



# TEMPLEFIELDS MULTI-ACADEMY TRUST (TMAT)

## COMPLAINTS POLICY AND PROCEDURES

<b>POLICY FIRST ADOPTED AND RATIFIED BY THE TRUST</b>	<b>October 2018</b>
<b>POLICY TO BE REVIEWED AS REQUIRED</b>	

**Signature:**

**Date:** October 2018

**Name:** Andrew Sentance

**CHAIR OF TRUST**

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## 1. Aims

The TMAT Trust and its academies aim to meet our statutory obligations when responding to complaints from parents of pupils on roll at a TMAT academy and others.

We try to resolve concerns or complaints by informal means wherever possible. 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.

To support this, we will ensure we publicise the existence of this policy and make it available on the Trust's and individual academy websites.

## 2. Legislation and guidance

This document meets the requirements set out in part 7 of the schedule to [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 an academy within our Trust.

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](#).

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

## 3. Who can use this Policy?

A **complaint** is "an expression of dissatisfaction however made, about actions taken or a lack of action".

This policy does not apply to those who are not parents of pupils on roll at a TMAT academy.

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

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

This policy does not cover complaints procedures relating to:

- Admissions

- Statutory assessments of special educational needs (SEN)

- Safeguarding matters

- Exclusion

- Whistle-blowing

- Staff grievances

- Staff discipline

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

#### 4. 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

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage.

Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

The Trust expects that complaints will be made as soon as possible after an incident arises and no later than 3 months afterwards. 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.

#### 5. Stages of complaint

In summary, the nationally accepted procedure is divided into three stages:

**Stage 1** aims to resolve the complaint through informal contact at the appropriate level in the Trust academies.

**Stage 2** is the first formal stage where written complaints are considered by the headteacher (or a designated local governor or a Trustee, if the complaint is about the headteacher), who has responsibility for dealing with complaints.

**Stage 3** is the next step if the complaint is not resolved at Stage 2. It involves a review of the complaint by an independent panel.

##### ***Stage 1- Informal contact***

***The Trust will take all complaints 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.***

1. If you have a complaint, you should raise it as soon as possible with the relevant member of staff. In the majority of cases, this will be your child's Class Teacher. If your concern remains, you should make an appointment to meet with the Key Stage Leader. If you are unsure who to contact or how to contact them, you should contact the academy office.
2. We will see you, or contact you by telephone or email, as soon as possible after your concern is made known to us. All members of staff know how to refer, if necessary, to the appropriate person with responsibility for particular issues raised by you. He or she will make a clear note of the details and will check later to make sure that the matter has been followed up.
3. We will ensure that we speak directly to all appropriate persons who may be able to assist us with our enquiries into your concern and ensure that you are clear about what actions have been agreed.

4. We will discuss with you (normally within ten working academy days) the progress of our enquiries. You will have the opportunity of asking for the matter to be considered further, once we have responded to your concern.
5. If your concern remains, you should make an appointment to meet with the Deputy Head or the Headteacher as appropriate.
6. If you are still dissatisfied following this informal approach, your complaint will become a formal complaint and we will deal with it at stage 2.

### **Stage 2 - Formal consideration of your complaint**

***The formal stage involves the complainant putting the complaint into writing. Normally, your written complaint should be addressed to the Headteacher. If, however, your complaint concerns the Headteacher personally, it should be sent to the academy marked "For the attention of the Designated Complaints Local Governor".***

1. This letter 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.
2. We will acknowledge your complaint in writing as soon as possible after receiving it. This will be within five working academy days. We will enclose a copy of these procedures with the acknowledgement.
3. The Headteacher (or Designated Governor) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within ten working academy days (if this is not possible we will write to explain the reason for the delay and let you know when we hope to be able to provide a full response).
4. As part of our consideration of your complaint, we may invite you to a meeting to discuss the complaint and fill in any details required. If you wish, you can ask someone to accompany you to help you explain the reasons for your complaint. Wherever reasonably possible, the meeting will be held within 15 working academy days of the written complaint being received.
5. The Headteacher or Designated Local Governor may also be accompanied by a suitable person if they wish.
6. Following the meeting, if the matter is not resolved, the Headteacher or Designated Governor will, where necessary, talk to witnesses and take statements from others involved. If the complaint centres on a pupil, we will talk to the pupil concerned and, where appropriate, others present at the time of the incident in question.
7. We will normally talk to pupils with a parent or carer present, unless this would delay the investigation of a serious or urgent complaint, or where a pupil has specifically said that he or she would prefer the parent or carer not to be involved. In such circumstances, we will ensure that another member of staff, with whom the pupil feels comfortable, is present.
8. The Headteacher or Designated Governor will keep written/typed, signed and dated records of meetings and telephone conversations, and other related documentation.
9. Once we have established all the relevant facts, we will send you a written response to your complaint. This will give a full explanation of the decision and the reasons for it. Where possible this will be done within 15 working academy days of any meeting,

or if no meeting is arranged, where possible the response will be provided within 25 working academy days of the written complaint being received.

10. If follow-up action is needed, we will indicate what we are proposing to do. We may invite you to a meeting to discuss the outcome as part of our commitment to building and maintaining good relations with you.
11. If you are not satisfied with the outcome of the Stage 2 investigation and the academy's findings, you may wish to proceed to Stage 3, as described below. Any such request must be set out in writing, stating where you remain dissatisfied and lodged within 10 working academy days of you receiving the findings in writing.

### ***Stage 3 - Consideration by an independent complaints review panel***

***Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at Stage 2.***

***The panel will be appointed by the Chair of Governors or a Designated Governor and must consist of at least 3 people who were not directly involved in the matters detailed in the complaint. At least 1 panel member must be independent of the management and running of the academy (and the Academy Trust and any of its academies). The review panel may also include one or more persons from the following categories:***

- (i) a member of the academy's local governing body;***
- (ii) a member of a local governing body from another academy within the Academy Trust;***
- (iii) a member of the board of trustees from the Academy Trust.***

***The panel cannot be made up solely of governing board members, as they are not independent of the management and running of the academy. The aim of a complaints review panel is to resolve the complaint and to achieve reconciliation between the academy and the parent. We recognise, however, that it may sometimes only be possible to establish facts and make recommendations which will reassure you that we have taken your complaint seriously.***

***The procedure for the complaints review panel will be decided by its Chair, and will usually follow the approach set out below:***

1. The clerk will invite the academy to put in writing its response to the complainant's reasons. The academy will provide this within 15 working academy days of receiving the request. At the end of that period (whether or not the academy has responded) the [clerk] will convene a meeting of the complaints panel. That meeting will be held on academy premises as quickly as practicable given the need to find a date that is reasonably convenient for the complainant, the academy and the members of the complaints panel. Whenever possible, the meeting will be held within 15 working academy days of the end of the academy's response time.
2. You will be given 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. The complaints panel will proceed *irrespective of whether or not* the complainant and/or their representative attend. If the complainant fails to attend on the day without compelling reasons, the complaints panel will *still* proceed *in their absence*

*and the process will continue to its conclusion.* Any further attempt to re-open the matter will be considered as falling under the persistent complaint section as below.

3. The complainant must be allowed to attend the panel hearing and be accompanied by a friend if they wish but legal representation will not be allowed). Representatives from the academy, as appropriate, will be present.

4. You will have an opportunity to set out written or oral submissions prior to the meeting (as will the Academy) but you may not introduce reasons that were not previously put in writing. The panel will have access to the existing record of the complaint's progress.

*During the meeting, you can expect there to be opportunities for:*

- *you to explain your complaint;*
  - *you to hear the academy's response from the headteacher;*
  - *witness statements to be heard or read out*
  - *you to question the headteacher about the complaint;*
  - *you to be questioned by the headteacher about the complaint;*
  - *the panel members to be able to question you and the headteacher;*
  - *you and the headteacher to make a final statement.*
- Once the complainant and academy representative(s) have presented their cases, they will be asked to leave and evidence will then be considered.
  - The panel must then put together its findings and recommendations from the case. The panel will formulate its response as quickly as reasonably possible, aiming to do so within 10 working academy days, and the [clerk] will notify all concerned of the decision in writing within 10 working academy days of formulating its response (or as soon as reasonably practicable thereafter).
  - The panel will provide a copy of 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 Academy Trust and Headteacher.

## **6. Referring complaints on completion of the academy's procedure**

Once the complaints process is concluded (or a complaint has been terminated due to undue delay or failure to lodge a stage 3 request within the time stated in the policy) the matter is closed. If the complainant is still not satisfied then they may contact the Education and Skills Funding Agency (ESFA). There is an online procedure at:

<https://form.education.gov.uk>

or you may write to the Ministerial and Public Communications Division  
Department for Education Piccadilly Gate Store Street Manchester M1 2WD

## **7. Complaints Relating to Fulfilment of the EYFS Requirements**

In order to comply with the statutory framework, written concerns or complaints relating to the fulfilment of the EYFS Requirements will be dealt with in accordance with the following process:

- The written concern/complaint will be acknowledged within 5 working academy days;
- The Headteacher will investigate the concern or complaint which may include meeting with the complainant and the Head of Early Years. A written response notifying the complainant of the outcome of the investigation will be sent within 28 working academy days of the complaint being received.
- Where the complainant remains dissatisfied, the Headteacher will ensure that a formal complaints panel will be convened in accordance with stage 3 of this policy

A record of the written complaints and their outcome will be maintained and made available to Ofsted on request.

Parents are further advised that where you have concerns regarding the Academy meeting EYFS requirements they may contact Ofsted on 0300 123 4666.

## **8. Persistent complaint**

If at any level a complainant attempts to reopen an issue or a closely related issue that has already been dealt with under this complaints procedure, the Chair of the Local Governing Body or the Academy Trust may write to the complainant to inform him/her that the procedure has been exhausted and the matter closed, that continued correspondence on the same matter is vexatious and that the academy trust will not respond to any further correspondence on this issue or a closely related issue.

## **9. Record-keeping**

The Trust and each academy 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 under the terms of the Data Protection Act, or where the material must be made available during an academy inspection.

Records of complaints will be kept for a minimum of 6 years.

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.



## **10. Learning lessons**

The Local Governing Body and the Trust will review any underlying issues raised by complaints with the Headteacher / Senior Leadership Team, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the Trust can make to its procedures or practice to help prevent similar events in the future.

## **11. Monitoring arrangements**

The Designated Local Governor will monitor the effectiveness of the complaints procedure in each academy to ensure that complaints are handled properly. He or she will track the number and nature of complaints, and review underlying issues as stated in section 9.

The complaints records will be logged and managed at each academy.

This policy will be reviewed by the Trust Board as appropriate.