

TTLT Concerns and Complaints Policy and Procedures Summer 2021

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Links with other Policies

When agreeing or reviewing the Complaints Policy, links should be made with other relevant policies and guidelines, including Admissions, TTLT Inclusion Policy, Safeguarding, Whistleblowing, TTLT The Single Equality Plan, TTLT Equality Objectives, Staff Grievances, and each school's Staff Code of Conduct.

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1. Aims

The Tapscott Learning Trust (hereon called 'Trust' or 'TTLT') aims to meet its statutory obligations when responding to complaints from parents of pupils at any of the schools.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement evaluation processes

These aims support our values in delivering an outstanding education, which we believe is the right of every child irrespective of social, economic or demographic factors. We try to resolve concerns or complaints by informal means wherever possible and where this is not possible, formal procedures will be followed.

The Trust will aim to give the complainant the opportunity to complete the complaints procedure in full and to support this, we will ensure we publicise the existence of this policy and make it available on every website within the Trust. Throughout the process, we will be sensitive to the needs of all parties involved and make any reasonable adjustments needed to accommodate individuals.

2. Legislation and guidance

This document meets the requirements set out in schedule 1, part 7 in the [Education \(Independent School Standards\) Regulations 2014](#), which states that we must have and make available a written procedure to deal with complaints from parents of pupils at the school.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on [creating a complaints procedure that complies with the above regulations](#), and refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE), Updated January 2021.

This policy complies with our Funding Agreement and Articles of Association.

3. Who can make a complaint?

This Complaints Policy is not limited to parents or carers of children that are registered at the schools within the Trust. Any person, including members of the public, may make a complaint to a school within the Trust about any provision of facilities or services that we provide unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions). This, of course, includes complaints from parents / carers of SEND, Looked After Children and Children in Need.

4. Definitions and scope

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”. The school will resolve concerns through day-to-day communication as far as possible.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, the school will attempt to resolve the issue internally, through the stages outlined within this Complaints Policy.

A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”. The school intends to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

It is in everyone’s interest that 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. The Trust takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

This policy does not cover complaints procedures relating to:

- Admissions
- Inclusion
- Safeguarding
- Whistleblowing
- Staff Grievances
- Staff Code of Conduct

Please see our separate policies for procedures relating to these types of complaints.

Arrangements for handling complaints from parents of children with Special Educational Needs and Disabilities (SEND) about the school’s support are within the scope of this policy. Such complaints should first be made to the school’s Special Educational Needs and Disability Co-ordinator (SENDCo); they will then be referred to this Complaints Policy. Our Inclusion Policy includes information about the rights of parents of pupils with disabilities who believe that a school has discriminated against their child.

Complaints about services provided by other providers who use any of the premises or facilities within the Trust should be directed to the provider concerned.

5. Raising a concern or making a complaint within a school

A concern or complaint can be made in person, in writing, by way of letter or email, or by telephone. Complaints may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so. Concerns should be raised with either the class teacher or senior teacher. If the issue remains unresolved, the next step is to make a formal complaint.

Complainants should not approach individual Governors to raise concerns or complaints as they have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 3 of the procedure.

Complaints against school staff (except the Head Teacher) should be made in the first instance, to the Head Teacher via the school office and must be marked as Private and Confidential.

Any complaints that involve or are about the Head Teacher should be addressed to the Chair of the school's Local Advisory Board (LAB), via the school office and marked Private and Confidential.

Complaints about any individual Governor of the LAB should be addressed to the Chair of Trustees via the school office and marked as Private and Confidential.

Complaints against the Chair of Governors should be made in the first instance, to the Chief Executive Officer (CEO) via the school office and marked as Private and Confidential.

6. Raising a concern or making a complaint within the Trust

If you have a concern or complaint that relates to a member of the Trust' Central Team, this should be made either in writing, by letter or email, to the address below. Complaints may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so.

Where a complaint is against the Chair of Trustees, it should be made in writing to the CEO to the address below. Please mark as Private and Confidential.

Where a complaint is against the CEO, it should be made in writing to the Chair of Trustees. Please mark as Private and Confidential and send to the address below:

% The Trust's Executive Officer
The Tapscott Learning Trust
C/O The North Beckton School House
Harrier Way
Beckton
E6 5XG

or via email - info@ttl.academy

For ease of use, a template complaint form is included at the end of this policy – see Appendix A - Complaint Form. If you require help in completing the form, please contact the school office. You can also ask third party organisations like the Citizens Advice to help you.

7. Anonymous complaints

We will not normally investigate anonymous complaints. However, the Head Teacher/CEO/ Chair of Governors for the LAB/ Trustees, if appropriate, will determine whether the complaint warrants an investigation.

8. Scope of this Concerns and Complaints Policy and Procedures

This procedure covers all complaints about any provision of community facilities or services by TTLT, other than complaints that are dealt with under other statutory procedures, these are listed in the guidance document.

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 a school within the Trust 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.

9. Principles for investigation

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

9.1. Time scales

The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.

We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

When complaints are made out of term time, we will consider them to have been received on the next school day.

If at any point we cannot meet the time scales 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

10. Withdrawal of a complaint

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

11. How to raise a concern or make a complaint - the four stages

Stage 1a: Concerns - Talk to the class teacher or SENDCo (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.

Concerns should be raised as soon as possible with the relevant member of staff in person, in writing, or by telephone. If you are unclear who to contact or how to contact them, please contact the school office.

Make an appointment to see the class teacher. The class teacher will know your child well and may already know the details of any incident about which you may have a concern. Please do not try to see the teacher during the school day when lessons are occurring.

It is hoped that you can reach an agreement that satisfies you but on some occasions the concern raised may require investigation, or discussion with others, in which case the complainant should allow at least 5 days for a response. The majority of concerns are dealt with in this way. However, if it is not the case, please progress to Stage 1b.

Stage 1b: Concerns - Meet a senior teacher (informal)

Please contact the school office to arrange to meet with a senior member of staff who will investigate your concern and reply within 5 working school days. If the complaint is not resolved informally, it will be escalated to a formal complaint (Stage 2).

Stage 2: Complaint - to Head Teacher (formal)

If you are dissatisfied with the response at Stage 1 please put your complaint in writing to the Head Teacher who will deal with it formally or appoint an Investigating Officer. Please provide full details such as relevant dates, times, names of witnesses of events or copies of relevant documents. You should also state what you believe would resolve the complaint. Appendix A – Complaint Form (attached) may be used to support this process.

The Head Teacher may delegate another senior member of staff to carry out the investigation and report their findings to them and the Head Teacher will then reach a conclusion based on the investigation. The Investigating Officer must acknowledge the complaint within 5 days by writing to the complainant. The acknowledgement should state that a further communication will follow within 20 school days that will set out the actions taken to investigate the complaint and the findings.

If the complaint is about the Head Teacher, please move to Stage 3.

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the Chair of LAB, via the school office, why they are still unhappy.

Stage 3: if not resolved at Stage 2, Chair of the LAB (formal)

Complaints will be escalated to the **Chair of the LAB** if the complainant is not satisfied with the response to the complaint at the Stage 2 (formal).

The complainant must ensure that they include details of why they are still dissatisfied with the decision, the recommendations and the actions of the Stage 2 complaint and what they require to resolve the matter. They may also attach any evidence to support their concerns that can be additional to that submitted at Stages 1 and 2.

Upon receipt of a complaint at Stage 3 the CEO must also be informed, and if necessary, work with the Chair of the LAB to help to resolve the complaint.

The Investigating Officer must write to the complainant within 5 days of receipt of the complaint to acknowledge this. The letter should state that another letter will follow within 20 school days setting out the actions taken to investigate the complaint and the findings.

Stage 4: if not resolved at Stage 3, review panel (formal)

If the complainant is dissatisfied with the response from the Investigating Officer at Stage 3 (formal) they should be advised that the next stage is to put their complaint in writing to the Trustees at Stage 4.

The complaint will be escalated to the panel hearing stage. This is the final stage of the process. The panel will comprise of Trustees and LAB members from across the Trust who form a complaints appeal panel that are not party to the complaint (see section 11. Roles and Responsibilities of the review panel).

The complaint will be acknowledged within 10 school days.

The panel must convene a meeting to discuss the complaint and to look at all of the investigation evidence to make a final decision on how to progress. A Clerk should be appointed to take notes of the meeting and records must be kept.

As the Head Teacher has a statutory duty for the internal organisation and management of the school, which they must carry out in accordance with any rules, regulations or policies laid down

by the LAB and Trust, the remit for this panel is to consider the complaint with regard to whether the Head Teacher has followed the relevant school policies.

The complainant must have reasonable notice of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather than that of the complainant.

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 school will inform those involved of the decision in writing within 20 school days.

The panel can decide:

- To convene a meeting with the complainant. If a meeting is to be convened, the person chairing the meeting will write to the complainant to acknowledge the complaint within 10 school days. The letter would also include the date, time and venue of the convened meeting to hear the complaint.
- Decide on the appropriate action to be taken to resolve the complaint
- For non-complex complaints, not to meet with the complainant, but to use all the information available to them and make a decision on the complaint as there is enough information to allow for a decision to be made
- Possible outcomes for the panel
- Dismiss the complaint in whole or in part
- Uphold the complaint in whole or in part
- Recommend changes to school systems or procedures to ensure that similar incidents do not occur
- An outcome letter will be sent to the complainant within 20 days of the meeting.

13. Referring complaints on completion of the school's procedure

If the complainant is unsatisfied with the outcome of the school's complaints procedure after they have completed Stage 4, they can refer their complaint to ESFA.

The ESFA will check whether the complaint has been dealt with properly by the school. The ESFA will not overturn a school's decision about a complaint.

However, it will look into:

- Whether there was undue delay, or the school did not comply with its own complaints procedure
- Whether the school was in breach of its funding agreement with the Secretary of State
- Whether the school has failed to comply with any other legal obligation

If the school did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the Trust's complaints procedure is found to not meet regulations, the Trust will be asked to correct its procedure accordingly.

The ESFA may seek to enforce our decision under the terms of the funding agreement on behalf of the Secretary of State.

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

Alternatively you can write to ESFA at:
ESFA Complaints
Chief Executive's Office
Cheylesmore House
Quinton Road
Coventry
CV1 2WT

14. Persistent complaints

Where a complainant tries to re-open the issue with the school after the complaints procedure has been fully exhausted and the school has done everything it reasonably can in response to the complaint, the Chair of Trustees / LAB (or other appropriate person in the case of a complaint about the chair) will inform the complainant that the matter is closed.

If the complainant subsequently contacts the school again about the same issue, the school can choose not to respond.

Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint.

Once the school has decided that it is appropriate to stop responding, the complainant will be informed by letter.

The school will ensure when making this decision that complainants making any new complaint are heard, and that the school acts reasonably.

15. Managing serial and unreasonably complaints

The Trust is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with our school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

The Trust defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- 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
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- changes the basis of the complaint as the investigation proceeds
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)

- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education
- seeks an unrealistic outcome
- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums

Complainants should try to limit their communication with the school that relates to their complaint, while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.

Whenever possible, the CEO / Head teacher / Chair of Trustees / LAB will discuss any concerns with the complainant informally before applying an '*unreasonable*' marking.

If the behaviour continues, the Head teacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact the Trust / any of the schools within the Trust causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

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 the school.

16. Record-keeping

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 written communications, notes relating to meetings and phone calls, whether they were resolved at a particular stage or progresses to the final stage, and what action was taken by the school / Trust as a result of those complaints (whether or not the complaint were upheld).

All correspondence, statements and records relating to complaints must be kept confidential, except where the Secretary of State (or someone acting on his / her behalf) requests access to records of a complaint through a Freedom of Information (FOI) request or 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 from date of the resolution of the complaint + a minimum of 6 years then review for further retention in case of contentious disputes.

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

Where the 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, who will not unreasonably withhold consent.

17. Learning lessons

The Chair of Trustees will review any underlying issues raised by complaints with the CEO, where appropriate, and respect 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.

18. Monitoring arrangements

The Trustees will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The Trustees will track the number and nature of complaints, and review underlying issues as stated in section 16. Learning lessons.

The complaints records are logged and managed by the Company Secretary.

This policy will be upheld and will be reviewed by the Policy Development Lead every three years. However, should there be any updates from DfE or ESFA, or from lessons learnt of complaints received this policy will be amended accordingly. At each review, the policy will be approved by the Trustees.

19. Links with other policies

Policies dealing with other forms of complaints include:

- Each school's Safeguarding Policy
- TTLT Admissions Arrangements
- Staff Grievance Procedures
- Staff Disciplinary Procedures
- TTLT Inclusion Policy

APPENDIX A – Complaint form

Please complete and return to _____ (named person or school office) who will acknowledge receipt and explain what action will be taken.

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.

What action, if any, have you already taken to try and resolve your complaint (who did you speak 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:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date: