises (although up to three months is acceptable in certain circumstances).

11.Stage 1 – informal – complaint heard by staff member

11.1 As a matter of staff development, all staff members receive training in handling complaints. A complaint may be made in person, by telephone, or in writing. In this stage, the investigator, ie the class teacher/form teacher/head of year/tutor (but not the subject of the complaint or a committee member), will deal with the complaint. Most parents' concerns can be adequately resolved by discussion with the class teacher/form teacher/head of year/tutor or with other members of staff. There may be no need for the complaint to be put in writing, which would formalise matters and may lead parents to feel less prepared to articulate concerns, perhaps because of a fear that such action may prejudice the interests of their child. At the end of a meeting or telephone call, the member of staff will ensure that the complainant and the academy have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls will be kept and a copy of any written response added to the record.

11.2 The complaint should be resolved within **five** academy days. However, if the complainant wishes to take the matter further, they are requested to complete the complaints form

(appendix B) and return it to the academy within **five** academy days. The principal is informed and stage 2 is implemented.

12. Stage 2 – formal– complaint heard by principal or senior staff member - If the concern is not met to the complainant's satisfaction by discussion, then:

- 12.1 The complainant puts the complaint in writing using the complaints form (appendix B).
- 12.2 The initial recipient of the complaint will refer the matter to the investigator e.g. the principal or to a designated member of the senior management team.
- 12.3 The principal, or a designated member of the senior management team, will investigate the circumstances of the complaint and may find it appropriate to ask for written statements from staff or pupils and to call for any relevant documentation. If the complaint is against a member of staff, that member of staff has a right to be given details of the complaint and the opportunity to make representation about it. The person investigating the incident will take these details into account.
- 12.4 The principal or designated member of staff will consider the complaint but it will be the principal who will decide what action is required and respond to the complainant with the outcome of the investigation, normally within **ten** academy working days of receipt of the substance of the complaint. The response may be in writing or at a meeting with the complainant followed by written confirmation of the outcome.
- 12.5 Note Complaints against the principal will be dealt with by the CEO. Complaints against the chair of academy committee member or any individual committee member should be made by writing to the clerk of TDET Academy committee. In some circumstances, the academy reserves the right to refer the matter to an external body.
- 12.6 The complainant will be informed of his or her right to appeal to the TDET Executive Group if the outcome of stage 2 is not considered satisfactory. The time frame in which any appeal must be lodged in writing is **five** academy days. Any such request by a complainant should be addressed to the Executive Assistant to the Executive Group.

13. Stage 3 – formal – complaint heard by TDET Executive Group – If the concern is not met to the complainant's satisfaction by discussion, then:

- 13.1 The complainant puts their complaint in writing (using the original complaints form) to the TDET Executive Group.
- 13.2 A member of the TDET Executive Group will investigate the circumstances of the complaint and may find it appropriate to ask for further written statements from staff or pupils and to call for any relevant documentation. The person investigating the concern will take these details into account.
- 13.3 The Executive Group will consider the complaint and will decide what action is required and respond to the complainant with the outcome of the investigation, normally within 10 academy working days of receipt of the substance of the complaint. The response may be in writing or at a meeting with the complainant followed by written confirmation of the outcome.
- 13.4 The complainant will be informed of his or her right to have the matter referred to the committee members' complaints appeal panel if the outcome of stage 2 is not considered satisfactory. The time frame in which any appeal must be lodged in writing is **five** academy days. Any such request by a complainant should be addressed to the clerk to the committee members for the attention of the chair of committee members and the committee members' complaints appeal panel will be convened

14. Stage 4 – formal – trust committee members' complaints appeal panel meeting

- 14.1 When the clerk to the committee members receives the request for the committee members' complaints appeal panel to meet:
- 14.2 The complainant/parent will be informed by the clerk of the new timescale for the investigation and written report to be provided within **14** working days. (However, the length of the investigation will depend on the nature of the complaint and other variable factors. If the investigation is likely to exceed **14** days, the academy will set realistic time limits for each action within the stage. Where

such further investigations are necessary, new time limits may need to be set and the complainant will be sent details of the new deadline and an explanation for the delay.)

14.3 A committee members' complaints appeal panel will be assembled comprising three or five members, none of whom have any previous connection to the complaint, and one of whom will act as chair for the meeting. The meeting will additionally have a clerk in attendance.

14.4 If the complainant requests an independent panel, the academy will consider the request but ultimately the decision is made by the committee members.

14.5 One of the panel **must** be independent of the academy.

14.6 The clerk will write to the complainant, the principal, the chair of committee members and appeal panel members giving details of the meeting, requesting copies of any documents to be put before the meeting and the names of any witnesses that either party may wish to attend.

14.7 The clerk will inform the complainant of the right to be accompanied by a friend.

14.8 The hearing will be on reasonable notice and be held as soon as practicable after receipt of the referral. The procedure at the hearing (see appendix C) will be sensitive and appropriate for the circumstances and is at the discretion of the chair of the committee members' complaints appeal panel.

14.9 After the hearing, the clerk will offer copies of the minutes of the meeting to all parties involved in the panel hearing and provide an opportunity for the minutes to be agreed and, if necessary, challenged within **five** academy days so that no additional complaints will arise because of the record of the meeting.

14.10 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 academy's procedures to ensure that similar problems do not recur.

14.11 The committee members' appeal panel's decision is final.

14.12 A copy of the findings and recommendations of the panel will be sent by letter (electronic mail is acceptable) to the complainant and, where relevant, to the person complained about, and will be available for inspection on the academy premises by the principal.

15. If the complainant is still not satisfied

15.1 If the complainant is still not satisfied after all the processes of the trust's complaints procedure have been undertaken or tries to re-open the same issue, the chair of committee members will inform them in writing that the procedure has been exhausted and any further contact from the complainant on the same issue is likely to be ignored by the academy.

15.2 If complainants wish to take the complaint further, they must complete the form available at: [Complaints procedure - Education and Skills Funding Agency - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/544242/complaints-procedure-education-and-skills-funding-agency.pdf) and the complaint will be directed to the Education and Skills Funding Agency who will not overturn the decision about the complaint but will check whether:

- There has been undue delay in the proceedings.
- That the procedures in the academy's policy and other relevant policies were followed correctly.
- That the academy has complied with its funding agreement with the Education Secretary.
- That the policy meets all legal requirements.

Complaints to the ESFA may also be sent to:

Complaints Team
Education and Skills Funding Agency
Cheylesmore House
Quinton Road
Coventry
CV1 2WT

16. Recording complaints

16.1 The progress of any complaint and the final outcome will be recorded by the complaints co-ordinator. These findings will be made available to the complainant and, where relevant, the person complained about, and will be available for inspection by the principal. Initially a complaint may be made in person or by telephone and if unresolved needs to be put in writing (see appendix B). At the end of a meeting or telephone call, the member of staff will ensure that the complainant and the academy have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls will be kept and a copy of any written response added to the record.

17. Unreasonable complaints

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

17.2 Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance.

17.3 Refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved.

17.4 Refuses to accept that certain issues are not within the scope of a complaints procedure.

17.5 Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.

17.6 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.

17.7 Makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced.

17.8 Changes the basis of the complaint as the investigation proceeds.

17.9 Makes excessive demands on academy time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and/or by telephone while the complaint is being dealt with.

17.10 Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed).

17.11 Refuses to accept the findings of the investigation into that complaint where the academy's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education.

17.12 Seeks an unrealistic outcome.

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

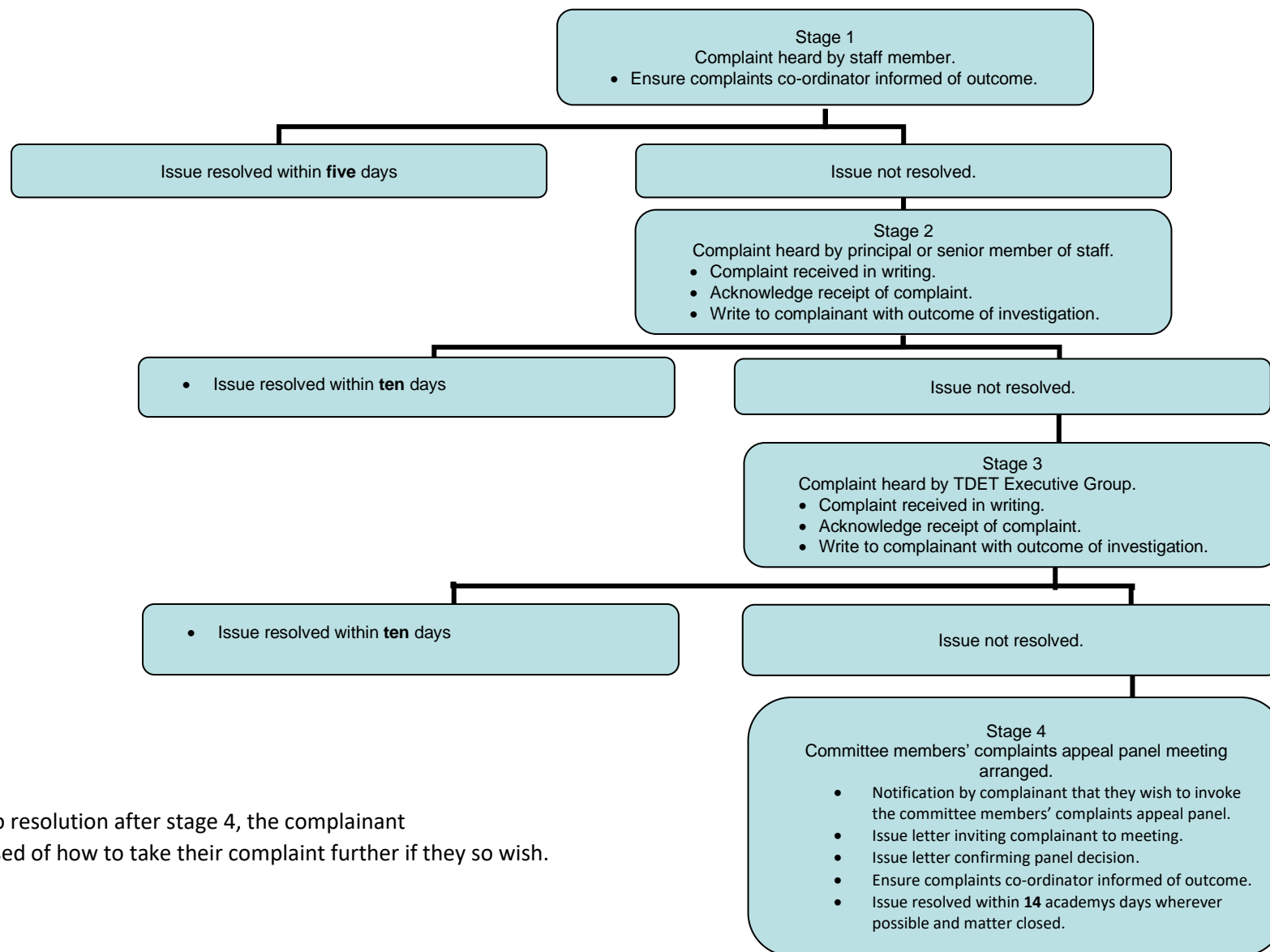
- Maliciously.
- Aggressively, using threats, intimidation or violence.
- Using abusive, offensive or discriminatory language.

- Knowing it to be false.
- Using falsified information.
- Publishing unacceptable information in a variety of media such as in social media websites and newspapers.

17.14 Where aggression or abusive behaviour has been used, the academy may have to:

- Ask them to leave the academy premises.
- Inform the police.
- If necessary, bar them from being on academy premises.

1 APPENDIX A: FLOWCHART FOR THE COMPLAINTS PROCEDURE



If there is no resolution after stage 4, the complainant will be advised of how to take their complaint further if they so wish.

2 APPENDIX B: COMPLAINTS FORM

Please complete and return to (complaints co-ordinator) who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Daytime telephone number: Evening telephone number:

Email address:

Please give details of your complaint:

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

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

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

Signature:

Date:

Official use

Date acknowledgement sent:

By whom:

Complaint referred to:

Date: