

Complaints Procedure

Policy Monitoring, Evaluation and Review

This policy is effective for all academies within the The Mead Educational Trust, the Teaching School, the SCITT and all other activities under the control of the Trust and reporting to the Trust Board.

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Revision History:

Version	Date	Author	Summary of Changes:
1.0	October 2015	CJO	Policy adopted by RMET.
2.0	January 2016	CJO	Updated Stage 3 procedure following Departmental publication. Addition of Record Keeping section.
3.0	June 2016	CJO	Amendment to Stage 2. Addition of Stage 3 - Formal Complaints to the Trust.
4.0	August 2016	CJO	Addition to Record Keeping
5.0	July 2017	CJO	Amendment to Stage 2 and 4 investigations. Introduction of Stage 3 – Formal complaint investigated by senior Trust member of staff.
6.0	January 2019	CBR	Changed Trust name to TMET and governors to academy councillors. Amendments in line with January 2019 DfE guidance on school complaints procedures. Stage 1 moved to first stage of formal complaint (not informal concern).
7.0	June 2019	CBR	Reduced number of formal stages from 3 to 2 in line with DfE recommendation. Amendments in line with March 2019 DfE guidance on school complaints procedures.

Complaints Procedure

1. Introduction

The Mead Educational Trust (TMET), its academies, Teaching School and SCITT are committed to maintaining strong and productive partnerships with parents/carers, pupils and other members of the community.

We are open to feedback and comments about our work, both positive and negative, as these provide us with valuable information about our effectiveness and how we can better meet our aims.

This procedure describes the processes to be followed when parent/carers, pupils and others have concerns or make complaints about TMET, its academies, Teaching School or SCITT.

2. Scope

This procedure applies to parents/carers, pupils and other people who are not parents of attending pupils.

Complaints not in scope of this procedure, which are dealt with under other statutory procedures, are:

- admissions;
- statutory assessments of special educational needs;
- school re-organisation proposals
- matters likely to require a child protection investigation;
- exclusions;
- whistleblowing;
- staff grievances and disciplinary procedures;
- complaints about services provided by third party providers who may use school premises or facilities; and,
- National Curriculum content.

3. 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 generally be defined as ‘an expression of dissatisfaction however made, about actions taken or a lack of action’.

It is in everyone’s interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally by discussing with an appropriate member of staff, without the need to use the formal stages of the complaints procedure. We understand, however, that there are occasions when people would like to raise their concerns or

complaints formally. On such occasions we will attempt to resolve the issue through the stages of this Complaints Procedure, as outlined on page 5 onwards.

4. Principles

The guiding principles behind our complaints procedure are:

- Simplicity – it is simple to understand and use
- Access – it is easily accessible and publicised
- Speed and clarity – it allows complaints to be handled promptly, effectively and professionally
- Development – it provides information that enables TMET and its academies to improve services
- Action - it ensures a full and fair investigation

5. How to raise a concern or make a complaint

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

For ease of use, a template complaint form is included in Appendix A. If you require help in completing the form, please contact the academy/Trust office. You can also ask organisations like Citizens Advice to help you.

For concerns or complaints about an academy

A concern should be raised with either the class teacher or principal. If the issue remains unresolved, the next step is to make a formal complaint. A complaint should be sent to the academy principal via the school office, marked 'private and confidential'.

Complainants should not approach individual academy councillors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering a complaint at Stage 2 of the procedure.

A complaint that concerns the principal should be addressed to the chair of the academy council via the school office, marked 'private and confidential'.

A complaint about the chair of the academy council, any individual academy councillor or the whole academy council should be addressed to the clerk of the academy council via the school office, marked 'private and confidential'.

For concerns or complaints about the Trust, Teaching School or SCITT

Concerns and complaints should be raised with the Trust Complaints Co-ordinator via the Trust office or info@tmet.uk.

A complaint that concerns the Trust CEO should be addressed to the Chair of Trustees via the Trust office, marked 'private and confidential'.

A complaint that concerns the Chair of Trustees, any individual trustee or the whole Trust Board should be addressed to the clerk to the Board via the Trust office, marked 'private and confidential'.

