



# **TEAM Multi Academy Trust**

## **Complaints Procedure Policy**

This Policy was adopted by the Board of Trustees of  
TEAM Multi Academy Trust  
on

Date: 7<sup>th</sup> March 2019

Signed (on behalf of the Board of Trustees)

Signed (Chief Executive Officer)

Reviewed: 23<sup>rd</sup> April 2020, 4<sup>th</sup> March 2021

Next Review Date: April 2022

## Complaints Procedure Policy

### PART 1: GENERAL PRINCIPLES OF COMPLAINTS

#### Dealing with Complaints – Initial Concerns

1. TEAM Multi Academy Trust believes 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.
2. TEAM Multi Academy Trust subscribes to the underlying principle 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 the service in the case of extended school provision, will receive the first approach. It is helpful if staff are able to resolve issues on the spot, including apologising where necessary.

#### Definitions and scope

3. 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 trust will resolve concerns through day-to-day communication as far as possible. A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”. The trust 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. This policy does not cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEND)
- Safeguarding matters
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

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

Arrangements for handling complaints from parents of children with SEND about the Trust's support are within the scope of this policy. Such complaints should first be made to the special educational needs co-ordinator (SENCO) and CEO; they will then be referred to this complaints policy. Our SEN policy includes information about the rights of parents of pupils with disabilities who believe that our trust has discriminated against their child.

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

## **Dealing with Complaints – Formal Procedures**

4. The formal procedures 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.

## **Framework of Principles**

5. TEAM Multi Academy Trust intends that this Complaints Procedure should:
  - encourage resolution of problems by informal means wherever possible; be easily accessible and publicised;
  - be simple to understand and use;
  - be impartial;
  - be non-adversarial;
  - allow swift handling with established time-limits for action and keeping people informed of the progress;
  - ensure a full and fair investigation by an independent person where necessary; respect people's desire for confidentiality;
  - address all the points at issue and provide an effective response and appropriate redress, where necessary;
  - provide information to the school's Leadership team so that services can be improved.

## **Investigating Complaints**

6. At each stage, the person investigating the complaint must make sure that they:
  - establish what has happened so far, and who has been involved;
  - clarify the nature of the complaint and what remains unresolved;
  - meet with the complainant or contact them (if unsure or further information is necessary);
  - clarify what the complainant feels would put things right;
  - interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
  - conduct the interview with an open mind and be prepared to persist in the questioning;
  - keep notes of the interview.

## **Resolving Complaints**

7. At each stage in the procedure the schools within the TEAM Multi Academy Trust 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;
  - 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 undertaking to review school policies in light of the complaint.
8. Complainants should be 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.
9. It is important to identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

## **Vexatious Complaints**

10. The complaints procedure is intended to 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 Board of Trustees is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

## **Time-Limits**

11. Complaints need to be considered, and resolved, as quickly and efficiently as possible. Realistic time limits will be agreed for each action within each stage. 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.

## **PART 2 - MANAGING AND RECORDING COMPLAINTS**

### **Recording Complaints**

11. TEAM Multi Academy Trust undertakes to record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, or in writing. At the end of a meeting or telephone call, the member of staff must ensure that the complainant and the school concerned have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls should be kept and a copy of any written response added to the record.

### **Board of Trustees Review**

12. The Board of Trustees will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Preferably, complaints information shared with the whole Trust Board will not name individuals.
13. As well as addressing an individual's complaints, the process of listening to, and resolving complaints should contribute to school improvement. When individual complaints are heard, the school may identify underlying issues that need to be addressed. The monitoring and review of complaints by the schools within the Team Multi Academy Trust and the Board of Trustees can be a useful tool in evaluating the schools' performance.

### **Publicising the Procedure**

14. There is a legal requirement for the Complaints Procedures to be publicised. The TEAM Multi Academy Trust will include details of the Complaints Procedures in:

the information given to new parents when their children joins one of its schools and on each of its schools' websites.

## **COMPLAINT HEARD BY BOARD OF TRUSTEES'S COMPLAINTS APPEAL PANEL**

The complainant needs to write to the Chair of Trustees giving details of the complaint. The Chair, or a nominated governor, will convene a Trustees complaints panel.

The Trustees' appeal hearing is the last school-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions.

Individual complaints will not be heard by the whole Board of Trustees at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

The Board of Trustees will nominate a number of members with delegated powers to hear complaints and set out its terms of reference. These may include:

- drawing up its procedures;
- hearing individual appeals;
- making recommendations on policy as a result of complaints.

The panel will be drawn from the nominated members and may consist of three or five people. The panel may choose their own chair.

## **The Remit of the Complaints Appeal Panel**

The panel can:

- 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.

There are several points which any governor sitting on a complaints panel needs to remember:

- a. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, trustees need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.
- b. The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- c. An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.
- d. Extra care will be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
- e. The trustees sitting on the panel need to be aware of the complaints procedure.

## **ROLES AND RESPONSIBILITIES**

### **The Role of the Clerk**

Any panel or group of Trustees considering complaints will be clerked. The clerk will be the contact point for the complainant and is required to:

- 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;
- meet and welcome the parties as they arrive at the hearing; record the proceedings;
- notify all parties of the panel's decision.

## **The Role of the Chair of the Board of Trustees**

The Chair of the Board of Trustees will:

- check that the correct procedure has been followed;
- if a hearing is appropriate, notify the clerk to arrange the panel;

## **The Role of the Chair of the Panel**

The Chair of the Panel will ensure that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed; key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted with respect and courtesy;
- the panel is open minded and acting independently;
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties. If a new issue arises it would be 'useful to give all parties the opportunity to consider and comment on it.

## **Notification of the Panel's Decision**

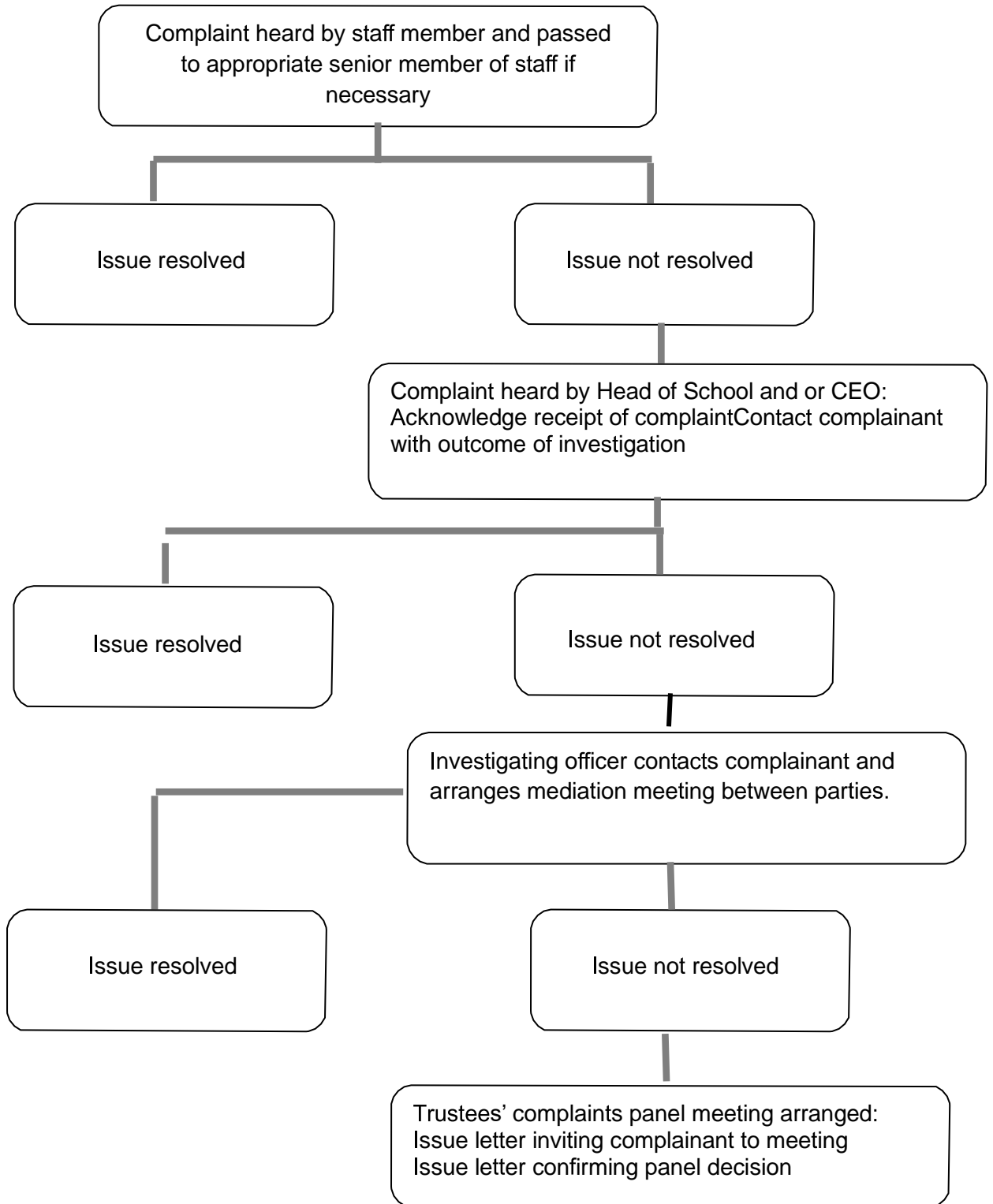
The chair of the panel will ensure that the complainant is notified of the panel's decision, in writing, with the panel's response; this will be within a set deadline which will be agreed by the panel and the complainant at the hearing. The letter will explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

## **Checklist for a Panel Hearing**

The panel needs to 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.
- 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 complainant is then invited to sum up their complaint.
- 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 time scale.

### FLOWCHART Summary of Dealing with Complaints





Please complete and return to ..... who will acknowledge receipt and explain what action will be taken.



**COMPLAINTS  
PROCEDURE**

**Your Name:**

**Pupil's Name:**

**School:**

**Your relationship to the pupil:**

**Home Address:**

**Postcode:**

**Daytime telephone number:**

**Evening telephone number:**

**Please give details of your complaint:**

**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: