



GENERAL COMPLAINTS POLICY AND PROCEDURE

Tees Valley Education Trust

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1 INTRODUCTION

This policy was written in accordance with the DfE guidance for schools and academies. <https://www.gov.uk/government/publications/setting-up-an-academies-complaints-procedure> - (Updated 16th July 2020).

2 SCOPE OF POLICY

The majority of issues raised by the public, parents, or pupils are concerns rather than complaints. The Trust and its academies are committed to taking concerns seriously at the earliest stage, in the hope of keeping the number of formal written complaints to a minimum. The prime aim of the Trust's policy is to resolve the complaint as fairly and speedily as possible. All complaints will be dealt with in a sensitive, impartial and confidential manner.

This policy is in place to cover general complaints made to an individual academy or the Trust. The General Complaints Procedure does not cover complaints which relate to statutory provision, e.g. complaints relating to Curriculum, Sex Education, SEN, Child Protection Investigations, Admissions, Exclusions and Staff Grievance and Capability Proceedings, Allegations of Abuse or to employment legislation.

The policy is available on the Trust's website and on each academy's website. It is also available as a 'hard copy' from the academies (subject to a small reprographics charge).

3 AIMS

Communication, written or spoken, is valued as part of the partnership between the academy and its users. Co-operation between parents, staff, the community, local committee representatives and trustees leads to a shared sense of purpose. This general complaints procedure sets out clear procedures to be followed in the event of a complaint and gives a structured opportunity for all concerned to express and resolve concerns at an early stage.

At each stage, the person investigating a complaint will ensure that they:

- Clarify the nature of the complaint and unresolved issues.
- Clarify what the complainant feels would put things right.
- Interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish.
- Keep appropriate notes of any interview(s) held.

At each stage, the person investigating the complaint will seek ways to resolve the complaint satisfactorily. It may be appropriate to offer one or more of the following:

- An acknowledgement that the complaint is valid in whole or in part and/or acknowledgement that the situation could have been handled differently or better (this is not the same as an admission of negligence).
- An apology.
- An explanation.
- An assurance and an explanation of the learning identified for the Trust, the Academy and/or the individual.
- An undertaking to review academy procedures in light of the complaint as required.

Academies, and the Trust, reserve the right to deny investigation of any complaints which are considered to be vexatious, malicious, and those relating to a previous complaint that has already been investigated.

THE RESPONSIBILITY OF THE TRUST

The trust complaints procedure must:

- Give clear timescales as to the management of the complaints
- Provide opportunity to make and resolve the complaint on an informal basis
- Set out a formal procedure for the complaint to be made in writing when you are not satisfied with the initial informal outcomes
- Allow for a panel hearing to be set up by the academy trust when the complainant is not satisfied with the outcome of the written complaint. The panel must include at least 3 people who are not involved in matters detailed in the complaint. One member of the panel must be independent of the management and running of the school
- Allow parents to be accompanied if they wish to attend the panel hearing
- Allow for the panel to make findings and recommendations with a copy of the outcome information provided to the complainant and, if relevant, the person complained about. The outcome information must be available for inspection on the school premises by the proprietor and the head teacher
- Require written records of all complaints including details of how they are resolved, and action taken by the academy as a result of the complaint
- Require records relating to individual complaints remain confidential except under certain circumstances including Secretary of State request and inspection

4 SUMMARY: THE FOUR STAGES

- Stage 1 – A concern is raised informally with an appropriate member of staff. If the matter is not resolved, then it goes to Stage 2.
- Stage 2 – The Deputy Head of Academy (DHoA) or Head Teacher (HT) reviews the complaint, and actions, and meets with the complainant to try and resolve the issue. If the matter is not resolved, then the complaint goes to Stage 3.
- Stage 3 – The complaint is made in writing to the CEO who will review the case and determine whether the matter has been dealt with satisfactorily and in accordance with policy. If the matter is still not resolved, then the complaint goes to Stage 4.
- Stage 4 - The Trust's Complaints' Panel for a formal hearing of the complaint.

4.1 Stage One

It is anticipated that the vast majority of concerns will be satisfactorily dealt with in this way.

- A concern/complaint is raised with a member of the administrative team, support staff or teacher (If the matter is immediately referred to a member of the SLT, then the complainant should be made aware that, where appropriate, the matter will be delegated to the most appropriate member of staff).
- The member of staff will try to resolve the concern/complaint. On some occasions, the concern raised may require investigation, or discussion with others, in which case there will be an informal but informed response within a day or two.
- The complainant will be asked to confirm if the matter is resolved.