6. Anonymous complaints

We will not normally investigate anonymous complaints. However, the person receiving the complaint will decide whether the complaint warrants an investigation.

7. Time scales and complaints received out of term time

A 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. We will consider complaints made outside of this time frame if exceptional circumstances apply.

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

Every effort will be made to adhere to the timescales set out for each stage of the procedure. However, there may be some circumstances where it takes longer to arrange a meeting of all the relevant parties. If this is the case, the complainant will be kept informed.

8. Resolving complaints

At each stage in the procedure the person(s) hearing a complaint will keep in mind ways in which that complaint can be resolved.

If possible, the complainant should be seen face to face at each stage of the formal complaint procedure and, if appropriate, at the informal stage.

It might be sufficient to acknowledge that the complaint is upheld in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an explanation;
- an admission that the situation could have been handled differently or better;
- an explanation of what steps have been taken to ensure that the situation will not happen again;
- an undertaking to review policies in light of the complaint; or,
- an apology.

It is useful if complainants are able to state what actions they feel might resolve the problem at any stage. An admission that the situation could have been handled better is not an admission of negligence.

9. Withdrawal of a complaint

A complainant may withdraw their complaint at any time during the process and should confirm this in writing.

10. Confidentiality

All documentation relating to a complaint, including correspondence, statements and records will be kept confidential (except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them).

All information relating to a complaint will be handled sensitively, telling only those who need to know and following any relevant data protection requirements.

Should a complaint relate to a member of staff, then that person shall be advised of the complaint made against them, unless there is an overriding reason why this would be inappropriate.

11. Record keeping

TMET and its academies will maintain a written record of all complaints, including whether they are resolved following a Stage 1 investigation or proceed to a Stage 2 panel hearing, the date on which they were received, their final outcome and details of the action taken by the academy as a result of those complaints (regardless of whether they are upheld).

The number of complaints registered under the formal procedure during the preceding school year is available upon request.

12. Duplicate complaints and complaint campaigns

If, after closing a complaint at the end of the complaints procedure, a duplicate complaint is received from someone connected to the original complainant (e.g. spouse, partner, grandparent or child), the new complainant will be informed that the complaint has been considered and that the local process is complete. The new complainant will be advised to contact the ESFA if they are dissatisfied with the handling of the original complaint.

If the academy, Trust, Teaching School or SCITT receives large volumes of complaints all based on the same subject and/or from complainants unconnected with the academy, Trust, Teaching School or SCITT, we may address the complaints by:

- sending a template response to all complainants; and/or
- publishing a single response on the website of the academy/Trust/Teaching School/SCITT.

Such responses will advise complaints to contact the ESFA if they are dissatisfied with the handling of their complaint.

13. Serial, persistent and unreasonable complaints

For the purpose of this procedure, a complaint may be viewed as **serial** and/or **persistent** if it relates to the same issue that was the subject of a previous complaint (made by the same complainant) which has already been through the formal complaints procedure in which the complainant has been notified of the outcome. In such cases it is likely that the complainant will be informed that the matter is now closed and that no further response will be provided.

For the purpose of this procedure, a complaint may be viewed as **unreasonable** if it contains threatening, abusive or offensive language and/or conveys unrealistic outcomes beyond all reason. In such cases the principal/chair/clerk will consult with relevant parties and may decide that the complaint is not considered under this procedure. The complainant will be notified in writing that this is the case and that no further response will be provided.

The application of a serial, persistent or unreasonable categorisation should be against the subject or complaint itself rather than the complainant.

Please see Annex 1 for more information on handling unreasonable complaints.

14. Complaints Procedure

14.1 Informal Concern Raised

We recognise that parents/carers, pupils and others will have concerns from time to time. We encourage parents/carers, pupils and others to make those concerns known to the relevant member of staff so that they can be addressed in partnership with the academy/Teaching School/SCITT/Trust. For parents/carers, this would normally be their child's class teacher/tutor/head of year (or equivalent) or whoever is most appropriate. For others this would normally be the principal.

TMET and its academies value informal meetings and telephone discussions as a way of improving its procedures and relations.

