



TIMU ACADEMY TRUST

Policy Document for: Managing Complaints

Approved by Directors: March 2017

Due for Review: March 2020

Introduction

This Complaints procedure is based on the principle that concerns and complaints expressed by a pupil, parent or any other individual or organisation will be resolved as quickly as possible without the need to escalate to the formal stages of the procedure. However, where resolution has not been achieved and the person raising the concern is dissatisfied and wishes to take the matter further, the formal procedure for dealing with complaints will be followed. The four stages are:

Stage 1 – Informal concerns – It is in everyone’s best interests to resolve issues informally and as quickly as possible without the need to commence formal procedures

Stage 2 - Formal complaint investigated by a member of staff.

Stage 3 - Formal complaint investigated by the School or Executive Principal

Stage 4 - Complaint heard before a Complaint Panel.

Complaints not in scope of the procedure

A complaints procedure should cover all complaints about any provision of facilities or services that a school provides with the **exceptions** listed below, for which there are separate (statutory) procedures.

Exceptions	Who to contact
<ul style="list-style-type: none"> • Admissions to schools • Statutory assessments of Special Educational Needs (SEN) • School re-organisation proposals • Matters likely to require a Child Protection Investigation 	<p>Concerns should be raised direct with local authorities (LA).</p> <p>For school admissions, it will depend on who is the admission authority (either the school or the LA).</p> <p>Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.</p> <p>For reference -Keeping Children Safe in Education Sept 2016 (KCSIE)</p>
<ul style="list-style-type: none"> • Exclusion of children from school 	<p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.</p>

<ul style="list-style-type: none"> Whistleblowing 	<p>Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: whistleblowing@ofsted.gov.uk or by writing to: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD.</p> <p>The Department for Education is also a prescribed body for whistleblowing in education.</p>
<ul style="list-style-type: none"> Staff grievances and disciplinary procedures 	<p>These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.</p>
<ul style="list-style-type: none"> Complaints about services provided by other providers who may use school premises or facilities. 	<p>Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.</p>

Time Limits

This Complaints Policy sets out the time limits for each stage of the complaints procedure. Those dealing with complaints will keep to these time limits. However, where a complaint is of a particularly complex nature, or further investigations are required to ascertain the facts, new time limits can be set. The Complainant will, within the time limit specified in this Complaints Policy, be sent the details of any changes to the time limits with an explanation for the delay and confirmation of the revised date.

Late Complaints

Where a concern or complaint is raised more than three months after the incident or event (or where the complaint relates to a series of incidents or events, more than three months from the date of the latest incident or event), the Academy reserves the right to refuse to investigate the concern or complaint under the procedure in this Complaints Policy if it appears reasonable and fair to do so, having regard to the circumstances surrounding the complaint.

Where the Academy decides that a concern or complaint which was raised late will not be investigated, the Academy will write to the Complainant notifying them of the decision within **5 school days** of the concern or complaint being raised.

If the Complainant is dissatisfied with the decision not to investigate a concern or complaint that was raised late, the Complainant may write to the Chair of Governors at the Academy asking for the decision to be reviewed. The Chair of Governors will be provided with all documentation relating to the concern or complaint, together with the letter from the Academy to the Complainant, and will review the decision made. The Chair of Governors will write to the Complainant with the outcome of the review within **10 school days** of the date that the letter from the Complainant seeking the review was received, and provide the Academy with a copy of the letter.

If the Chair of Governors quashes the decision not to investigate the concern or complaint, it will be referred to the Academy to be dealt with under the procedure in this Complaints Policy in the usual way.

If the Chair of Governors upholds the decision not to investigate the concern or complaint, the Complainant may refer the concern or complaint to the School Complaints Unit using the procedure stated towards the end of this Complaints Policy.

In exceptional circumstances, the Chair of Governors can delegate the responsibility for the review to the Vice-Chair of Governors.

Unreasonable Complainants

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

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- 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.
- makes the complaint either face-to-face, in writing, or electronically maliciously, aggressively, using threats, intimidation or violence, using abusive and offensive language, using falsified information or by publishing unacceptable information on social media, websites or in newspapers

Anonymous Complaints

The Academy will not investigate anonymous complaints under the procedure in this Complaints Policy. Anonymous complaints will be referred to the Executive Principal who will decide what, if any, action should be taken.

Stage 1 - Informal Procedure

The class teacher and other members of staff can deal with many concerns to the satisfaction of the Complainant, without needing to deal with it formally. The Academy values informal meetings and telephone discussions as a way of improving its procedures and relations with parents.

There is no rigid time-scale for resolving concerns and complaints at this stage, given the importance of dialogue through informal discussions, however it is expected that most concerns will be resolved within **10 school days**. Should the nature or complexity of the concern mean that more time is

required, the Academy will write to the Complainant within **10 school days** informing them of the reason for the delay and confirming a revised date for resolution.

Should informal meetings and telephone discussions appear unlikely to resolve the concern, either party may initiate a move to the Stage 2 for the complaint to be investigated formally. A copy of the formal complaint form in Annex 3 will be forwarded to the Complainant for completion and return, together with a copy of this Complaints Policy.

Stage 2 – Formal Complaint Investigated by a Member of Staff

If the Complainant is dissatisfied with the way in which the concern was dealt with informally, the Complainant will be asked to complete the formal complaint form found in Appendix 1 and return it to the Academy. However complaints can also be made in person, by telephone or in writing. The school will seek agreement and approval with the complainant to transcribe if necessary the details of the complaint onto the complaint form so it can be considered by the relevant party.

Upon receipt of a formal complaint, the school will identify the appropriate member of staff to investigate the complaint under Stage 2. If the complaint is about a member of staff, a manager senior to that member of staff will normally investigate the complaint. If the complaint is very serious, the Executive Principal may, at their discretion, escalate the complaint directly to Stage 3.

Where the complaint concerns the School Principal the complaint will be referred to the Executive Principal who will investigate the complaint under Stage 3 of this Complaints Policy, if it concerns the Executive Principal or a Governor, the complaint will be referred to the Chair of Trustees, again under stage 3 of this Complaints Policy. Where the complaint concerns the **Chair of Governors/ Trustees**, the Vice Chair of Governors/Trustees will investigate the complaint under Stage 3 of this Complaints Policy.

The member of staff considering the complaint will write to the Complainant acknowledging the complaint within 5 school days of receiving the formal complaint form. The acknowledgement will confirm which stage of the Complaints Policy the complaint is being investigated under, and will confirm the date for providing a response to the complaint. Following investigation of the complaint, the member of staff will write to the Complainant confirming the outcome within 10 school days of the formal complaint form being received. If this time limit cannot be met, the member of staff will write to the Complainant within 10 school days of the formal complaint form being received, explaining the reason for the delay and providing a revised date.

The letter to the Complainant will notify them that if he or she is dissatisfied with the outcome of the Stage 2 investigation of the complaint, they should write to the Executive Principal within 10 school days of receiving the letter asking for the complaint to be investigated under Stage 3 of this Complaints Policy. If no further communication is received from the Complainant within 10 school days, the complaint will be deemed to have been resolved.

Stage 3 – Formal Complaint Investigated by the Executive Principal (or other appropriate individual)

If the Complainant is dissatisfied with the outcome of the complaint under Stage 2, the Complainant should write to the Executive Principal at the Academy asking for the complaint to be investigated under Stage 3 of this Complaints Policy.

The Executive Principal will write to the Complainant acknowledging the complaint within 5 school days of the date that the letter was received from the Complainant. The acknowledgement will confirm that the complaint will now be investigated under Stage 3 of this Complaints Policy, and will confirm the date for providing a response to the complaint. Following investigation of the complaint, the Executive Principal will write to the Complainant confirming the outcome within 10 school days of the date that the letter was received from the Complainant. If this time limit cannot be met, the Executive Principal will write to the Complainant within 10 school days of the date that the letter was received from the Complainant,

explaining the reason for the delay and providing a revised date.

The letter to the Complainant will notify them that if he or she is dissatisfied the outcome of the Stage 3 investigation of the complaint, they should write to the Clerk to the Local Governors within 10 school days of receiving the letter asking for the complaint to be heard before a Complaint Panel under Stage 4 of this Complaints Policy. If no further communication is received from the Complainant within 10 school days, the complaint will be deemed to have been resolved.

Stage 4 – Complaint Heard at a Complaint Panel Hearing

If the Complainant is dissatisfied with the outcome of the complaint under Stage 3, the Complainant should write to the Clerk to the Trustees of the Academy Trust asking for the complaint to be heard before a Complaint Panel.

The Clerk to the Trustees will write to the Complainant acknowledging the request for the complaint to be heard before a Complaint Panel within 5 school days. The letter will inform the Complainant that the Complaint Panel Hearing will take place within 25 working days of the date that the letter was received from the Complainant and that arrangements to appoint the Complaint Panel and convene the Complaint Panel Hearing will be made by the Clerk to the Trustees who will be the Complainant's point of contact.

Appointment of the Complaint Panel

The Clerk to the Trustees will liaise with the Trust in making arrangements for the Complaint Panel to be appointed. The Complaint Panel will consist of three members. None of the three members of the Complaint Panel will have been involved in the incidents or events which led to the complaint, or have been involved in dealing with the complaint in the previous stages, or have any detailed prior knowledge of the complaint. Complainants have the right to request an independent panel, if they believe there is likely to be bias in the proceedings. The school will consider the request but ultimately the decision will be made by the Chair of The Trust Board.

One of the Complaint Panel members will be independent of the management and running of the Academy. This means that the independent Complaint Panel member will not be a Director of the Trust or an employee of either the Trust or the Academy. When appointing the independent Complaint Panel member, the Trust and the Academy will bear in mind the non-statutory advice of the Department for Education, which states:

“Whilst we do not wish to be prescriptive about who schools should appoint as an independent person our general view is that people who have held a position of responsibility and who are used to analysing evidence and putting forward balanced arguments would be suitable. Examples of persons likely to be suitable are serving or retired business people, civil servants, heads or senior members of staff at other schools, people with a legal background and retired members of the police force might be considered by schools. Schools will of course have their own views.”

One or both of the other two Complaint Panel members can be a Director of the Trust, as long as they fulfil the requirements of paragraph 7.3 above and are not an employee of the Academy.

The Academy’s Representative

The Academy will be represented at the Complaint Panel Hearing by the person who investigated the complaint under the most recent stage of the procedure. This will usually be the Executive Principal, however it may on occasions be the Chair of Governors, the Vice-Chair of Governors or a member of the Senior Management Team. If the Complainant has complained about the way in which the complaint was investigated by that person (rather than simply disagreeing with the outcome of the complaint) then the Academy will not be represented by that person at the Complaint Panel Hearing, and the Academy will nominate another person to represent the Academy.

Convening the Complaint Panel Hearing

The Clerk to the Trust Board will liaise with the Trustees and convene the Complaint Panel Hearing on a date and at a time which is convenient to the Complainant, the Academy’s representative and the three Complaint Panel members. The Clerk to the Trust Board will write to the Complainant, the Academy’s representative and the Complaint Panel members **at least 5 school days** before the Complaint Panel Hearing is due to take place confirming the date and time.

Witnesses

The Complainant may seek to rely on the accounts of witnesses, which are relevant to the complaint. The Complainant should ask each witness to write down their account in a signed and dated statement and send it to the Academy **at least three school days** before the Complaint Panel Hearing is due to take place.

The Academy may seek to rely on the accounts of witnesses, which are relevant to the complaint. Such witnesses may also include those persons who dealt with the complaint in the previous stages, if the Complainant has complained about the way in which the complaint was investigation (rather than simply disagreeing with the outcome of the complaint). Such witnesses should, if they have not already

done so, provide a signed and dated statement of their account and provide it to the Clerk to the Governors at least three school days before the Complaint Panel Hearing is due to take place.

The Complaint Panel will have the absolute discretion to decide whether a witness account is relevant to the complaint or whether a witness account is undisputed by the Complainant or the Academy respectively. Where a witness account is irrelevant or undisputed, their attendance at the Complaint Panel will not be required.

Documents

The Clerk to the Trust Board will provide a copy of all correspondence, statements (including witness statements) and records relating to the complaint (including records made by those persons who investigated the complaint in the previous stages) to the Complainant, the Academy's representative and each Complaint Panel member **at least two school days** before the Complaint Panel Hearing is due to take place.

Attendance at the Hearing

The Complainant may be accompanied by an interpreter or signer, as well as friend or relative, at the Complaint Panel Hearing. The friend or relative will attend for moral support only and will not play any part in the Complaint Panel Hearing, unless invited to do so by the Complaint Panel if it appears to them that it will improve the quality of the Complainant's representations. The Complaint Panel Hearing is not a legal hearing and it is therefore not appropriate for either the Complainant or the Academy to be legally represented.

The Clerk to the Complaint Panel

A Clerk to the Complaint Panel will attend the Complaint Panel Hearing and keep a written record of the proceedings. The Clerk to the Complaint Panel will usually be the Clerk to the Trust Board, however another suitable person may be appointed to this role if the Clerk is not available.

Procedure at the Complaint Panel Hearing

The Clerk to the Complaint Panel will greet the Complainant, the Complainant's supporter and the Academy's representative and welcome them into the room where the Complaint Panel has convened (witnesses will remain outside of the room until they are called in to give their account);

- The Complainant will be invited by the Complaint Panel to give an account of their complaint;
- The Academy's representative will be invited to ask the Complainant questions, if any;
- The Complaint Panel will ask the Complainant questions, if any;
- The Complainant's relevant first witness will be invited into the room to give an account of what they saw or know;
- The Academy's representative will be invited to ask the Complainant's witness questions, if any;
- The Complaint Panel will ask the Complainant's witness questions, if any;
- The Complainant's witness will be asked to leave the room;
- If the Complainant has any further relevant witnesses, they will be invited into the room individually to provide their accounts and be questioned as outlined above;
- The Academy's representative will be invited by the Complaint Panel to respond to the complaint and make representations on behalf of the Academy;

- The Complainant will be invited to ask the Academy's representative questions, if any;
- The Complaint Panel will ask the Academy's representative questions, if any;
- The Academy's relevant first witness will be invited into the room to give an account or what they saw or know;
- The Complainant will be invited to ask the Academy's witness questions, if any;
- The Complaint Panel will ask the Academy's witness questions, if any;
- The Academy's witness will be asked to leave the room;
- If the Academy has any further relevant witnesses, they will be invited into the room individually to provide their accounts and be questioned, as outlined above;
- The Complainant will be invited by the Complaint Panel to summarise their complaint;
- The Academy's representative will be invited by the Complaint Panel to summarise their response to the complaint and the Academy's stance;
- The Complaint Panel Hearing will conclude and the Complainant and the Academy's representative will be asked to leave.

The Complaint Panel's Decision

The Complaint Panel will meet in private, either immediately after the Complaint Panel Hearing or on a subsequent date, and will consider all of the documentation and everything that they have heard at the Complainant Panel Hearing and make:

Findings of Fact

The Complaint Panel will decide which facts are established to be true, on a balance of probabilities (i.e. more likely than not). If a fact is not deemed relevant, the Complaint Panel will not consider it further. The Complaint Panel will make a written record of the facts that have been established, those which have not been established and those which are not relevant, with reasons.

Recommendations

The Complaint Panel will consider the facts, which they have established and will make recommendations based upon them. These recommendations may be aimed at achieving reconciliation between the parties (for example, a written apology), improving procedures or preventing a recurrence in the future. The Complaint Panel will keep a written record of their recommendations, with reasons.

Notification of the Complaint Panel's Decision

The Clerk to the Complaint Panel will write within **10 school days** of the Complaint Panel Hearing to the:

- Complainant
- The Academy's representative
- Any person complained about

The letter will identify the issues complained about, and will confirm the Complaint Panel's findings of fact and recommendations, if any, with reasons. The letter will also confirm that, if the Complainant believes that this Complaints Policy does not comply with the Regulations, or that the Academy has not followed the procedure outlined in this Complaints Policy, the Complainant may refer their complaint to the Education Funding Agency for consideration.

The Clerk to the Complaint Panel will also ensure that a copy of the Complaint Panel's findings and recommendations are made available on the Academy's premises for inspection by the Trust, the Directors and the Executive Principal

Complaint Referred to Education Funding Agency

Once a complaint has been through all the stages of the this Complaints Policy, if the Complainant believes that this Complaints Policy does not comply with the Regulations, or if the Complainant believes that the Academy has not followed the procedure in this Complaints Policy, the Complainant can refer the complaint to the Education Funding Agency for consideration.

The Complainant can find further information about referring a complaint to the Education Funding Agency by pasting this page into an Internet browser:

<https://www.gov.uk/complain-about-school>

The Complainant can refer your complaint to the Education Funding Agency by completing an online form by pasting this page into an Internet browser:

<https://www.education.gov.uk/form/school-complaints-form>

The Complainant should be aware that the Education Funding Agency will not usually investigate the complaint itself, or interfere with the findings of the Complaint Panel, unless the decision made was manifestly unreasonable

Administrative Matters

Records

The Academy will keep a central record of all concerns and complaints received whether they were dealt with informally or formally, notes of meetings and telephone calls, together with any written responses. The school may use recording devices where there are communication difficulties to ensure the complainant is able to access and review the discussions at a later date. Complainants will have the right to copies of any records held under the Freedom of Information Act and Data Protection Acts

Timu Academy Trust – Complaint Form

Your name:

Pupil's name (if applicable):

Relationship to pupil:

Address:

Daytime telephone number:

Evening telephone number:

Email address:

Please give details of your complaint:

What action, if any, have you already taken to try to resolve your complaint? (for example, who have you spoken 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:

For internal use only

Date received:

Date acknowledgement
sent:

By whom:

Complaint referred to:

Date: