



Complaints Policy

T.E.A.M. Education Trust

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List of associate policies:	TEAM Equal Opportunities & Diversity Policy TEAM Staff Appraisal Policy TEAM Staff Capability Policy TEAM Staff Code of Conduct TEAM Staff Disciplinary Policy TEAM Staff Grievance Policy TEAM Teaching Staff NQT Policy TEAM Whistle Blowing Policy GDPR Documents 1-9 TEAM Child Protection Policy	

Version History

Version	Date	Detail	Author
1	29.5.20	Original document approved by Trustees	
2	28.4.21	Review of Policy to include defined timelines, rewrite of the Informal and Formal Complaints procedures to clarify roles, timelines and impartiality	ABI
3	11.5.21	Clarification for DfE on the timeline for the informal stage of the complaints procedure. Clause 9, identification of 7 working days to respond to a concern.	ABI
4.	14.7.21	Inclusion of the paragraph “This Complaints Policy should be followed in the event of a parent or child wishing to make a complaint about the Trust’s Early Help Service” in Item 3, paragraph 4.	ABI
5.	29.9.21	Addition of clause 7, Complaints Relating to Special Educational Needs Support (approved 5.10.21)	ABI

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1. Introduction

T.E.A.M. Education Trust is committed to ensuring that all students are provided with an excellent educational experience and that each school and their staff, work collaboratively with parents and carers to support students through their learning journey.

If a parent/carer feels that a situation has arisen that they are unhappy about then they have a right to make a complaint. Every complaint made will be taken seriously and dealt with promptly and professionally. This policy outlines the steps a parent/carer should take when making a complaint.

This Policy meets the standards set out in the Education (Independent School Standards (England)) Regulations 2014 Schedule 1, Part 7.

2. Aims

This policy aims to resolve any problems swiftly and at the earliest stage possible. The school will investigate and try to resolve every complaint in a positive manner and will treat every complaint as an opportunity to improve the services the school provides to pupils.

The procedure is devised with the intention that it will:

- Usually be possible to resolve problems by informal means;
- Be simple to use and understand;
- Be non-adversarial;
- Treat complaints confidentially;
- Allow problems to be handled swiftly;
- Address all points at issue;
- Inform future practice so that the problem is unlikely to recur;
- Reaffirm the partnership between parents, school employees and governors as they work together for the good of the pupils in the school;
- Ensure that the school's attitude to a pupil would never be affected by a parental complaint;
- Actively encourage strong home-school links;
- Ensure that any person complained about is treated fairly and with respect;
- Effectively monitor concerns and complaints received from parents.

3. Principles

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. An effective response and appropriate redress will be provided to all complaints as quickly as possible dependent upon the complexity of the issues raised.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, The Chief Executive Officer of the Trust or Principal, will refer you to another staff member, usually the Key Stage Leader in the first instance. Similarly, if the member of staff directly involved feels unable to deal with a concern, or is the Key Stage Leader, The Principal will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, our Trust schools will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

This Complaints Policy should be followed in the event of a parent or child wishing to make a complaint about the Trust's Early Help Service.

This policy relates to complaints about the educational administration of a school and typically applies to complaints made by parents and carers of students. It does not relate to matters which are governed by employment legislation or those where principles of civil contract law would normally apply, for example, supply contracts entered into with an academy. This procedure does not apply to employees of the Trust; alternative employment procedures exist for raising concerns.

3.1 Timescales

Complaints should 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.

3.2 Complaints Received Outside of Term Time

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

3.3 Withdrawal of a Complaint

If a complainant wants to withdraw their complaint at any stage, we will ask them to confirm this in writing.

4. Statutory Obligations

A record will be made of any action taken by the school as a result of any complaints, whether or not they are upheld.

Complainants must be aware that there is a complaints procedure and copies of this policy will be available on request and also can be found on our website, if the process results in an appeal, this procedure is statutory.

5. Records

All complaints will be recorded by the school.

Any findings and recommendations through the stage one and stage two process will be communicated to the complainant as outlined in Section 10 of this policy and a copy securely held by the school, to be made available for inspection on the school premises by the proprietor and the Principal.

Any correspondence, statements and records relating to individual complaints are to 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.

Termly reports outlining the number, subject of complaint, what stage the complaint was resolved (i.e. informally, stage one or stage two) and any action taken by the school (regardless of whether the complaint is upheld) will be produced for the Local Governing Body (LGB) or Governing Board. This report will be compiled by the Principal or other persons designated by the Principal. A copy of these reports will also be sent to the Chief Executive Officer of the TEAM Education Trust.

The LGB or Governing Board will use the reports to consider the number and subject of complaints, to identify any trends or areas of concern and make recommendations for action.

6. Confidentiality

All complaints will be kept as confidential as possible. Usually, only those involved in investigating and making a decision will be made aware of the full details of the complaint.

The person who is being complained about will also be entitled to know the substance of the complaint against them. The school has discretion to withhold information when there is sufficient reason, such as:

- Where there is a need to protect a source;
- Where there is a legal reason why the information should not be released;
- To meet data protection requirements.

7. Complaints relating to Special Education Needs Support

If a complaint relates to SEN support provided to the school to a child, the complaint should be made whilst the child is still registered at the school. This includes complaints that the school has failed to provide the support required by the child's SEN statement or education, health and care (EHC) plan.

Any complaint relating to this should be made in the following order.

1. Talk to the school's special educational needs co-ordinator (SENCO)
2. Follow the Trust's complaints procedure, as outlined in this policy.
3. Complain to your local authority.

8. Anonymous Complaints

There is no duty for the Principal to pursue anonymous complaints because there is no named complainant to respond to, and on this basis anonymous complaints will not be addressed under the terms of this policy.

In exceptional circumstances, if such complaints allege or imply a serious matter that may be to the detriment of the school, then it will be at the Principal's, or where the complaint concerns the Principal, the Chief Executive Officer of TEAM Education Trust's, discretion to consider whether a fact-finding exercise should take place to determine if the matter requires further investigation.

9. Vexatious Complaints

It is not appropriate to make personal accusations or attacks on members of school staff, or to raise matters that are not about education or a child's well-being. It is also not appropriate to make unsubstantiated allegations against the school, or to behave unreasonably by not engaging with the school to attempt a joint resolution.

This procedure should limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, then the Principal may inform the complainant in writing that the procedure has been exhausted and that the matter is now closed.

10. Addressing concerns informally

It is expected that the majority of concerns may be resolved informally with no need to progress to the formal stages of this procedure.

The complainant should be given an opportunity to discuss their concern with an appropriate member of staff. In the case of a complaint relating to a specific individual, this is likely to be the individual concerned or alternatively their line manager.

The member of staff dealing with the concern should make sure that the complainant is clear what action (if any) or monitoring of the situation has been agreed.

This stage should be completed speedily and concluded in writing with appropriate detail within 7 working days of the concern being reported. A copy will be securely kept by the Principal in a complaints file.

The complainant should be given a copy of this policy and informed that if they are not satisfied with the process, then they may consider making a formal complaint in writing.

11. Formal Complaints Procedure

11.1 Overview

A formal complaint must be:

- In writing, preferably using the complaints form (appendix 1);
- Made within three months of the event. Complaints after this period will not usually be considered;
- Lodged with the Principal, unless the Principal is the subject of the complaint, in which case, this complaint should be lodged with the Chief Executive Officer of TEAM Education Trust.
- A complaint against the Chief Executive Officer should be lodged with the Chair of the Trustees.

There are two stages to the formal complaints procedure:

- Stage one: formal hearing of complaint;
- Stage two: Complaint heard by the Complaints Appeal Panel.

At each stage, the person(s) hearing the complaint will:

- Speak with the complainant;
- Establish the facts of the complaint and who has been involved;
- Clarify the nature of the complaint and what remains unresolved;
- Clarify what the complainant feels would put things right;
- If required, meet with those involved in the matter and/or those complained about;
- Ensure appropriate written records are kept, including minutes of meetings;
- Endeavour to reach a resolution.

Throughout the procedure it is important for all parties to consider the ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part.

In addition, it may be appropriate to offer one or more of the following:

- An explanation;
- An admission that the situation could have been handled differently or better;
- An assurance that the event complained of will not recur;
- An explanation of the steps that have been taken to ensure that it will not happen again;
- An apology (an apology is not an admission of negligence or acceptance of liability);
- An undertaking to review school policies or processes in light of the complaint.

11.2 Stage 1: Formal hearing of complaint

If the complainant is dissatisfied with the way the complaint was handled informally, they may lodge a formal complaint. A member of the Senior Leadership Team (SLT) will usually hear the complaint, unless the complaint is:

- About a member of the SLT in which case the Principal will usually hear the complaint;
- About the Principal, in which case an Executive of TEAM Education Trust will usually hear the complaint;

11.2.1 The member of the SLT hearing the complaint will ensure that a written acknowledgement is provided to the complainant within five working days of receiving a complaint. The acknowledgement will include a copy of this policy and a target date for providing a response to the complaint, normally within 10 working days.

11.2.3 If the target cannot be met a letter should be written within the 10 working days' original timescale, explaining the reason for the delay and providing a revised target date.

11.2.4 Once the complaint has been investigated the member of the SLT will write to the complainant (and the member of staff concerned if appropriate). The written response will contain an outline of the complaint, and a summary of the response to the complaint, including the decision reached and the reasons for it. Where appropriate this should also include what response the school will take to resolve the complaint.

11.2.5 This letter or report must be endorsed by the Principal if it is written by a member of the SLT. It should also inform the complainant that if they are unsatisfied with the outcome of stage one, then they may progress to stage two of the procedure. To progress to stage two, the complainant will be required to lodge a written request to the Principal or the Chief Executive Officer of TEAM Education Trust (if the complaint involves the Principal), within 10 working days of receiving the response to stage one.

11.2.6 If no further communication is received from the complainant within 10 working days it will be deemed that the complaint has been resolved and no further action is required.

11.3 Stage 2: Complaint heard by the Complaints Appeals Panel

The complainant is required to lodge their stage two complaint as directed in the outcome letter of stage one, giving details of the complaint.

- 11.3.1 The stage two complaint will be acknowledged in writing within five working days. The hearing will usually take place within 20 working days of receipt of the stage two complaint.
- 11.3.2 The invitation letter to the hearing will detail the date, time and venue of the meeting, and state that the complainant may bring a companion (but not legal representation) to accompany them. The complainant will also be informed that they may also provide further documents relevant to the complaint, provided that these are received by the school at least five working days prior to the date of the hearing, to allow adequate time for the documents to be circulated. The complainant will be asked to provide details of any witnesses they believe should attend the hearing.
- 11.3.3 The Complaints Appeal Panel will consist of at least three people who were not directly involved in the matters detailed in the complaint. The panel will usually consist of a member of the LGB and an Executive Director of TEAM Education Trust, plus an individual who is independent of the management and running of the school.
- 11.3.4 All parties will attend the meeting in the same room. As well as the panel, the meeting will include the parent/carer and the individual accompanying them should they wish to be accompanied; the Principal and other decision maker at stage one; and any advisors as appropriate; and any other employees/witnesses who will be invited to make representations concerning the complaint. A minute taker will be present to take a note of proceedings.
- 11.3.4 It is acknowledged that these types of meetings can be difficult for all parties, and so the conduct of the meeting should be as informal as possible in the circumstances, to ensure that all parties feel at ease and able to contribute fully. Whilst it will be for the Chair of the panel to decide exactly how the meeting will proceed, the meeting will allow:
 - The parent/carer to explain their complaint;
 - The Principal to explain the school's response;
 - The Panel to have an opportunity to question all parties;
 - Witnesses to be called (subject to the approval of the Chair of the panel);
 - All parties and the panel to have an opportunity to question the witnesses.
- 11.3.5 The panel may:
 - Dismiss the complaint in whole or in part;
 - Uphold the complaint in whole or in part;
 - Decide on the appropriate action to be taken to resolve the complaint;
 - Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.
- 11.3.6 The Chair of the panel will explain to the parent/carer and the Principal that the panel will consider its decision based on the

information and evidence presented to them, and a written response will be sent to both parties as quickly as possible, usually within five working days. The complaints appeal panel's decision will be final.

The Chair will explain that the recommendations arising from the complaint will be available for inspection on the school premises by the complainant and the Principal.

11.4 Next Steps

If the complainant believes the school or Trust did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 2.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by the school or Trust board. They will consider whether they have adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD.

12 Roles and Responsibilities when handling a formal complaint

12.1 Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

12.2 Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
 - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
 - interviewing staff and children/young people and other people relevant to the complaint
 - consideration of records and other relevant information
 - analysing information

- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the Principal or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The Principal/ Chief Executive Officer or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

12.3 Complaints Co-ordinator / Chief Executive Officer or School Principal

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, Principal, Chair of Governors, Clerk and LAs (if appropriate) to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
 - sharing third party information
 - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.

12.4 Clerk to the Governing Body/ Trust Board

The Clerk is the contact point for the complainant and the committee and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example; stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

12.5 Committee Chair

The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting

- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.

If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting

- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk (and complaints co-ordinator, if the school has one).

12.6 Committee Member

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so
- No governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant
- We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- many complainants will feel nervous and inhibited in a formal setting
- Parents/carers often feel emotional when discussing an issue that affects their child.
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting
- Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.

The committee should respect the views of the child/young person and give

them equal consideration to those of adults.

If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.

However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.

The welfare of the child/young person is paramount.

13. Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by T.E.A.M. Education Trust or Trust school, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
<ul style="list-style-type: none"> Admissions to schools Statutory assessments of Special Educational Needs 	Concerns about admissions or statutory assessments of Special Educational Needs should be raised with the local authority – Derbyshire County Council
<ul style="list-style-type: none"> Matters likely to require a Child Protection Investigation 	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding
<ul style="list-style-type: none"> Exclusion of children from school* 	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions . <i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i>
<ul style="list-style-type: none"> Whistleblowing 	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus . Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for

	Education (see link above), depending on the substance of your complaint.
<ul style="list-style-type: none"> • Staff grievances 	Complaints from staff will be dealt with under the school's internal grievance procedures.
<ul style="list-style-type: none"> • Staff conduct 	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
<ul style="list-style-type: none"> • Complaints about services provided by other providers who may use school premises or facilities 	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
<ul style="list-style-type: none"> • National Curriculum - content 	Please contact the Department for Education at: www.education.gov.uk/contactus

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against the Trust or a Trust school in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

Appendix one - Complaint Form

Please complete and return to the school Office for the attention of the Principal who will acknowledge receipt and explain what action will be taken.

Name of School	
Your name:	
Pupil's name (if relevant):	
Your relationship to the pupil (if relevant):	
Address:	
Postcode:	
Day time telephone number:	
Evening telephone number:	
Please give details of your complaint, including whether you have spoken to anybody at the school about it.	
<p>In setting out your complaint, provide the facts as clearly as you can. In particular, please give as much detail as you can about:</p> <ul style="list-style-type: none">a) Date(s), time(s), and locations. If you cannot remember the date(s) of the incident complained of, you should say so;b) The incident itself, or if there was more than one, each of them. If the incident(s) occurred over a period of time, you should say when the period ended or when the latest incident occurred;c) Details of anyone who witnesses the incident(s);d) The effect that the incident(s) had on you or whoever was the wronged person; ande) Any attempt you have made to resolve the matter (including who you spoke 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:

School use only

Date received

Date acknowledgement sent

By whom

Complaint referred to

Date