In most cases, it is anticipated that concerns will be resolved quickly. Where this is not possible and the matter is not resolved informally, parents/carers, pupils and others may proceed with Stage 1 of the formal complaints procedure.

14.2 Stage 1: Formal complaint about an academy, investigated by principal

Formal complaints must be made to the principal (unless they are about the principal) and can be made by completing the complaints form located in Appendix A, in writing or in person,

if written notes are made by the person receiving the complaint and countersigned by the complainant.

The complaint will be acknowledged within **5 school days** of receipt of the written formal complaint.

The principal will investigate the complaint and make every effort to resolve the issue. The principal may arrange a meeting to clarify details of the complaint. In exceptional circumstances, the principal may delegate responsibility for investigating the complaint to a member of the senior management team. In those circumstances the principal will be responsible for ensuring that the complaint is investigated appropriately and will respond to the complainant. Please see Annex 2 for further information about conducting an investigation.

Following the investigation of the complaint, the principal will write to the complainant confirming the outcome of the investigation within **10 school days** of receipt of the written formal complaint. This response will also detail any actions taken to investigate the complaint, the reasons for the decision and, if appropriate, any actions to be taken to resolve the complaint. The principal's response will advise the complainant how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

If the principal is unable to meet the timescale of 10 school days, they will provide the complainant with an update and a revised response date.

Where a formal complaint concerns the principal, it will be referred to the chair of the academy council for investigation under Stage 1 of this procedure. Where a formal complaint concerns the chair of the academy council, another academy councillor or the whole academy council, it will be referred to the clerk to the academy council who will arrange an appropriate investigation under Stage 1 of this procedure.

[or] Stage 1: Formal complaint about TMET, Teaching School or SCITT, investigated by TMET

Formal complaints relating to the work of TMET, Teaching School or SCITT can be made to the TMET Complaints Co-ordinator by completing the complaints form located in Appendix A, in writing or in person, if written notes are made and countersigned by the complainant. The TMET Complaints Co-ordinator contact details are provided on page 3 and the general Trust contact details on the TMET website.

Upon the receipt of the completed complaints form, the TMET Complaints Co-ordinator will identify an appropriate member of staff to investigate the complaint.

Where a complaint concerns the CEO or a trustee, the complaint will be referred to the Chair of the Board of Trustees. Where a complaint concerns the Chair of the Board of Trustees, a Trustee or the whole Board, the complaint will be referred to the clerk to the Board who will arrange an appropriate investigation.

The complaint will be acknowledged within **5 school days** of receipt of the written formal complaint.

The appropriate member of staff will investigate the complaint further and make every effort to resolve the issue. The member of staff may arrange a meeting to clarify details of the complaint. Please see Annex 2 for further information about conducting an investigation.

Following the investigation of the complaint, the member of staff will write to the complainant confirming the outcome of the investigation within **10 school days** of receipt of the written formal complaint. This response will also detail any actions taken to investigate the complaint, the reasons for the decision and, if appropriate, any actions to be taken to resolve the complaint. The principal's response will advise the complainant how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

If the member of staff is unable to meet the timescale of 10 school days, they will provide the complainant with an update and a revised response date.

14.3 Stage 2: Formal complaint heard before a Complaints Appeal Panel

If the complainant is dissatisfied with the outcome of Stage 1 and wishes to take the matter further, they can take the complaint to Stage 2 – a meeting with the academy council/Trust Complaints Appeal Panel. This is the final stage of the complaints procedure. The complainant should write to the clerk to the academy council (if the complaint concerns an academy) or the clerk to the Trust Board (if the complaint concerns the Trust) within **10 school days** of the date of the Stage 1 response, asking for the complaint to be heard before a Complaints Appeal Panel.

The clerk will write to the complainant, acknowledged within **5 school days** of receipt of the written complaint. The response will explain the process that is to be followed and will include information about how the Panel will operate. The clerk will ask the complainant to provide details of the appeal and any relevant supporting evidence.

The clerk will schedule a hearing to take place as soon as practicable, normally within **20 school days of receipt of the letter from clerk to complainant confirming the appeal**, giving the complainant reasonable notice of the panel hearing date.

If the complainant rejects the offer of three proposed dates, without good reason, the clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

If the complainant is invited to attend the Panel meeting, they may bring someone along to provide support, usually a relative or friend. Representatives from the media are not permitted to attend.

14.3.1 Appointment of the Complaints Appeal Panel

The Complaints Appeal Panel will comprise three people with no prior involvement in, or knowledge of, the complaint.

For a complaint concerning an academy, at least one of the panel members will be independent of the management and running of that academy. For a complaint concerning the Trust, at least one of the panel members will be independent of the management and running of the Trust and any of its academies.

If the complaint is about the chair, vice-chair, academy council/Trust Board or the majority of the academy council/Trust Board, the panel will be formed of independent governors/trustees.

14.3.2 The remit and operation of the Complaints Appeal Panel

The aim of the hearing is for the panel to consider the complaint afresh with the aim of resolving the complaint and achieving reconciliation between the Academy/Teaching School/SCITT/Trust and the complainant. The panel will not consider any new complaints at this stage or consider evidence unrelated to the initial complaint. New complaints must be dealt with from Stage 1 of the procedure.

The panel hearing will be professionally clerked.

The complainant may bring someone with them to the panel hearing to provide support, such as a relative or friend.

Any written material will be circulated to all parties at least 5 school days before the panel hearing. The panel will not normally accept as evidence recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The panel hearing will be held in private. Electronic recording of the hearing or investigations 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 meetings or conversations take place. Consent will be recorded in any minutes taken.

14.3.3 Decision of the Complaints Appeal Panel

After due consideration of all facts the panel considers relevant, the panel will reach a decision on the balance of probabilities as to whether or not the complaint is made out.

The panel can:

- dismiss the complaint in whole or in part; or,
- uphold the complaint in whole or in part.

If the complaint is upheld in whole or in part, the panel will:

- decide on the appropriate action to be taken to resolve the complaint; and,

- where appropriate, recommend changes to systems or procedures to prevent similar issues in the future.

The complainant will be notified in writing of the panel's decision, usually with **5 school days**. The letter will confirm the panel's findings and recommendations and will confirm the end of the involvement of the academy Trust/Teaching School/SCITT and academy council/Trust Board with the complaint and will explain further right of appeal.

For further information about the Complaints Appeal Panel, including the roles and responsibilities of the clerk and the logistics of the panel meeting, please refer to the TMET Panel Guidance document.

15. Next steps

If the complainant believes that their complaint was not handled in accordance with the published complaints procedure or that the school/Trust acted unlawfully or unreasonably in the exercise of their duties, they can refer their complaint to the Education and Skills Funding Agency (ESFA) after they have completed Stage 2. The ESFA has limited powers to review the academy's/Trust's handling of the complaint in accordance with ESFA's 'Procedure for dealing with complaints about Academies'.

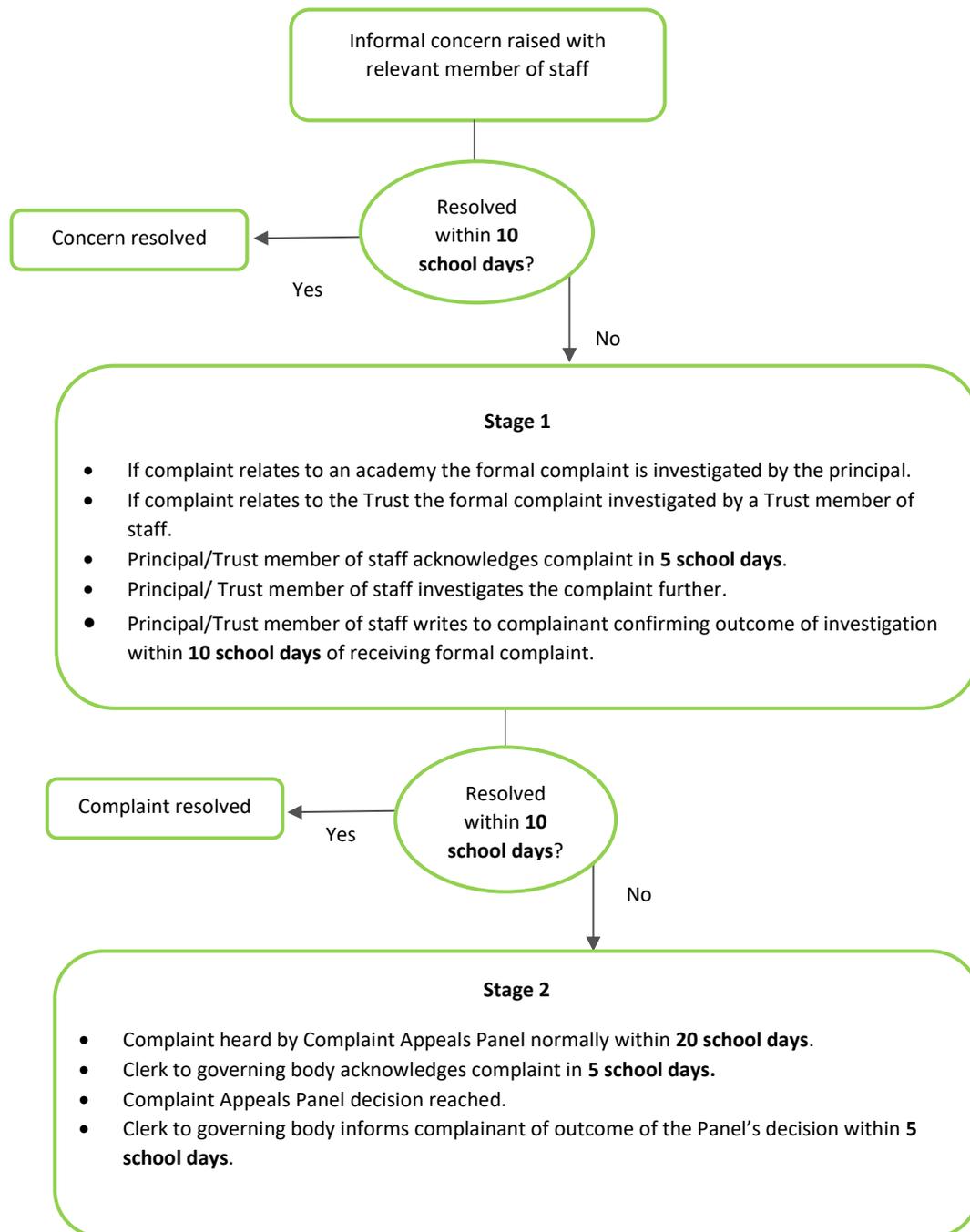
At the time of writing this procedure, the ESFA procedure and the ESFA school complaints form are available at: <https://www.gov.uk/government/publications/complain-about-an-academy>

Appendix A: TMET Complaint Form

Your name:
Pupil's name (if applicable):
Your relationship to the pupil:
Your address:
Postcode:
Daytime telephone number:
Evening telephone number:
Email address:
Please state whether your complaint concerns an academy (if so please list the academy) the Trust, the Teaching School or SCITT:
Please give concise details of your complaint (including dates, names of witnesses etc.) to allow the matter to be fully investigated.
What action, if any, have you already taken to try and resolve your complaint? I.e. whom have you spoken to and what was the outcome?
What actions do you feel might resolve the problem at this stage?
Are you attaching any paperwork? If so, please give details.

Official use		
Date form received:	Date acknowledgment sent:	
Received by:	Acknowledgment sent by:	
Complaint referred to:		
Date:		

Appendix B: Complaint Flow Chart



ANNEX 1: Policy for Handling Unreasonable Complaints

TMET 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, its academies, Teaching School or SCITT. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

The TMET Parent and Visitor Code of Conduct, which is published on the Trust and academy websites, sets out expected behaviour and conduct, what is not tolerated and dealing with incidents.

TMET defines unreasonable complaints as those that, because of their nature, hinder our consideration of those or other people's complaints.

