

# COMPLAINTS PROCEDURE

**Date of issue:** 01/04/2021

## 1. Who can make a complaint?

- 1.1 This complaints procedure is not limited to parents or carers of children that are registered at an academy within The Two Counties Trust. Any person, including members of the public, may make a complaint 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.

## 2. The difference between a concern and a complaint

- 2.1 A concern may be defined as *“an expression of worry or doubt over an issue considered to be important for which reassurances are sought”*.
- 2.2 A complaint may be defined as *“an expression of dissatisfaction however made, about actions taken or a lack of action”*.
- 2.3 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. We take concerns seriously and will make every effort to resolve the matter as quickly as possible.
- 2.4 If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Headteacher/ CEO of the Trust will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Headteacher/ CEO of the Trust will refer you to another staff member. This member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.
- 2.5 We understand that there are occasions when people would like to raise their concerns formally. In such cases, we will attempt to resolve the issue internally, through the stages outlined within this procedure.

## 3. How to raise a concern or make a complaint

- 3.1 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. Formal complaints, (Stage 2 onwards), must be made in writing.
- 3.2 Complaints against school staff (except the Headteacher) should be made in the first instance to the Headteacher and marked Private and Confidential.
- 3.3 Complaints that involve or are about the Headteacher should be addressed the Chair of Governors and marked Private and Confidential.
- 3.4 Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to the Clerk and marked Private and Confidential.
- 3.5 Complaints about the Chief Executive Officer (CEO) or a Trustee of the Trust, should be addressed to the Chair of Trustees, via the Trust office and marked as Private and Confidential.
- 3.6 A template formal Complaint Form is included at the end of this procedure. If you require help completing the form, please contact the academy, the Trust, or ask a third-party to help you.
- 3.7 In accordance with the Equality Act, we will consider making reasonable adjustments if required, to enable complainants to access and complete this procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

## 4. Anonymous complaints

- 4.1 We will not normally investigate anonymous complaints. The Headteacher, Chair of Governors, or CEO may, if appropriate, determine whether the complaint warrants an investigation.



## 5. Time scales

- 5.1 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 in exceptional circumstances which may include serious concerns such as child protection.

## 6. Complaints received outside of term time

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

## 7. Scope of this complaints procedure

- 7.1 This procedure covers all complaints about any provision of community facilities or services delivered by The Two Counties Trust and member academies, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
Admissions to schools	Concerns about admissions should be handled through a separate process, either through the admissions appeals process or via the Local Authority.
Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our Child Protection and Safeguarding Policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH). Please refer to the Child Protection and Safeguarding Policy on our website for contact details.
Exclusion of children from school*	Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a> . <i>*complaints about the application of the Behaviour Policy can be made through the complaints procedure.</i> Please refer to the behaviour policy on our website for contact details.
Whistleblowing	We have a whistleblowing procedure for all our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters directly with their employer. Referrals can be made at: <a href="http://www.gov.uk/contact-the-department-for-education">Contact the Department for Education (DfE) - GOV.UK (www.gov.uk)</a> Volunteer staff who have concerns should complain through the complaints procedure. You may also be able to complain direct to the Local Authority or the Department for Education (see link above), depending on the substance of your complaint.
Staff grievances	Complaints from staff will be dealt with under the Trust's grievance procedure.
Staff conduct	Complaints about staff misconduct will be dealt with under the Trust's disciplinary procedure, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.

- 7.2 If other bodies are investigating aspects of the complaint, for example the police, Local Authority 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 this happens, we will inform you of an intended revised timescale.

- 7.3 If a complainant commences legal action against us in relation to their complaint, we may suspend the complaints procedure until those legal proceedings have concluded.



## 8. Resolving complaints

- 8.1 At each stage in the procedure, our aim is 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 in those circumstances:
- an explanation
  - an admission if 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.

## 9. Withdrawal of a complaint

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

## 10. Stage 1 - Informal complaints

- 10.1 It is hoped that most matters can be resolved on an informal basis.
- 10.2 Concerns should be raised verbally with an appropriate member of staff who will aim to resolve the matter or refer the matter on to a more appropriate person.
- 10.3 Complainants should not approach individual governors or Trustees 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 3 of the procedure.
- 10.4 We aim to resolve informal complaints as soon as possible and normally within 10 working days.
- 10.5 The member of school staff concerned will make a written record of the issue raised, the date on which it was received, the outcome and the date when this was communicated to the complainant.
- 10.6 If the issue remains unresolved at that point the complainant may escalate matters and make a formal complaint.

## 11. Stage 2 - Formal complaints

- 11.1 Formal complaints concerning an academy must be made to the Headteacher (unless they are about the Headteacher). This should be done in writing, preferably on the Complaint Form attached to this procedure.
- 11.2 We will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 working days.
- 11.3 Within this response, we may seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. We may consider whether a face to face meeting is the most appropriate way of doing this.
- 11.4 The complaint will be investigated by a suitable member of staff who is independent of the complaint.
- 11.5 During the investigation, the 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 the investigation.
  - Compile findings for the Headteacher
- 11.5 At the conclusion of the investigation, we will provide a written response, aiming to provide this within 15 working days of the date of receipt of the formal complaint.
- 11.6 If we are unable to meet this deadline, we will provide the complainant with an update and revised response date.



- 11.7 The response will detail any actions taken to investigate the complaint and provide an explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions we will take to resolve the complaint.
- 11.8 We will advise the complainant how to escalate their complaint should they remain dissatisfied with the outcome at Stage 2.
- 11.9 If the complaint is about the Headteacher, or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions within Stage 2.
- 11.10 If the complaint is:
- jointly about the Chair and Vice Chair or
  - the entire governing body or
  - the majority of the governing body

All of the actions within Stage 2 will be escalated to the CEO of the Trust.

## 12. Stage 3 - Panel Hearing

- 12.1 If the complainant remains dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3 - a panel hearing consisting of at least three people who were not directly involved in the matters detailed in the complaint with one panel member who is independent of the management and running of the academy / Trust. This is the final stage of the complaints procedure.
- 12.2 A written request to escalate to Stage 3 must be made to the Academy / Trust, within 5 working days of receipt of the Stage 2 response, explaining why the complaint is not resolved.
- 12.3 The date the complaint is received will be recorded and receipt of the complaint will be acknowledged in writing (either by letter or email) within 5 working days.
- 12.4 Requests to escalate the complaint which are received outside of this time frame will only be considered if exceptional circumstances apply
- 12.5 We will write to the complainant to inform them of the date of the panel hearing, aiming to convene a meeting within 10 working days of receipt of the request. If this is not possible, we will provide an anticipated date and keep the complainant informed.
- 12.6 If the complainant rejects the offer of three proposed dates, without good reason, we 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.
- 12.7 If the complaint is:
- jointly about the Chair and Vice Chair or
  - the entire governing body or
  - the majority of the governing body

Stage 3 will be heard by the two Trustees and an independent panel member.

- 12.8 A complainant may bring someone to the panel meeting to provide support. This can be a relative or friend. Legal representatives are not normally permitted to attend. There may be exceptions when legal representation is appropriate and agreed, for example, if an employee is called as a witness, they may wish to be supported by union representative.
- 12.9 Representatives from the media are not permitted to attend.
- 12.10 At least 10 working days before the meeting, we 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 as set out above.
  - request copies of any further written material to be submitted to the committee at least 6 working days before the meeting.



- 12.11 Any written material will be circulated to all parties at least 5 working days before the date of the meeting. The hearing will not accept recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.
- 12.12 The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of this procedure.
- 12.13 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 the minutes.
- 12.14 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.
- 12.15 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 systems or procedures to prevent similar issues in the future.
- 12.16 The Chair of the hearing will provide a full explanation of their decision and the reason(s) for it, in writing, within 5 working days.
- 12.17 The letter to the complainant containing the decision will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled.
- 12.18 The panel will ensure that written decision is sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about.
- 12.19 A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.
- 12.20 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 2008 Act requests access to them.

### **13. Complaints about the Trust**

- 13.1 If a formal complaint is about The Two Counties Trust "the Trust", the written complaint should be sent to the Trust Offices marked Private and Confidential for the attention of the CEO, the Chair of Trustees or Vice Chair of Trustees as appropriate.
- 13.2 We will write to the complainant acknowledging the complaint within 5 working days of the date that the written request was received. The acknowledgement will confirm that the complaint will now be investigated under stage 2 and will confirm the date for providing a response to the complainant.
- 13.3 Following an investigation, we will write to the complainant confirming the outcome within 15 working days of the date that the letter was received. If this time limit cannot be met, we will write to the Complainant explaining the reason for the delay and providing a revised date.
- 13.4 If the complaint concerns the CEO or a Trustee, the complaint should be investigated by the Chair of the Trust Board. If a formal complaint form is received about the Chair, the complaint will be referred to the Vice Chair for investigation.
- 13.5 Where the Chair of the Trust Board has investigated the complaint, they will write the outcome letter to the Complainant and provide a copy to the CEO.
- 13.6 If the complainant is not satisfied with the outcome at Stage 2, the complainant should write to the Clerk to the Trust Board asking for the complaint to be heard before a Complaint Panel, within 5 working days.
- 13.7 We will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 working days.