IF NOT RESOLVED, THE CONCERN/COMPLAINT MOVES TO STAGE 2

4.2 Stage Two

- The concern/complaint is referred to the DHoA/HT. At this Stage, an initial meeting should take place and a summary written record of the nature of the complaint should be recorded.
- The record should be agreed by all attendees as accurate before the meeting is concluded. The record should be signed by both parties and dated.
- Following the meeting, the DHoA/HT will investigate the concern/ complaint (this should also be recorded). Any interviews that take place during the investigation should be recorded in writing, including the date and time.
- The DHoA/HT will contact the complainant to arrange a further meeting to discuss the findings and any actions (if appropriate) within three working days of the initial meeting.
- As with the initial meeting, accurate written summary records of the meeting should be kept and agreed (signed and dated).
- The complainant will be asked to confirm if the matter is resolved.

IF NOT RESOLVED, THE CONCERN/COMPLAINT MOVES TO STAGE 3 (COMPLAINTS FORM APPENDIX 1)

4.3 Stage Three

The concern/complaint must be made in writing to the CEO. The complainant should be provided with a 'Complaints Form' (see Appendix 1) to complete. Upon receipt of the complaint, the CEO will ensure that the complaint is logged and that its receipt is recorded and acknowledged with the complainant within three working days (see Letter 1).

- Following receipt of the written complaint, the CEO will review the complaint, the process followed and any decisions/actions taken. If the CEO is satisfied that the matter has been dealt with correctly, and that every effort has been made to resolve the issue, then they will either write to the complainant or meet with them to share their findings/actions. Again meeting logs should be kept, signed and dated by all if a meeting takes place. The CEO will write to the complainant within five working days of the meeting summarising the outcome (see Letter 2). This timescale may be reasonably extended if the nature of the complaint is judged by the DHoA/HT to be of a complex nature.
- The complainant will be asked to confirm if the matter is resolved.
- If the CEO upholds the complaint and/or feels that the matter has not been handled correctly then appropriate action will be taken in accordance with agreed policy.

IF NOT RESOLVED, THE CONCERN/COMPLAINT MOVES TO STAGE 4 (COMPLAINTS FORM APPENDIX 1)

4.4 Stage Four

Since this stage involves a hearing, the concern/complaint MUST be made in writing on the Trust's Complaints Form (see Appendix 1). The complainant should attach any evidence to the form that they wish to have considered at the hearing and send it to:

PA to the CEO and the Executive Team
Pennyman Primary Academy
Fulbeck Road

Netherfields
Middlesbrough
TS3 0QS

At this stage, the Clerk of the Trust Board will oversee proceedings. They will:

- Contact the Chair of the Trust Board and, under their guidance, establish a Complaints Panel of at least 2 Trustees and one independent representative (this could be a Member or a representative of another academy's Local Academy Committee or Senior Leadership Team. Panel members should not have been involved in dealing with the matter directly prior to the hearing).
- Confirm receipt of the complaint and set the date, time and venue of the hearing (See Letter 3).
- Scan and collate any written material into the academy's central recording system in chronological order.
- Email or send copies to the parties, in advance of the hearing.
- Record the proceedings.
- Notify parties of the panel's decision.

The aim of the panel hearing is to impartially resolve the complaint and to achieve reconciliation between the academy/Trust and the complainant.

The panel must meet within ten working days of receipt of the complaint. Discussion must not take place outside of the Complaints Panel, as this may prejudice a fair hearing.

The complainant should be advised in writing at least five working days in advance of the meeting, at which point they should also be given copies of any written records that will be considered as part of the hearing.

Following the hearing, The panel can:

- a) Dismiss the complaint in whole or in part.
- b) Uphold the complaint in whole or in part.
- c) Decide on the appropriate action to be taken to resolve the complaint.
- d) Disseminate the learning from the complaint across the Trust to prevent similar problems reoccurring
- e) Recommend changes to systems or procedures.

Proceedings of the panel:

- The appeal will be closed to the public.
- The complainant may attend and be accompanied.
- Witnesses will only be required to attend for the part of the hearing in which they give their evidence.
- The panel may ask questions at any point.
- The panel will deliberate in private.
- The panel will make findings and recommendations including providing a copy of these to the complainant and where relevant, the person complained about; and are available for inspection on the academy premises by the proprietor and the head teacher

- A written record of all complaints will be kept in accordance with sub-paragraph e¹: whether they are resolved following a formal procedure, or proceed to a panel hearing, action taken by the school as a result of those complaints (regardless of whether they are upheld);
- Correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of State or body conducting an inspection under section 109 of the 2008 Act requests access to them.

All parties will be notified of the Panel's decision in writing within five working days after the date of the hearing (Letter 4).

Stage 4 is the final stage in the Trust's Complaint Procedure. There is no further right of appeal.

5 ROLE OF THE EDUCATION AND SKILLS FUNDING AGENCY (ESFA)

In the unlikely event that the complaint remains unresolved, following Stage 4, the complainant has the right to take the complaint to the ESFA. They have responsibility for ensuring that academies and Trusts comply with their funding agreements. Complainants should follow the academy's complaints procedure before escalating.

If a complaint is referred to the ESFA, they will check whether the complaint has been dealt with properly. They will only consider complaints about academies that fall into one of the following three areas:

1. Where there is undue delay or the trust/academy did not comply with its own complaints procedure when considering a complaint.
2. If the trust/academy does not have a complaints procedure.
3. If the trust/academy does not supply a copy of its complaints procedure when requested.
4. Where the trust/academy is in breach of its funding agreement with the Secretary of State.
5. Where a trust/ academy has failed to comply with any other legal obligation.
6. If the trust/academy has not allowed its complaints procedure to be completed.

The ESFA will not overturn a Trusts/academy's decision about a complaint. However, if they find that a Trust/academy did not deal with a complaint properly, they will request the complaint is looked at again and procedures meet the requirements set out in the regulations.

If the Trust's/academy's complaints procedure does not meet the regulations, they will ask the Trust/academy to put this right. They may seek to enforce the decision under the terms of the funding agreement on behalf of the Secretary of State, if appropriate.

6 IMPORTANT POINTS

- Summary of written records are kept of all concerns/complaints that move beyond Stage 1.
- If at any time in the process, a concern/complaint is considered to be more serious in nature, it can be brought to the attention of the CEO and escalated to an appropriate stage in this procedure.

¹ http://www.legislation.gov.uk/uksi/2014/3283/pdfs/ukxi_20143283_en.pdf

- All correspondence, statements and records of complaints are to be kept confidential (except where the Secretary of State or a body conducting an inspection under section 162 of the 2002 Act requests access to them).
- In cases where the matter concerns the conduct of a CEO/HT/or Trustee, the Chair of the Trust Board will be informed of the complaint and they will arrange for the matter to be further investigated. A response will normally be given within five working days but, in any case, within no more than ten working days.

7 DEALING WITH PERSISTENT COMPLAINTS

In the case of vexatious or persistent complaints, the Chair of the Trust Board will inform the complainant in writing that the procedure has been exhausted and that the matter is now closed.

8 BEHAVIOUR DURING MEETINGS AND AT THE HEARING.

The purpose of the process is to seek a satisfactory resolution to a concern or complaint. For this reason, it is important that all participants in the process behave in an acceptable manner. Aggressive behaviour e.g. shouting, pointing etc. will not be tolerated. Any person exhibiting such behaviours will be asked to leave the academy and the complaint will be reviewed in their absence.

Information about an individual's behaviour will be reviewed following any incidents. Poor behaviour may lead to a permanent ban from the Trust's premises or prosecution (see Managing Aggressive Behaviour from Parents and Visitor Policy and Procedure).

COMPLAINTS NOT WITHIN THE ESFA REMIT

- A child or young person's statement of special educational need
- Child protection. Concerns should be raised with the local authority designated officer (LADO) and/or the Director of Children's Services using the report child abuse to local council GOV.UK page)
- A child or young person's education, health and care plan (EHCP). You may find speaking with your local information, advice and support service helpful. This body is independent of the local authority and can provide impartial advice about the law on SEND, local SEND arrangements and support for your child's needs. More information about SEND is available on the First-tier Tribunal (Special Educational Needs and Disability) webpage.
- The quality of education or leadership, or concerns affecting the school as a whole, which OFSTED address through inspections
- Academy employment matters. Such issues will need to be raised through the academy's grievance procedure or an employment tribunal.
- Teacher misconduct. These matters should be referred to the Teaching Regulation Agency
- Discrimination. Such complaints can be raised about this with Equality Advisory Support Service
- Data protection. Concerns can be raised about this with the Information Commissioner's Office
- Exam malpractice or maladministration. Any complaints should be raised with the Office of Qualifications and Examinations Regulation (Ofqual) or the relevant awarding body
- Criminal cases. Please report these to the police



9 APPENDIX 1 - Complaint Form

Please complete and return the form for the attention of Mrs Lucy Simpson (PA to the CEO and the Executive Team) who will acknowledge receipt and explain what action will be taken.

Your name:	
Child's name (if applicable):	Academy (if applicable):
Your relationship to the child (if applicable):	
Address:	
Postcode:	
Email address: <small>Please check regularly as correspondence may be sent via email</small>	
Day time telephone number:	
Evening telephone number:	
a) Please give details of your complaint.	



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

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

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

Signature:

Date:

Please attach any additional sheets, if more space is required.

Official use

Date acknowledgement sent:

By whom:

Complaint referred to:

Date: