



TRUST IN LEARNING (ACADEMIES)

COMPLAINTS POLICY AND PROCEDURE



Date Created: January 2015
 Effective From: January 2015
 Dated Adopted by the Board: January 2015
 Review Date: March 2021

Date	Page	Change	Purpose of Change
March 2018		Introduction of flowchart	Clear outline of procedure

1. Introduction

The policy and procedures within this document is addressed to the Senior Management Team of our schools; to all members of staff (teaching and associate staff); and, on request, to parents. A copy is available on the Trust in Learning (Academies) (TiLA) website and on each of our school's websites (please see contact details below for details).

The policy has been approved by the TiLA Board. It provides guidelines for handling concerns and complaints. It takes account of Paragraph 25 of the Schedule to the Education (Independent School Standards) (England) Regulations 2010 (SI 2010/1997). The policy applies to all schools or academies within the Trust. The procedures set out below may be adapted as appropriate to meet the policy aims and circumstances of each case. Certain of the procedures can only be carried out during term time.

2. Scope

This policy applies to all employees of TiLA (permanent, fixed term and casual).

3. Values and aims

TiLA takes seriously any concern or complaint, as we believe that tackling issues at the earliest possible stage will improve our academies, enhance learning, prevent issues escalating and reduce the number of formal complaints.

- 3.1. The aim of this policy is to ensure that a concern or complaint is managed sympathetically, efficiently and at the appropriate level, and resolved as soon as possible. Doing so is good practice, it is fair to those concerned and it helps to promote parents' and students' confidence in our ability to safeguard and promote welfare. We will try to resolve every concern or complaint in a positive way with the aim of putting right a matter which may have gone wrong and, where necessary, reviewing our systems and procedures in light of the circumstances.
- 3.2. **Policy Statement:** we need to know as soon as possible if there is any cause for dissatisfaction. We recognise that a difficulty which is not resolved quickly and fairly can soon become a cause of resentment, which would be damaging to relationships and also to our culture. Parents and students should never feel - or be made to feel - that a complaint will be taken amiss or will adversely affect a student or his/her opportunities at the relevant school. The policy however distinguishes between a concern or difficulty which can be resolved informally and a formal complaint which will require investigation.
- 3.3. Trust in Learning Academies is committed to safeguarding and promoting the welfare of children, and this policy forms an important part of that commitment. Safeguarding is the process of protecting children from abuse or neglect, preventing impairment of their health and development, and ensuring

they are growing up in circumstances consistent with the provision of safe and effective care that enables children to have optimum life chances and enter adulthood successfully.

4. Dealing with Complaints – Initial Concerns

It is important to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

The policy which follows deals with complaints but the underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. In most cases the class teacher or the individual delivering a service in the case of extended school provision, will receive the first approach. It would be helpful if staff were able to resolve issues on the spot, including apologising where necessary.

Dealing with Complaints – Formal Procedures

The formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

5. Framework of Principles

Our Complaints Procedure:

- Encourages resolution of problems by **informal** means wherever possible;
- Is easily **accessible** and **publicised**;
- Is **simple** to understand and use;
- Is **impartial**;
- Is **non-adversarial**;
- Allows **swift** handling within agreed **time-limits** for action and keeping people informed of progress;
- Ensures a full and **fair** investigation;
- Respect people's desire for **confidentiality**;
- Addresses all the points at issue and provide an **effective** response and **appropriate** redress, where necessary;
- Provides **information** to the school's senior management team so that services can be improved

6. Investigating Complaints

At each stage, the person investigating the complaint makes sure that they:

- Establish **what** has happened so far, and **who** has been involved;
- Clarifies the nature of the complaint and what remains unresolved;
- Meets with the complainant or contacts them (if unsure or further information is necessary);
- Clarifies what the complainant feels would put things right;
- Interviews those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- Conducts the interview with an open mind and is prepared to persist in the questioning;
- Keeps notes of the interview with due regard to confidentiality and in accordance with the Data Protection Act

7. Resolving Complaints

At each stage in the procedure the school will keep in mind 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:

- Apology;
- Explanation;
- Admission that the situation could have been handled differently or better;
- Assurance that the event complained of will not recur;
- Explanation of the steps that have been taken to ensure that it will not happen again;
- Undertaking to review school/academy policies in light of the complaint.

It would be useful if complainants were encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence.

8. Vexatious Complaints

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, the Chair of the Local Governing Body (LGB) or Chair of the TiLA Board is able under this policy to inform them in writing that the procedure has been exhausted and that the matter is now closed.