- 13.8 Requests received outside of this time frame will only be considered if exceptional circumstances apply.
- 13.9 We will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 10 working days of receipt of the request. If this is not possible, we will provide an anticipated date and keep the complainant informed.
- 13.10 If the complainant rejects the offer of three proposed dates, without good reason, we 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.
- 13.11 If the complaint is:
- jointly about the Chair and Vice Chair or
  - the entire Trust board or
  - the majority of the Trust board
- Stage 3 will be heard by a completely independent committee panel.
- 13.12 The Complaint Panel will consist of three members. None of the three members of the Complaint Panel will have been involved in the incidents or events which led to the complaint or have been involved in dealing with the complaint in the previous stages, or have any detailed prior knowledge of the complaint.
- 13.13 One of the Complaint Panel members will be independent of the management and running of the Trust. This means that the independent Complaint Panel member will not be a Trustee or an employee of the Trust.
- 13.14 A complainant may bring someone to the panel meeting to provide support. This can be a relative or friend. Legal representatives are not normally permitted to attend. There may be exceptions when legal representation is appropriate and agreed, for example, if an employee is called as a witness, they may wish to be supported by union representative.
- 13.15 Representatives from the media are not permitted to attend.
- 13.16 At least 10 working days before the meeting, we 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 as set out above.
  - request copies of any further written material to be submitted to the committee at least 6 working days before the meeting.
- 13.17 Any written material will be circulated to all parties at least 5 working days before the date of the meeting. The hearing will not accept recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.
- 13.18 The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of this procedure.
- 13.19 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 the minutes.
- 13.20 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.
- 13.21 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 systems or procedures to prevent similar issues in the future.



- 13.22 The Chair of the hearing will provide a full explanation of their decision and the reason(s) for it, in writing, within 5 working days.
- 13.23 The letter to the complainant containing the decision will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled.
- 13.24 The panel will ensure that written decision is sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about.
- 13.25 A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.
- 13.26 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 2008 Act requests access to them.

## 14. Next Steps

- 14.1 If the complainant believes the school / Trust did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the ESFA after they have completed Stage 3.
- 14.2 The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made. They will consider whether we have adhered to education legislation and any statutory policies connected with the complaint and whether we have followed [Part 7 of the Education \(Independent School Standards\) Regulations 2014](#).
- 14.3 The complainant can refer their complaint to the ESFA online at: <https://www.gov.uk/contact-dfe>, by telephone on: 0370 000 2288 or by writing to:  
Academy Complaints and Customer Insight Unit  
Education and Skills Funding Agency  
Cheylesmore House  
5 Quinton Road  
Coventry  
CV1 2WT

## 15. Vexatious complaints

- 15.1 Where the Trust considers that a complaint is vexatious, for example malicious unduly frequent or persistent without foundation, the Trust will be entitled to take such action as appropriate to manage behaviour. This may include (but is not limited to) placing limits on contact with staff or opting not to invoke this procedure further.
- 15.2 Where such action has been taken by the Trust, the complainant will receive written notification

## 16. General Data Protection Regulation

- 16.1 All data within this policy will be processed in line with the requirements and protections set out in the General Data Protection Regulation.





## Complaint Form. Formal Complaints

Please complete and return to the Headteacher / CEO of the Trust as appropriate.

Your name:

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Pupil's name (if relevant):

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Your relationship to the pupil (if relevant):

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Address:

Postcode:

Day time telephone number:

Evening telephone number:

Email address:

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Please give details of your complaint, including whether you have spoken to anybody about it.

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What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details.

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Signature:

Date:

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Official use

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Date acknowledgement sent:

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By whom:

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Complaint referred to:

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Action taken:

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Date:



## 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 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, students and other people relevant to the complaint
  - consideration of records and other relevant information
  - analysing information
- liaising with the complainant 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 report that sets out the facts, identifies solutions and recommends a course of action to resolve matters.
- 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.

### Clerk to the Governing Body / Trust Board

The Clerk 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 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 Chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked 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
- 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 academy / Trust 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.

## Committee Members

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so
- No governor / trustee 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 parties. 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.

