

Tove Learning Trust



TLT 1.2

Complaints Procedure

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Tove Learning Trust Complaints Procedure

This is the complaints procedure for Tove Learning Trust, and all schools within the trust should use this for any complaints within the scope of the policy, and deal with the complaint at school level.

The Role of Tove Learning Trust

- Unless the complaint is against the actions of the Local Governing Body, Tove Learning Trust would not be directly involved in investigating the complaint, unless the governors requested this. Where a trustee is also a member of the investigating Local Governing Body, or the Local Governing Body request a trustee to sit on the panel, they will investigate only as a member of that panel, not on behalf of Tove Learning Trust.
- The role of Tove Learning Trust in dealing with general complaints against any school is to support the Local Governing Bodies by ensuring that appropriate personnel and legal advice is available.
- All general complaints received by Tove Learning Trust for a particular school will therefore be passed to the school for consideration as to how it should be investigated.
- There may be exceptional occasions when the Local Governing Bodies wish Tove Learning Trust to investigate a complaint on their behalf, or when circumstances warrant an 'external' investigation, in order to maintain governors' impartiality. The Trust will report back to the governors, with recommended action if appropriate.
- Even where Tove Learning Trust is not asked to investigate a formal complaint, Local Governing Bodies are encouraged to inform Tove Learning Trust as soon as a formal complaint is made, so that if the complainant at any time contacts Tove Learning Trust about the same complaint, it will be clear how the matter is being dealt with.

Complaints Procedure

This document meets the requirements set out in part 7 of the schedule to the Education (Independent Schools Standards) Regulations 2014. 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).

This policy complies with our funding agreement and articles of association.

Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to Tove Learning Trust or the individual academies/schools 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), we will use this complaints procedure. Academies and schools in the trust will be referred to as 'schools' within this policy. Headteachers and principals will be referred to as 'headteachers' within this policy.

The difference between a concern and a complaint

A **concern** may be defined as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*.

A **complaint** may be defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action'*.

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. Tove Learning Trust and its individual schools take concerns and complaints seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern or complaint with a particular member of staff, we will respect your views. In these cases, Tove Learning Trust schools have a nominated Complaints Co-ordinator who will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern or complaint, the Complaints Co-ordinator 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 or complaint objectively and impartially is more important.

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

How to raise a concern or make a complaint

The following procedure outlines the process for raising a concern or complaint at an individual school within Tove Learning Trust or a complaint regarding the trust itself.

Informal Stage

A concern or complaint can be made in person, in writing or by telephone. They 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 or initial complaints should be raised with either the class teacher or headteacher. If the issue remains unresolved, the next step is to make a formal complaint (see Stage 1).

Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 2 of the procedure.

Complaints against school staff (except the headteacher) should be made in the first instance, to the headteacher via the Heads PA. Please mark them as Private and Confidential.

Complaints that involve or are about the headteacher should be addressed to the Chair of Governors, addressed to the Complaints Co-ordinator via the school office. Please mark them as Private and Confidential.

Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to the Complaints Co-ordinator. Please mark them as Private and Confidential.

For ease of use, a template complaint form is included at the end of this procedure. 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.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

Anonymous complaints

We will not normally investigate anonymous complaints. However, the headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

Time scales

You must raise the complaint 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 only if exceptional circumstances apply.

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. School Holiday periods, weekends and bank holidays are not included in the timeframes quoted in this policy.

Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by schools within Tove Learning Trust other than complaints that are dealt with under other statutory procedures, including those listed below.

This policy does not cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs or disability (SEND)
- Safeguarding or Child Protection matters
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline
- Complaints about services provided by other providers who may use school premises or facilities (please contact service providers direct)
- National Curriculum content (please contact the Department for Education).

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

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 Tove Learning 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.

Resolving complaints

At each stage in the procedure, the school will want to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology.

Withdrawal of a Complaint

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

Stage 1

Formal complaints must be made to the headteacher (unless they are about the headteacher), via the Heads PA. Formal complaints should be submitted in writing (preferably on the Complaint Form), preferably via email in the first instance, unless otherwise agreed.

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

Within this response, the headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The headteacher can consider whether a face to face meeting is the most appropriate way of doing this.

Note: The headteacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.

During the investigation, the headteacher (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation

- keep confidential records of all correspondence and statements relating to individual complaints except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

At the conclusion of their investigation, the headteacher will provide a formal written response within 10 school days of the date of receipt of the complaint.

If the headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the school will take to resolve the complaint.

The headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

If the complaint is about the headteacher, or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled governor or trustee, in the opinion of the trust, will be appointed to complete all the actions at Stage 1.

Complaints about the headteacher or member of the governing body must be made to the Complaints Co-ordinator via the school office.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 1 will be considered by an independent investigator appointed by co-opted governors or trustees of Tove Learning Trust. At the conclusion of their investigation, the independent investigator will provide a formal written response.

Stage 2

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2 – a meeting with members of the governing body's complaints committee. This is the final stage of the complaints procedure.

A request to escalate to Stage 2 must be made to the Complaints Co-ordinator via the school office, within 5 school days of receipt of the Stage 1 response.

The Complaints Co-ordinator will record the date the request is received and acknowledge receipt of the complaint in writing (either by letter or email) within 2 school days. The Complaints Co-ordinator will liaise with the Clerk to the Governing Body to arrange a follow up meeting.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.

The Clerk to the Governing Body will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 10 school days of receipt of the Stage 2 request. If this is not possible, the Clerk to the Governing Body will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk to the Governing Body will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

The Complaints committee panel will be appointed by or on behalf of the Academy Trust and must consist of at least 3 people who were not directly involved in the matters detailed in the complaint. At least 1 member must be independent of the management and running of the school. The panel cannot be made up solely of Governing Body members, as they are not independent of the management and running of the school.

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

Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee.

The complainant must be allowed to attend the panel hearing and be accompanied if they wish, by either a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

Representatives from the media are not permitted to attend.

At least 5 school days before the meeting, the Clerk to the Governing Body will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the committee at least 3 school days before the meeting.

Any written material will be circulated to all parties at least 2 school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee will not review any new complaints at this stage or consider new or unrelated evidence to the initial complaint. New complaints must be dealt with from Stage 1 of the procedure.

The meeting will be held in private. 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 must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

The panel will put together its findings and recommendations from the case. The panel will also 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 and Principal. The school will inform those involved of the decision in writing within 5 working days.

The Governing Body 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 school can make to its procedures or practice to help prevent similar events in the future.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body,

Stage 2 will be heard by a committee of independent, co-opted governors or trustees of Tove Learning Trust.

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 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 request 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 on file by the school.

Next Steps

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the 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 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.

Links with other policies

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Exclusions policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEN policy and information report
- Privacy notices

Complaint Form

For complaints regarding an individual school in Tove Learning Trust: Please complete and return to the *Complaints Co-ordinator via the school office.*

For complaints regarding Tove Learning Trust: Please complete and return to the *Clerk to Trustees.*

The complaints co-ordinator or clerk will acknowledge receipt and explain what action will be taken.

Your name:	Your relationship to the pupil (if relevant):
Pupil's name (if relevant):	School attended:
Parental Address: Postcode: Day time telephone number: Evening telephone number: Email:	
Please give details of your complaint, including whether you have spoken to anybody at the school about it.	



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:

Annex A

Procedure for the Conduct of a Stage 2 Governors Panel Hearing

1. The chair of the committee should invite all parties (except any witnesses) into the room, introduce them and explain the role of each person.
2. The chair should explain to all present that the purpose of the hearing is to review the complaint and try to resolve it and achieve reconciliation between the school and the complainant. However, it may only be possible to establish the facts of a situation and make recommendations about future action.
3. The chair should then ascertain whether the proposed procedure is acceptable. If so, the meeting will proceed along the following lines:
 - a) The complainant describes his/her complaint and may call witnesses.
 - b) The headteacher may seek clarification from the complainant and any witnesses.
 - c) The governors' panel or its advisers may seek clarification from the complainant and any witnesses.
 - d) The headteacher will respond to the complaint and may call witnesses.
 - e) The complainant may seek clarification from the headteacher and any witnesses.
 - f) The governors' panel (including any advisers) may seek clarification from the headteacher and any witnesses.
 - g) The headteacher will be given the opportunity to sum up.
 - h) The complainant will be given the opportunity to sum up.
 - i) Both parties will leave the room to allow the panel to deliberate but any advisers may remain to offer technical and procedural advice.
4. The panel should make a decision or judgement on:

the validity of the complaint; appropriate action to be taken by the school and/or parent and where appropriate, recommendations on changes to the school's systems or procedures to ensure similar problems do not arise in the future.
5. The decision or judgement will be confirmed in writing within 5 working days.

NB If there is more than one complainant this procedure should be followed for each one in turn, unless the complainants agree to the complaint being heard with all present in one sitting.

Annex B

Roles and Responsibilities

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.

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 headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The headteacher 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.

Complaints Co-ordinator

The Complaints Co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, headteacher, 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.

Clerk to the Governing Body

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.

Committee 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).

Committee Member

Committee 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.
-