

# Complaints Policy

<b>Policy Number</b>	
<b>Named Person(s)</b>	<b>COO</b>
<b>Review Committee</b>	<b>Board</b>
<b>Last review date</b>	September 2019
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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 contact the CEO.

**Timescales:** 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.

### **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.

However, if a parent/carers or member of the public feels that a situation has arisen that they are unhappy about then they have a right to make a complaint. Tyne Community Learning Trust expects that most complaints can be resolved informally and guarantees to treat seriously and confidentially all concerns whether raised informally or formally. The aim of this policy is to ensure that a concern or complaint by a parent/carers 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 dependent upon the complexity of the issues raised. This policy relates to complaints about the academy 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.

### **Records**

All complaints will be recorded by the academy, including informal complaints. The Headteacher is responsible for ensuring that staff record all complaints and their outcome in their school.

- Records relating to individual complaints are confidential, except where the Secretary of State or a statutory body conducting an inspection requests access to them.
- The local Governing Body will monitor the level and the subject matter of complaints and review the outcomes on a regular basis.

## **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, if staff are made aware of the procedures, 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. Examples might include dissatisfaction about some aspect of teaching, disciplinary matters or issues outside of the classroom. Parents/carers should raise the matter with the school, initially with the member of staff involved, the Key Stage, Subject or Year Leader or the Assistant/Deputy Headteacher, as appropriate.

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.

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

If you feel that your concern has not been resolved at the informal stage, you need to follow the formal complaint process as detailed below.

If you would like the concern formally investigated by an appropriate person from the Academy, please submit your complaint in writing to the Academy. If you would like help to submit a written complaint, the Academy will be happy to provide the assistance of someone unconnected with the complaint.

If the matter is about:

- the day-to-day running of one of the Schools
- the interpretation of Trust policies in a School
- the actions of staff at the School

it will be initially investigated by the Headteacher or other senior member of staff.

If the matter is about:

- the Headteacher of the Academy it will be investigated by the Chair of the Local Governing Body or a person nominated by the Chair of the Local Governing Body

- The Chief operating Officer or a member of the central team it will be investigated by the Chief Executive Officer.

If the matter is about:

- Trust policies
- the actions of the Local Governing Body
- the actions of the Chief Executive Officer

the matter will be considered by the Chair of the Board of Directors or one or more other Directors.

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. He/she/they will normally write to you with the outcome of this process within 20 school days of receiving the complaint.

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

If you are not satisfied with the result from Stage 2, you may choose to refer your 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 Chief Operating Officer) at the Trust Head Office within 15 School days of the completion of Stage 2.

At this Stage, the complaint will be considered by a panel comprising Directors or members of the Local Governing Body (depending on who undertook the initial investigation at the previous stage).

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 15 School days of your request. 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.

#### **Stage Four: 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 complaint 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.

#### **Stage Five: 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 academy handles your complaint because the academy:

- 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.

#### **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:

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- 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: Checklist**

### **Checklist for Hearing Panel:**

- ✓ The hearing is as informal as possible
- ✓ 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

## **Appendix B: Complaint Form**



**TYNE COMMUNITY LEARNING TRUST - FORMAL COMPLAINT FORM**

**Your name**.....

**Pupil's name**.....

**Your relationship to the pupil (if relevant)** .....

**Address**

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**Telephone number (day)** .....

**Telephone number (evening)** .....

**Please give brief details of your complaint**

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

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

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

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**Signature** .....  
**(Complainant)**

**Date** .....

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.

## Addendum

Please note that, during the national lockdown and partial closure of schools, the DfE and ESFA have relaxed the requirements on timescales for responding to new and existing complaints. During the national lockdown, our foremost priority is maintaining high-quality education for our pupils learning both remotely and on-site. For this reason, processing complaints may take longer than usual, although we will continue to maintain communication with parents and pupils as far as possible.

We humbly ask for your patience as we work to ensure that all of our pupils can learn effectively, and we will endeavour to address complaints and concerns as soon as we possibly can. If you are concerned that a child may be at risk, please contact us directly at telephone number so that we can take the necessary actions, or contact the police at 101, if necessary. Alternatively please visit the NSPCC helpline to report a concern <https://www.nspcc.org.uk/keeping-children-safe/our-services/nspcc-helpline/>. For more information about complaints, you can contact the DfE.