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;
- 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 school's complaint procedure has been fully and properly implemented and completed including referral to the Education and Skills Funding Agency;
- 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;
- uses threats to intimidate;
- uses abusive, offensive or discriminatory language or violence;
- knowingly provides falsified information; or,
- publishes unacceptable information on social media or other public forums.

Complainants should limit the numbers of communications with the Trust, its academies, Teaching School or SCITT 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 principal or senior Trust member of staff will discuss any concerns with the complainant informally before applying an 'unreasonable' marking to the complaint.

If the behaviour continues, the principal or senior Trust member of staff will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the Trust, its academies, Teaching School or SCITT causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after six months.

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 barring an individual from the Trust, its academies, Teaching School or SCITT.

ANNEX 2: Investigation procedures for formal complaints

The investigation of an allegation or a complaint should always be carried out thoroughly and responsibly, irrespective of whether the complaint appears to be trivial or serious. The outcome of such an investigation will have significance not only for the complainant but also for any member of staff against whom a complaint has been made.

The investigation of a complaint, including writing to the complainant confirming the outcome of the investigation, will take place within **10 school days** of receipt of the written formal complaint.

Preparing for an investigation

It is essential that there is a clear understanding of the complaint. Where necessary the nature of the complaint should be confirmed with the complainant, e.g. through an initial meeting.

Any member of staff against whom a complaint has been made should be notified that a complaint has been received and that the appropriate school procedure will be followed. It is usually not appropriate to provide the member of staff with details of the evidence on which the complaint is based until any investigation has been completed. However, the member of staff does need to be able to understand the nature of any allegations against them.

Once the complaint has been confirmed, the investigator needs to determine who they wish to interview and what documentation they will need to review.

Conducting the investigation

Arrangements should be agreed so that accurate notes can be taken of all interviews and that the outcome of the investigation can be accurately recorded.

The complainant and member of staff subject to the complaint should be given the opportunity to offer documentation and to identify potential witnesses or sources of evidence. The member of staff should be advised that they may be accompanied by a friend or trade union representative when invited to be interviewed.

Where pupils are potential witnesses, discretion should be exercised over their involvement. Pupils should only be interviewed when the nature of the complaint is sufficiently serious to warrant it and adult witnesses are not available. Only in extreme circumstances will younger pupils be interviewed.

Any interviews should be conducted as soon as possible to ensure that recollections are as fresh as possible and to minimise the possibility that evidence will become tainted through witnesses discussing alleged incidents with other persons. A written record must be made of any interviews.

In conducting interviews, the investigator should prepare the questions to be asked prior to the interview. These can always be supplemented during the interview. The investigator should allow the interviewee to answer in their own way. Their responses should be listened to attentively. Any temptation to cut an interviewee short or to seek to “lead” them must be resisted. The interviewee should be given the opportunity to provide other relevant information at the end of the interview. Interviewees should, however, be advised that their responses must be confined to the substance of

the complaint. Any attempt by the interviewee to introduce information relating to other members of staff or to issues unrelated to the complaint should be resisted.

The investigator should avoid reaching conclusions or passing judgement until the investigation has been completed.

Concluding the investigation

The investigator should complete the investigation by creating a summary report of the evidence gathered and a preferred outcome for agreement.

The summary report should include the following information:

- a statement of the complaint/concern
- a brief outline of the process that has been followed
- a summary of the findings, linked to the relevant evidence
- any recommendations for future action
- annexes containing copies of witness statements and other evidence collected during the investigation

The summary report will usually be confidential to the academy/Trust/Teaching School/SCITT, as it is likely to contain sensitive personal information. Consideration must be given to the Data Protection Act and Freedom of Information Act.

Following the investigation of the complaint, the investigator will write to the complainant confirming the outcome of the investigation within **10 school days** of receiving the written formal complaint. The investigator's response will include the following information:

- a brief summary of the complaint/concern
- a brief outline of the process that has been followed
- the outcome of the investigation
- the reasons for that outcome, unless confidentiality would be compromised
- any recommendations for future action
- information as to the next stage of the procedure in case the complainant is not satisfied with the response.