



# **Complaints Procedure**

## 1. Definitions

<b>“Board”</b>	The Trust Board which is made up of the Trustees (also known as Directors) who together are responsible for the delivery of the core functions and hold the Chief Executive Officer to account.
<b>“LGB”</b>	The Local Governing Body of each school.
<b>“Principal”</b>	The person responsible for the day to day running of a particular school within the Trust.
<b>“the Trust”</b>	Tudor Grange Academies Trust (company number: 07365748) whose registered office is at Tudor Grange Academy Solihull, Dingle Lane, Solihull, West Midlands, B91 3PD.
<b>“Trust Person”</b>	All staff, Trustees and governors engaged by or associated with the Trust.

## 2. Scope

- 2.1. A complaint is an expression of dissatisfaction that requires a response from the school. This procedure deals with such complaints if made by a pupil, a parent or other external stakeholder. Complaints arising from decisions regarding either the admission or the exclusion of a pupil, and for appeals against the grade awarded to a pupil in an external examination are dealt with under separate appeals procedures.
- 2.2. A concern is an expression of worry or doubt over an issue considered to be important for which reassurances are sought. A concern becomes a complaint when the complainant asserts that the Trust or a school has acted wrongly in some significant decision, action or failure to take action. The Trust treats informal concerns seriously and will make every effort to resolve the matter as quickly as possible.
- 2.3. There are also separate procedures to deal with staff complaints. These include the Grievance Procedure for a complaint by an employee of unfair treatment, the Disciplinary Procedure for an employee complaining about the conduct of another member of staff and the Whistle Blowing Procedure for an unresolved allegation of institutional malpractice.

## 3. Principles

- 3.1. Informal queries and complaints should be taken up directly with the relevant member of staff either verbally or in writing. Formal complaints should be addressed to the Principal in writing.
- 3.2. All complaints will be investigated and dealt with as quickly and efficiently as reasonably possible. The length of the period will vary with the gravity and complexity of the complaint. The Trust aims to complete investigations and notify the complainant of the outcome within ten working days whenever possible. Where this is not possible, the complainant will be kept informed of progress on a weekly basis.
- 3.3. 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 the 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. Our procedure for dealing with unreasonable complaints is at Annex A.

- 3.4. The aim is always to secure the resolution of the complaint to the satisfaction of the complainant if possible.
- 3.5. If a complaint is received about a subject (complaint) that has already been dealt with by the school and resolved, then the process is complete and will not be re-opened. If the new complainant is dissatisfied with this response, or the handling of the original complaint, then they should contact the Department for Education.
- 3.6. If the Trust, or any Trust school, becomes the focus of a campaign or receives a large volume of complaints all based on the same subject then this will be dealt with through a template response to all complainants, or a single response on our website, following consultation with the Board and our communications adviser.
- 3.7. We will not normally respond to or investigate an anonymous complaint except in extreme circumstance where we believe the safety of a pupil may be compromised.
- 3.8. A complaint can be made:
  - in person, by telephone, or in writing;
  - or by a third party acting on behalf of the complainant.

Written consent will be obtained from the complainant before any information is disclosed to a third party.

- 3.9. We will consider complaints made outside of term time to have been received on the first school day following that holiday period.

#### **4. Companion**

- 4.1. At any meeting or hearing to which the complainant is invited, the complainant may be accompanied by a friend, colleague or other representative. In this case, the complainant should make their own arrangements for such representation. In the case of a pupil this is likely to be a parent or guardian. The representative may ask questions, confer with the complainant and make summary statements, and deliver the representative's response, but may not answer questions on behalf of the complainant.
- 4.2. Neither the complainant nor the school will bring legal representation to any meeting, as these meetings are not a form of legal proceedings.

#### **5. Recording**

- 5.1. The Principal, or nominee will acknowledge receipt of a written complaint within three working days.

- 5.2. The complaint will be recorded, together with the outcome and reasons for the outcome. The complainant will be informed of the outcome in writing, together with their entitlement to appeal the outcome.
- 5.3. Where the complaint is upheld, any action to be taken by the Trust in response will also be recorded.

## **6. Informal procedure**

- 6.1. The Principal will normally direct the complainant to the most appropriate member of staff to deal with it informally. If the complainant indicates that they would have difficulty discussing the complaint with this member of staff, the Principal may direct them to another member of staff. Similarly, if the most appropriate member of staff feels they would have difficulty in dealing with the complaint objectively, the Principal may direct the complainant to another member of staff.
- 6.2. In certain circumstances, the Principal may instead choose to deal with the complaint informally in person.
- 6.3. If the complaint has been made in writing, the Principal may choose to treat it as a formal complaint and invoke the formal procedure.
- 6.4. If the complaint has been made to the Chair of the LGB or the Board in the first instance, he or she will refer the complaint to the Principal. However, if the complaint concerns the Principal and has already been taken up with the Principal without being resolved, the complaint must be made in writing to the Chair using the Complaint Form (see Annex B). The Chair will then invoke the formal procedure.
- 6.5. The member of staff to whom the complainant is referred will carry out an investigation and decide on any appropriate action. The complainant and the Principal will be informed of the conclusions drawn from the investigation and action to be taken, together with details of how to make a formal complaint if they remain dissatisfied.
- 6.6. Possible outcomes include:
  - a. complaint resolved to the satisfaction of the complainant;
  - b. complaint not resolved to the satisfaction of the complainant;
  - c. complaint dealt with under another procedure.

## **7. Formal procedure**

- 7.1. Generally this procedure is used for complaints about events which have occurred in the last three months, or where a series of associated events have occurred, within three months of the last of these incidents. Older complaints are often much harder to investigate or resolve, and we will only consider these if exceptional circumstance arise.
- 7.2. If the complainant is unhappy with how the concern has been dealt with or resolved at the informal procedure stage, they should complete the Complaint Form at Annex B and return it to the school.
- 7.3. The Principal will ensure the complaint is investigated fully. The Principal may delegate responsibility for conducting the investigation to another member of staff.

- 7.4. Where the complaint concerns the Principal, the Principal will inform the complainant in writing that they should send a completed Complaint Form to the Chair of the LGB or the Board, who will then take the place of the Principal throughout the formal procedure.
- 7.5. The Principal will review all the information and discuss the findings with the complainant with the aim of resolving the complaint to the satisfaction of the complainant. This should be completed within a reasonable period of time which should generally be within ten working days or receipt of the complaint.
- 7.6. The Principal will decide on the outcome and inform the complainant in writing of the decision, together with details of how to appeal against the decision if they remain dissatisfied.
- 7.7. Possible outcomes include:
  - a. complaint withdrawn;
  - b. complaint dismissed;
  - c. complaint dealt with under another procedure;
  - d. complaint upheld.

## **8. Appeal**

- 8.1. If the complainant remains dissatisfied, they should send a completed Complaint Appeal Form (see Annex C) to the Chair of the LGB or the Board.
- 8.2. The Chair may be able to resolve the complaint informally, with the result that the complainant withdraws their appeal.
- 8.3. If this is not possible, the Chair will convene an appeal hearing by a LGB or Board Appeals Committee within a reasonable period which will generally be within ten working days of receipt of the Complaint Appeal Form.

## **9. Appeal hearing**

- 9.1. The appeal will be heard by a LGB or Board Appeal Committee comprising at least three members, one of whom will act as Chair of the hearing, and one of whom shall be independent of the management and running of the school or Trust. The Committee may not include the Chair of the LGB or Board, a Trust employee or a LGB or Board member who has had a prior involvement in the complaint, or in the incident to which the complaint refers.
- 9.2. The Appeal Committee will decide whether or not the outcome of the formal procedure was correct. Accordingly, the respondent will be the person who made that decision; that is, either the Principal or the Chair of the LGB or the Board.
- 9.3. The Appeals Committee may:
  - i. dismiss the complaint;
  - ii. uphold the complaint in whole or in part;
  - iii. decide on any further action to be taken;
  - iv. If appropriate, recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.
- 9.4. The complainant and the Principal will be informed in writing within five days of the outcome of the hearing, the reasons for it, and any recommendations for changes to systems or procedures, and that the decision is final.

## **10. Record keeping and communication**

- 10.1. Accurate and contemporaneous records should be kept throughout the process, including whether the complaint was resolved at the informal, formal or appeal stage.
- 10.2. The complainant, and where relevant the person complained about, will receive a copy of the finding and recommendations of the Panel.
- 10.3. The findings and recommendations of the Panel will be available on the school's premises (held by the Principal's PA).
- 10.4. Records should be held in a secure and confidential manner.
- 10.5. All correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under Section 109 of the Education and Skills Act 2008 (an Ofsted or similar inspection) requests access to them.

**Trust procedure for dealing with unreasonable complainants**

1. Tudor Grange Academies Trust (TGAT) 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 the 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.
2. TGAT defines unreasonable complainants as *'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'*.
3. A complaint may be regarded as unreasonable when the person making the complaint:
  - 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 while still wishing their complaint to be resolved;
  - refuses to accept that certain issues are not within the scope of a complaints procedure;
  - insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
  - introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or 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;
  - unreasonably 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, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

4. A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:
  - maliciously;
  - aggressively;
  - using threats, intimidation or violence;
  - using abusive, offensive or discriminatory language;
  - knowing it to be false;
  - using falsified information;
  - publishing unacceptable information in a variety of media such as in social media websites and newspapers.
5. Complainants should limit the numbers of communications with a school while a 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 Principal or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.
6. If the behaviour continues the Principal will write to the complainant explaining that their behaviour is unreasonable, asking them to change it. For complainants who excessively contact a school causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.
7. In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from a school site.
8. 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 Governing Body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

**Complaint Form**

**Complainant**

<p><i>Name:</i></p> <p><i>Address:</i></p> <p><i>Tel/Mobile:</i></p>
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**Details of Complaint**

<p><i>Please include full details, including dates, times and names of those involved.</i></p>
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**Signed** \_\_\_\_\_ **Date** \_\_\_\_\_

<p><i>Please continue on a separate sheet if necessary. Once completed, send this form to the Principal who will arrange for your complaint to be investigated.</i></p>
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*For office use*

**Date Received by Principal** \_\_\_\_\_

**Date of Response to Complainant** \_\_\_\_\_

**Complaint Appeal Form**

**Complainant**

<p>Name:</p> <p>Address:</p> <p style="text-align: center;">Tel/Mobile:</p>
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**Date complaint was submitted in writing:**

**Date response received from Principal in writing:**

***I am dissatisfied with the response to the above complaint and would like an Appeal Hearing for the following reasons:***

**Signed** \_\_\_\_\_ **Date** \_\_\_\_\_

*Please continue on a separate sheet if necessary. Once completed, send this form to the Chair of LGB or the Board who will arrange for your appeal to be heard.*

*For office use*

**Date Received by Chair of the Board** \_\_\_\_\_

**Date of Response to Complainant** \_\_\_\_\_