

# Complaints Procedure

2016-17



## The TBAP Trust Complaints Procedure

The Trust's Board and the CEO are committed to providing the best educational experience they can for all learners attending TBAP academies and provisions. They recognise the value to all concerned of dealing fairly, speedily and effectively with any complaint against their decisions, actions or omissions, which a pupil or parent or other aggrieved person may have. To this end, they have adopted the underlying principles and procedures set out in this document.

### 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 with established **time-limits** for action and keeping people informed of the progress;
- ensures a full and **fair** investigation by an independent person where necessary;
- respects people's desire for **confidentiality**;
- addresses all the issues and provide an **effective** response and **appropriate** redress, where necessary;
- provides **information** to the Trust's board so that services can be improved.

### Definition of complaint

A school complaint is any communication received by a person or persons with a legitimate interest in the school, but not employed at the school, which expresses dissatisfaction about the standard of teaching of members of the teaching staff, or about the conduct, actions or omissions of members of the teaching or non-teaching staff employed at the school.

### Definition of a complainant

A complainant is someone:

- who allegedly has been wronged
- whose child(ren) has been wronged (i.e. parent or carers or other person with parental responsibility or
- someone representing a person in one of the above groups, for example a Councillor.

Where a complainant is a pupil under the age of 18 years, the complaint may be pursued only by, or on behalf of, the child's parent or carer. Where someone other than a pupil or a parent/carer is pursuing a complaint on his or her behalf, this can be done only with the express consent of the pupil or parent concerned.

## **Types of complaints**

### **Statutory/established procedures**

Where there are established or statutory or other procedures for dealing with complaints, those will be followed. Areas to which this applies include:

- admissions to schools
- exclusions
- special education provision
- school re-organisation
- matters concerning the curriculum under Section 19 and 23 of the Education Reform Act 1988
- complaints by school staff or prospective staff
- child protection
- public examinations
- school records on individual pupils
- Whistleblowing

**The policy for complaints not covered by established or statutory procedures is:-**

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

All complaints, however received, should be reported to the Head of School. The Head of School may refer the complaint to an appropriate member of staff to resolve the matter. That member of staff will have a duty to inform the Head of School if any issue is not resolved after discussion with the complainant. Parents / carers should be encouraged to settle the matter with the Head of School, class teacher or designated staff member. The majority of straightforward complaints and problems are likely to be resolved at this point.

### **Stage 2 – Executive Head Teacher**

The second stage is where the complainant is not satisfied with the informal response or feels it is not appropriate to contact the Head of school. They will be advised to take up the matter in writing with the Executive Headteacher. The Executive Headteacher can, if they wish to do so, refer this to the CEO or the Trust's Board of Directors, who in turn may ask the Secretary of State through the EFA (Education Funding Agency) to undertake a formal investigation and provide a detailed report. If the Executive Head Teacher undertakes the investigation at stage

2, they will be exempt from sitting on any complaints committee convened to hear a complaint escalated to stage 3. The outcome at this stage may be:

- no further action, with reasons given
- action within the Executive Head Teacher's own powers
- referral to the CEO for consideration.

### **Stage 3 – CEO**

The third stage is where the complainant is not satisfied with the formal response or feels it is not appropriate to contact the Executive Headteacher. They will be advised to take up the matter in writing with the CEO. The CEO can, if they wish to do so, refer this to the Trust's Board of Directors, who in turn may ask the Secretary of State through the EFA (Education Funding Agency) to undertake a formal investigation and provide a detailed report. If the CEO undertakes the investigation at stage 3, they will be exempt from sitting on any complaints committee convened to hear a complaint escalated to stage 4. The outcome at this stage may be:

- no further action, with reasons given
- action within the CEO's own powers
- referral to the Trust's Board of Directors for consideration.

### **Stage 4 - The Trusts Board**

The fourth stage will be where the complainant is not satisfied with the outcome of the stage 3 investigation and response. They should be advised to put their concerns in writing to the clerk to the Board for consideration. The Board would meet within 15 working days of the complaint being received by the clerk.

A panel of three directors who are not directly involved in the matters detailed in the complaint; one person independent of the management and running of TBAP Trust, would convene to hear the complaint at a meeting attended by the complainant who can be accompanied to the hearing if they wish, the CEO and witnesses. Written evidence is submitted in advance to all parties and verbal evidence given at the hearing.

The board's decision is final will be notified to all parties as soon as possible after the meeting. The outcome will be one of the following:

- 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.

## **Timescales**

The following limits should apply to all complaints handled under the schools complaints procedure:

- Stage 1:** It is reasonable that parents/carers seeking to resolve matters of concern to them should receive a response within **15 working days** of making initial contact, unless there is a good reason not to do so. The response should offer the complainant a full explanation or set out the steps that are proposed to resolve the complaint.
- Stage 2:** **will be responded to within 15 working days from receipt of complaint escalation.**
- Stage 3:** **will be responded to within 15 working days from receipt of complaint escalation.**
- Stage 4:** **will be responded to within 20 working days from receipt of complaint escalation.**

The longer time limit for Stage 4 reflects the possibility that these complaints may be complex and therefore likely to take longer to resolve. Where it is not possible to respond to complaints within these timescales, the complainant will be informed in writing of the reason for the delay and given a new response date.

## **Unreasonable Complainants**

TBAP 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 trust. 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.

TBAP Trust 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'*.

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;
- 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.

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.

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 CEO or Chair of Trust will discuss any concerns with the complainant informally before applying an 'unreasonable' marking. If the behaviour continues the CEO will write to the complainant explaining that their behaviour is unreasonable and asking them to change it.

For complainants who excessively contact TBAP Trust 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.

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 TBAP Trust academies and settings.

### **Further Stages**

Following the Board's review of the complaint at stage four, it is open to the complainant to pursue their complaint with the Secretary of State for Education via the EFA (education Funding agency). The Board will give full consideration to any recommendations or directions the EFA may make. The complainant will be advised of this course of action should they remain dissatisfied with a decision made by the Board.

## **The TBAP Trust Complaint Form**

Please complete and return to the Head of school who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Please give details of your complaint.

What action, if any, have you already taken to try and resolve your complaint.

(Who did you speak to and 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.