

# Complaints Policy

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T.E.A.M. Education Trust



<b>Approved by:</b>	<b>Trust Board</b>	<b>Date: 20.06.23</b>
<b>Last reviewed on:</b>	21 April 2023	
<b>Next review due by:</b>	31 Aug 2026	
<b>List of associate policies:</b>	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 1-12 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
6.	21.4.23	<p>A number of changes have been made to provide clarity and sections/clauses moved to aid the flow of the document. The founding arrangements of the policy remain unchanged.</p> <p>Section 3, Definitions in line with DfE guidance have been added. Clause 3.3.1 complaints for EYFS has been added.</p> <p>Section 5: Record Keeping has been rewritten to reflect the Trust's GDPR procedures.</p> <p>Section 8: This section has been restructured/re-ordered and two new clauses added to set out arrangements for complaints against Trustees, Governors and the CEO.</p> <p>Section 8.6 Referring complaints has been re-written to provide updated information/contact details for the ESFA</p> <p>Section 12: has been written to provide greater clarity on the Trust response to 12.1 Unreasonably persistent complaints, 12.2 Duplicate complaints and 12.3 Complaint campaigns</p> <p>Sections 13 Lessons Learnt and 14 Monitoring Arrangements have been substantially rewritten. Section 15 Scope of Complaints procedure updated to reflect suspension and permanent exclusion in line with DfE guidance.</p>	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.

In addition, it addresses duties set out in the [Early Years Foundation Stage statutory framework](#) with regards to dealing with complaints about the school's fulfilment of Early Years Foundation Stage requirements.

## 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.

### 3.1 Definitions

The DfE guidance explains the difference between a concern and a complaint:

- A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”
- A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”

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.

This policy 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 a school. This procedure does not apply to employees of the Trust; alternative employment procedures exist for raising concerns.

The full scope of this Policy is covered in Section 15.

### 3.2 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.

If at any point we cannot meet the timescales we have set out in this policy, we will:

- Set new time limits with the complainant
- Send the complainant details of the new deadline and explain the delay

#### 3.3.1 Complaints about our fulfilment of early years requirements

We will investigate all written complaints relating to the school’s fulfilment of the Early Years Foundation Stage requirements and notify the complainant of the outcome within 28 days of receiving the complaint. The school will keep a record of the complaint (see section 5, Records) and make this available to Ofsted on request.

Parents and carers can notify Ofsted if they believe that the school is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4666, or by emailing [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk). An online contact form is also available at

<https://www.gov.uk/government/organisations/ofsted#org-contacts>.

We will notify parents and carers if we become aware that the school is to be inspected by Ofsted. We will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis.

### 3.3 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.

### 3.4 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

The school will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the Secretary of State (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and record retention schedule.

The details of the complaint, including the names of individuals involved, will not be shared with the whole governing board and/or Trustees in case a review panel needs to be organised at a later point.

## 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.

The complaints procedure requires that correspondence, statements and records relating to individual complaints will be kept confidential, except where the secretary of state or a body conducting a section 109 inspection requests access to them.

## 7. 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.

## 8. TEAM Education Trust Complaints Procedure

### 8.1 Stage 1: informal

The school will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

Please refer to Section 7.

### 8.2 Stage 2: Formal

If the complainant is dissatisfied with the way the complaint was handled informally, they may lodge a formal complaint with the school principal or, if relating to the Trust's Central Team, to the CEO.

A member of the Senior Leadership Team (SLT) or Trust Executive 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;

The formal stage involves the complainant putting the complaint to the Principal and/or the subject of the complaint:

- 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 (see Section 8.5)

The complainant should provide details such as relevant dates, times and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.

If complainants need assistance raising a formal complaint, they can contact the school office and support can be arranged for them (contact details are on the school website).



The Principal will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days. 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.

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.

### 8.2.1 Stage 2: Formal Investigation Protocol

The person(s) investigating the complaint will:

- Speak with the complainant if clarity of the complaint is required
- 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.

Once the complaint has been investigated the principal (or the designated member of the SLT) will write to the complainant and, if appropriate, 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.

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 three of the procedure. To progress to stage three, 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.

If no further communication is received from the complainant within 10 working days it will be deemed that the complaint has been satisfied.

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the Chief Executive Officer of TEAM Education Trust in writing within 14 school days.

## 8.3 Stage 3: review panel

### 8.3.1 Convening the panel

The complainant is required to lodge their complaint as directed in the outcome letter of formal investigation, giving details of the complaint together with a brief explanation as to why they are not satisfied with the outcome set out in the letter.

The complaint will be acknowledged in writing within five working days. The hearing will usually take place within 20 working days of receipt of request for a panel hearing.

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/Trust 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.

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.

At least 1 panel member must be independent of the management and running of the school. The panel cannot be made up solely of governing board members, as they are not independent of the management and running of the school.

In accordance with the [ESFA](#) guidance, if a complaints panel is taking place at a school within the Trust:

- A local governor from another school within the trust will count as an 'independent' person (as long as they have no conflict of interest or prior knowledge of the complaint)
- A MAT trustee will not count, as they have oversight of, and ultimate responsibility for, that school

Where the local governing board is aware of the substance of the complaint before the review panel stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the governing board/Trust CEO, who will not unreasonably withhold consent.

The panel will have access to the existing record of the complaint's progress.

The complainant must have reasonable notice of the date of the review panel.

If the complainant rejects the offer of 3 proposed dates without good reason, the clerk will set a date. The hearing will go ahead using written submissions from both parties.

Any written material will be circulated to all parties at least 7 school days before the date of the meeting.

### 8.3.2 At the Panel Hearing meeting

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 2; 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.

Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending will be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

At the review panel meeting, the complainant and representatives from the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied if they wish. The complainant's guest is not permitted to comment during, or contribute to, the panel hearing.

We do not encourage either party to bring legal representation, but will consider it on a case-by-case basis. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by their union.

Representatives from the media are not permitted to attend. The meeting is held in private.

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.

Once the complainant and school representative(s) have presented their cases, they will be asked to leave and evidence will then be considered.

### 8.3.3 The outcome

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 14 working days. The complaints appeal panel's decision will be final.

The panel will then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint, and make a copy available for inspection by the CEO and the Principal.

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.

If the complaint is upheld, the committee will:

- Decide the appropriate action to resolve the complaint
- Where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future

The school will inform those involved of the decision in writing within 14 school days.

## 8.4 Complaints against the Principal, governor(s) or Members/ Trustees of TEAM Education Trust

### 8.4.1 Stage 1: informal

Complaints made against the Principal or any member of the local governing board should be directed to the Chief Executive Officer in the first instance.

If the complaint is about the a member of the governing board (including the chair or vice-chair), a suitably skilled and impartial governor will carry out the steps at stage 1.

### 8.4.2 Stage 2: formal

If the complaint is:

- Jointly about the chair and vice-chair of the local governing board or the Trust
- The entire local governing board or Trust Board
- The majority of the local governing board or Trust Board

An independent investigator will carry out the steps in stage 2. They will be appointed by the Trust CEO and will write a formal response at the end of their investigation.

### 8.4.3 Stage 3: review panel

A committee of independent governors will hear the complaint. They will be sourced from local schools, other academy trusts, and/or independent school improvement advisers and will carry out the steps at stage 3

## 8.5 Complaints against the Chief Executive Officer

If the complaint is against the CEO, the matter should be referred to the Chair of Trustees in writing marked 'Complaint: Private & Confidential'. The Chair of Trustees will lead an investigation in line with the three stages set out in this policy.

## 8.6 Referring complaints on completion of the Trust's procedure

If the complainant is unsatisfied with the outcome of the **Trust's** complaints procedure, they can refer their complaint to the Education and Skills Funding Agency (ESFA). The ESFA will check whether the complaint has been dealt with properly by the **Trust**. The ESFA will not overturn a school's decision about a complaint, but will intervene if a school or trust has:

- Breached a clause in its funding agreement
- Failed to act in line with its duties under education law
- Acted (or is proposing to act) unreasonably when exercising its functions

If the school's complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:

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

We will include this information in the outcome letter to complainants.

# 9 Roles and Responsibilities when handling a formal complaint

## 9.1 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.

## 9.2 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.

### 9.3 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.

### 9.4 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.

## 9.5 Panel 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).

## 9.6 Panel Member

Panel 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.

## 10. 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.

## 11. 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.

## 12. Persistent & 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.

The procedure set out within this document 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.



## 12.1 Unreasonably persistent complaints

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- Has made the same complaint before, and it's already been resolved by following the school's complaints procedure
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure, beyond all reason
- Pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refuses to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the timeframes it sets out
- Makes a complaint designed to cause disruption, annoyance or excessive demands on school time
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

### *Steps we will take:*

We will take every reasonable step to address the complainant's concerns and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

If the complainant continues to contact the school in a disruptive way, we may put communications strategies in place. We may:

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third party to act on their behalf, such as Citizens Advice
- Put any other strategy in place as necessary
- Stopping responding
- We may stop responding to the complainant when all of these factors are met:
- We believe we have taken all reasonable steps to help address their concerns
- We have provided a clear statement of our position and their options
- The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from our school site.

## 12.2 Duplicate complaints

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we

will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and that the local process is complete
- Direct them to the DfE if they are dissatisfied with our original handling of the complaint

If there are new aspects, we will follow this procedure again.

### 12.3 Complaint campaigns

Where the school receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school may respond to these complaints by:

- Publishing a single response on the school website
- Sending a template response to all of the complainants

If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply.

## 13. Learning Lessons

The Chair of Governors and/or Chief Executive Officer will review any underlying issues raised by complaints with the Principal, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

## 14. Monitoring Arrangements

The Chair of Governors will monitor the effectiveness of the complaints procedure in making sure that complaints are handled properly. The Chair of Governors will track the number and nature of complaints, and review underlying issues as stated in section 'Learning Lessons'.

The complaints records are logged and managed by Principal.

This policy will be reviewed by Trust's policy manager every two years.

At each review, the policy will be approved by the Trustees and each Local Governing Body.

## 15. 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"><li>• Admissions to schools</li><li>• Statutory assessments of Special Educational Needs</li></ul>	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"><li>• Matters likely to require a Child Protection Investigation</li></ul>	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"> <li>• Suspension &amp; permanent exclusion of children from school*</li> </ul>	<p>Further information about raising concerns about exclusion can be found at:  <a href="https://www.gov.uk/government/publications/school-exclusion">https://www.gov.uk/government/publications/school-exclusion</a></p> <p><i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i></p>
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>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: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>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.</p>
<ul style="list-style-type: none"> <li>• Staff grievances</li> </ul>	Complaints from staff will be dealt with under the school's internal grievance procedures.
<ul style="list-style-type: none"> <li>• Staff conduct</li> </ul>	<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"> <li>• Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
<ul style="list-style-type: none"> <li>• National Curriculum - content</li> </ul>	Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>

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

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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:	
<b>Please give details of your complaint, including whether you have spoken to anybody at the school about it.</b>	
<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"><li>a) Date(s), time(s), and locations. If you cannot remember the date(s) of the incident complained of, you should say so;</li><li>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;</li><li>c) Details of anyone who witnesses the incident(s);</li><li>d) The effect that the incident(s) had on you or whoever was the wronged person; and</li><li>e) Any attempt you have made to resolve the matter (including who you spoke to and what was the response).</li></ul>	

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