9. Time-Limits

Complaints need to be considered, and resolved, as quickly and efficiently as possible using time limits published in this policy. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

10. Publication and Circulation

The LGB will publicise the complaints policy and procedure in

- The information given to new parents when their children join the school;
- Any home-school agreement;
- The school and the TiLA website

It will be available on request from each school.

11. Confidentiality

A written record will be kept of all complaints, and of whether they were resolved at Stage 1, Stage 2 or proceeded to a Panel hearing. The number of formal complaints registered during the preceding school year will be supplied to parents on request.

Correspondence, statements and records relating to individual complaints will be kept confidential except where access is requested by the Secretary of State or where disclosure is required in the course of a school's inspection or under other legal authority.

In accordance with data protection principles, details of individual complaints will be kept only for as long as is considered to be reasonably necessary in the circumstances.

12. Complaints Procedure

This policy describes a four stage procedure:

Stage 1: informal raising of a concern or difficulty notified orally or in writing to a member of staff

Stage 2: a formal complaint in writing to the school's headteacher

Stage 3: a renewed complaint in writing to the Chair of the Local Governing Body for their consideration

Stage 4: a reference to the Complaints Panel of the Academy Trust

13.1 Stage One: Complaint Heard by Staff Member

13.1.1 It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. To that end, staff will be periodically made aware of the procedures so that they know what to do when they receive a complaint.

13.1.2 Parents/Governors should never feel or be made to feel that a complaint made in a reasonable and appropriate way will be taken amiss or will reflect adversely on the student or his/her opportunities at the school. The school will try to investigate and try to resolve every complaint in a positive manner and will treat every complaint as an opportunity to improve our service.

13.1.3 The school will try to respect the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the matter will be referred to a senior member of staff or to the Headteacher who may, if they feel it appropriate, refer the complainant to another staff member. Alternatively they may not feel this is necessary. Where the complaint concerns the Headteacher, the complainant can be referred to the Chair of the Local Governing Body. Please note our practice will endeavour to:

- Put right any matter which may have gone wrong
- Review our systems and procedures in the light of the relevant circumstances
- NB complaints brought by staff should be investigated using the Grievance Procedure and not this Complaints Policy
- Only complaints received in writing (preferably using the Complaints Form) will be considered
- Anonymous complaints will not be considered

- Complaints must be made within six months of the event. Complaints after this period will not be considered unless in exceptional circumstances
- Line managers or other delegated managers will investigate the complaint

13.1.4 Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the senior staff member or Headteacher may consider referring the complainant to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

13.1.5 Where the first approach is made to a local governor, the next step would be to refer the complainant to the appropriate line manager. Governors should not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure

13.1.6 The Line Manager will ensure that a written or oral acknowledgement is provided to the complainant within five working days of receiving a complaint. The acknowledgement will give a brief explanation of the school's complaints procedure and will give a target date for providing a response to the complaint which should normally be within 10 school working days. If the target cannot be met a letter should be written within 10 school working days explaining the reason for the delay and providing a revised target date.

13.1.7 The Line Manager will seek to meet or speak with all of the appropriate people in order to establish the facts relating to the complaint, if the information given on the complaint's form necessitates this. This may include the complainant, staff and any other person.

13.1.8 Once all of the facts have been established the Line Manager will then produce a written response to the complainant, or may wish to meet the complainant to discuss or resolve the matter directly.

13.1.9 A written response should 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 may be by way of a general description eg 'Action taken within the Disciplinary Procedure'.

When the investigation has been concluded the complainant and the member of staff concerned will be informed in writing of the outcome. This may be to the effect that

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- The concern was not substantiated by the evidence

- The concern was substantiated in part or in full. Some details may then be given of the action the school/academy may be taken to review procedures etc but details of the investigation or of any disciplinary procedures will not be released
- The matter has been fully investigated and that appropriate procedures are being followed which may be strictly confidential (eg where staff disciplinary procedures are being followed)

13.1.10 This letter or report must be endorsed by the Headteacher. It should also inform the complainant that should he/she wish the complaint to progress to the second stage of this procedure then he/she should send a written request stating this to the Headteacher within 10 working days of receiving the response.

13.1.11 If no further communication is received from the complainant within 10 work days it is deemed that the complaint has been resolved and should end.

13.2 Stage Two: Complaint heard by Headteacher

13.2.1 If the complainant is dissatisfied with the way the complaint was handled at Stage 1, they may go to Stage 2 and have the Headteacher hear the complaint. The Headteacher may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

13.2.2 The same timings as in Stage 1 will apply.

13.2.3 If the complainant is dissatisfied with the way the complaint was handled at Stage 2, they may go to Stage 3. The complainant needs to write to the Clerk to the Local Governing Body as directed by the Headteacher giving details of the complaint

13.3 Stage Three: Complaint heard by Local Governing Body (LGB) Complaints Appeal Panel

13.3.1 The Clerk to the Local Governing Body should write to the complainant acknowledging receipt of the written request for the complaint to be heard. This acknowledgement must be sent within five working days and should inform the complainant of the arrangements for hearing the complaint within 20 working days of receiving it. The letter should explain that the complainant has the right to submit any further documents relevant to the complaint. These documents must be received not later than five working days before the date of the hearing to allow adequate time for them to be circulated.

13.3.2 No person involved should have previous involvement in the complaint.

13.3.3 The Governors' Appeal Hearing is the last school based stage of the complaints process and is not convened to merely rubber-stamp previous decisions.

- 13.3.4** Individual complaints would not be heard by the whole Local Governing Body at any stage, as this could compromise the impartiality of any hearing set up for disciplinary purposes against a member of staff following a serious complaint.
- 13.3.5** The Local Governing Body may nominate a number of members with delegated powers to hear complaints at that stage, and set out its terms of reference. These include:
- Drawing up its procedures
 - Hearing individual appeals
 - Making recommendations on policy as a result of complaints
- 13.3.6** In the event of the Chair not being available a panel can be drawn from the nominated members and may consist of three or five Governors. In this case the panel may choose their own Chairperson.
- 13.3.7** If the complaint is about the Headteacher a hearing by the Chair of the Local Governing Body becomes Stage Two. If the complainant is unhappy he/she needs to write to the Clerk to the Local Governing Body whereupon a panel of three to five Governors (not previously involved) will hear the complaint.
- 13.3.8** The Panel's decision, findings and any recommendations may be notified orally at the hearing or subsequently and shall be confirmed in writing to the complainant by electronic mail where appropriate within seven working days.
- 13.3.9** If you are not satisfied with the Local Governing Body Complaints Appeal Panel's decision you may ask for the complaint to be referred to the TiLA Complaints Panel by writing to the Chair of the TiLA Board.

13.4 Stage Four: Reference to the Academy Trust Complaints Panel

- 13.4.1** An Academy Trust Complaints Panel hearing is a review of the decisions taken by the Headteacher and/or the Local Governing Body. The Panel will not consider any new areas of complaint which have not been previously raised as part of the complaints procedure.
- 13.4.2 The Role of the Panel:** the Panel's task is to establish the facts surrounding the complaints that have been made by considering:
- The documents provided by both parties
 - Any representations made by the complainant, the Headteacher or the Chair of the Local Governing Body
- 13.4.3** If, after establishing the facts, the Panel consider that the complaint is justifiable, they will uphold the complaint. If the Panel consider that the complaint is not justified, they will dismiss the complaint. They will make these decisions on the balance of probabilities.

- 13.4.4** It is not within the powers of the Panel to make any financial award, nor to impose sanctions on staff, students or parents. The Panel may make recommendations on these or any other issues to the Headteacher, the Local Governing Body or the full TiLA Board as appropriate.
- 13.4.5 Composition:** we have constituted a Complaints Panel (**Panel**) comprising a number of Academy Trust directors and independent members who are independent of the governance, management and running of the schools.
- 13.4.6 Notification:** to request a hearing before the Complaints Panel, the complainant should write to the Chair of the TiLA Board within five working days of the decision complained of. This request will usually only be considered if procedures have been completed at Stage One and Two and, where appropriate, Stage Three and Stage Four. The complainant should ensure that a copy of all relevant documents and full contact details accompany the letter to the Chair of the TiLA Board. The letter should state the outcome that is desired and all the grounds of the complaint. The complainant should also send the Chair of the TiLA Board a list of the documents which they believe to be in the relevant school's possession and wish the Panel to see. The Chair of the TiLA Board will acknowledge the request in writing within two working days. If any assistance is required with the request, for example, because of a disability, then the complainant should advise the Chair of the TiLA Board who will be happy to make appropriate arrangements.
- 13.4.7 Convening the Panel:** the Chair of the TiLA Board will convene the Complaints Panel as soon as reasonably practicable but the Panel will not normally sit during half terms or school holidays. The Panel will consist normally of a minimum of three individuals who have no detailed prior knowledge of the circumstances of the complaint. One member of the Panel will be an independent member. The complainant may ask the Chair of the TiLA Board to advise who has been appointed to sit on the Panel.
- 13.4.8 Notice of Hearing:** every effort will be made to enable the Panel hearing to take place within 10 working days of receipt of a request. As soon as reasonably practical and in any event, at least five working days before the hearing, the Chair of the TiLA Board will send written notification of the date, time and place of the hearing, together with brief details of the Panel members who will be present. The hearing will normally follow the procedure set out in Appendix 1.
- 13.4.9 Attendance:** the complainant will be invited to attend the hearing and may be accompanied by one other person such as a relative, teacher, or friend. It is not necessary for that person to be legally qualified but if the complainant wishes to be accompanied by a legally qualified person, acting in their professional capacity, then they should notify the Chair of the TiLA Board at least seven working days before the hearing. The complainant's child aged 13+ may attend part or all of the hearing at the discretion of the Chair. Copies of additional documents the complainant wishes the Panel to consider should be sent to the Chair of the TiLA Board at least three clear

working days prior to the hearing.

13.4.10 Chair: the hearing will be chaired by one member of the Panel (chosen by them) and will be conducted in an informal manner.

13.4.11 Hearing: all statements made at the hearing will be unsworn. All present will be entitled, should they wish, to write their own notes for reference purposes. The Chair of the TiLA Board will be asked to take a handwritten minute of the proceedings.

13.4.12 Evidence: the Chair will conduct the hearing in such a way as to ensure that all those present have the opportunity of asking questions and making comments in an appropriate manner. The hearing is not a legal proceeding and the Panel shall be under no obligation to hear oral evidence from witnesses but may do so and/or may take written statements into account.

13.4.13 Conduct: all those attending the hearing are expected to show courtesy, restraint and good manners or, after due warning, the hearing may be adjourned or terminated at the discretion of the Chair. If terminated, the original decision will stand. Any person who is dissatisfied with any aspect of the way the hearing is conducted must say so before the proceedings go any further and his/her comment will be minuted.

13.4.14 Adjournment: the Chair may, as his/her discretion, adjourn the hearing for further investigation of any relevant issue. This may include an adjournment to take legal advice.

13.4.15 Decision: after due consideration of the matters discussed at the hearing, the Panel shall reach a decision unless there is an agreed position. The Panel's decision, findings and any recommendations may be notified orally at the hearing or subsequently and shall be confirmed in writing to the complainant by electronic mail where appropriate within seven working days. If the complainant does not wish to receive the decision by electronic mail, a copy will be given or posted to them. The decisions, findings and any recommendations will be made available for inspection on the relevant school premises by the Local Governing Body and the school headteacher. Reasons for the decision will be given. The decision may include recommendations and will be sent to the complainant, the Chair of the TiLA Board, the Chair of the Local Governing Body, the headteacher and where relevant, any person about whom the complaint has been made.

13.4.16 Private Proceedings: a hearing before the Academy Trust Complaints Panel is a private proceeding. No notes or other records or oral statements about any matter discussed in or arising from the proceeding shall be made available directly or indirectly to the press or other media.

14 Roles and Responsibilities

14.1 The Role of the Clerk

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- Set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible
- Collate any written material and send it to the parties in advance of the hearing



The clerk is the contact point for the complainant and is required to:



14.2 The Role of the Chair of the Panel

Is to outline:

- The remit of the panel
- Explain to the parties that each party has the opportunity to put their case without undue interruption
- That the issues are addressed
- That the key findings of fact are made
- Parents and others who may not be used to speaking at such a hearing are put at ease
- Written material is seen by all parties
- That the hearing is conducted in an informal manner with each party treating the other with respect and courtesy
- That the panel is open minded and will act independently
- That no member of the panel has had any involvement in an earlier stage of the procedure
- That each side is given the opportunity to state their case and ask questions

Contact Details:

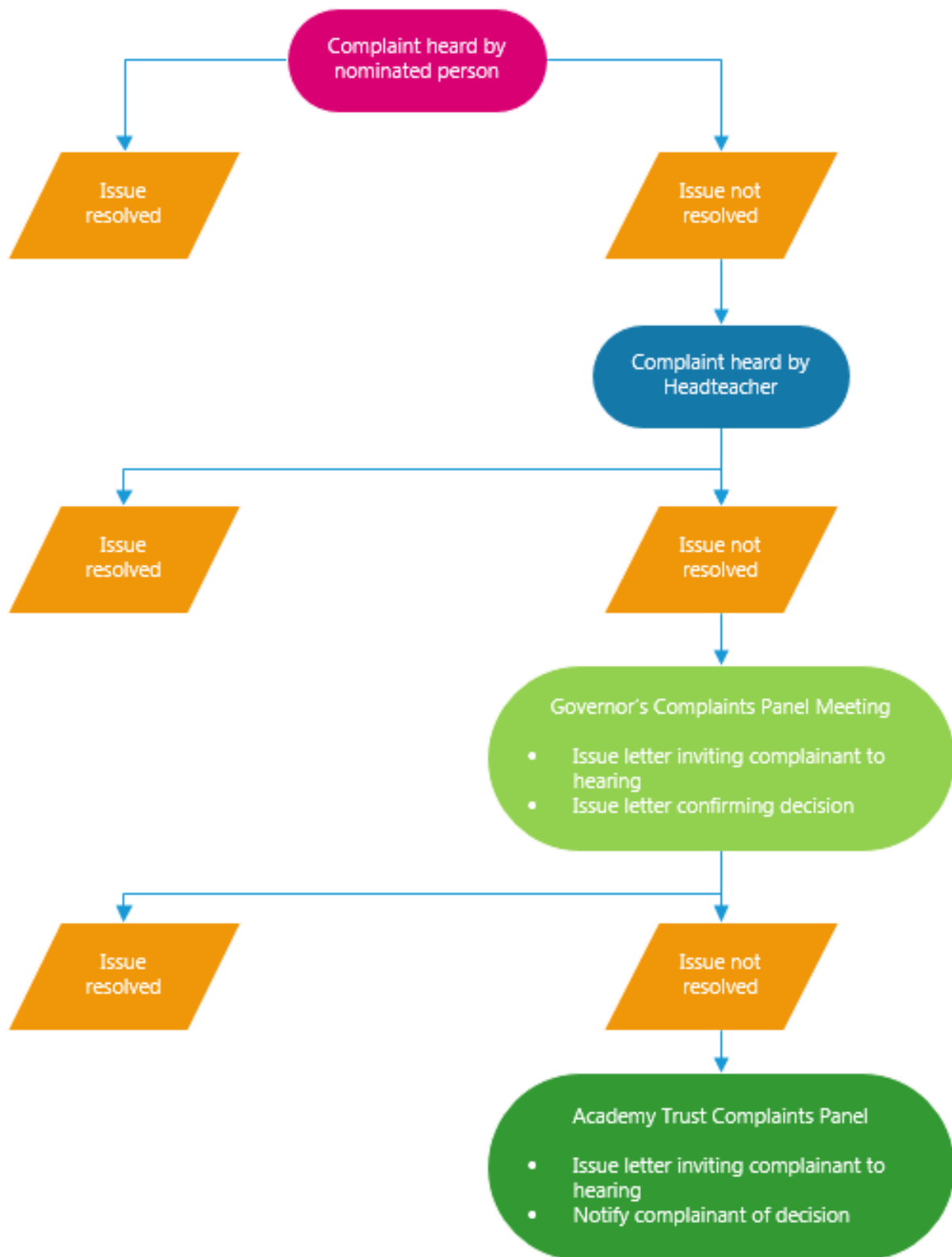
Bridge Learning Campus	Filton Avenue Primary School	Orchard School Bristol	Parson Street Primary School	Trust in Learning (Academies)
Andrew Hardy Interim Headteacher	Mrs Anne Rutherford Headteacher	Mrs Julia Hinchliffe Headteacher	Mr Jamie Barry Headteacher	Mr Gerry Rice Chair
William Jessop Way Hartcliffe Bristol BS13 ORL	Lockleaze Road Bristol BS7 9RP	Filton Road Bristol BS7 0XZ	Bedminster Road Bristol BS3 5NR	University of the West of England Coldharbour Lane Frenchay Bristol BS16 1QY

Appendix A - Checklist for a Panel Hearing

The Panel will take the following points into account:

- The hearing is as informal as possible
- Witnesses are only required to attend for the part of the hearing in which they give their evidence. Students may not appear as witnesses, but they may provide statements
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses
- The Headteacher may question both the complainant and the witnesses after each has spoken
- The Headteacher is then invited to explain the school's actions and be followed by the school's witnesses
- The complainant may question both the Headteacher and the witnesses after each has spoken
- The panel may ask questions at any point
- The Headteacher is then invited to sum up the school's actions and response to the complaint
- Both parties leave together while the panel decides on the issues
- The Chair explains that both parties will hear from the Panel within a set timescale

Appendix B – Flowchart



Appendix C – Complaint Form

Please complete and return to the relevant Headteacher/Chair who will then acknowledge receipt and explain what action will be taken

Your Name:
Pupil's Name:
Your relationship to the pupil:
Address:
Postcode:
Daytime telephone number:
Evening telephone number:
Email address:
Please give details of your complaint:
What action, if any, have you already taken to try and resolve your complaint? To whom did you speak and when. 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 whom:

Complaint referred to:

Date: