

## Complaints Policy

<b>Policy Level and Description:</b>	1	<p><u>TKAT Statutory Policy</u>            NO CHANGES TO THE CORE TEXT            ALL Schools require a policy on this topic/area. Only changes to highlighted sections are allowed to the core text            – changes will be limited to school name and very limited school-specific details            - LGBs to adopt, implement and monitor this policy.</p>	
<b>Reviewed by: (Trust Officer)</b>	Hester Wooller CEO	<b>Reviewed by: (School representative)</b>	(Richard Thomas, Head of School)
<b>Approved by: (Trust Committee/Trust Board)</b>	FAPP	<b>Approved by: (LGB/LGB Committee)</b>	LGB
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*We are a family of distinctive schools at the heart of the diverse communities we serve.  
In line with our Christian ethos, we aspire to excellent learning and pastoral care for pupils and staff and are committed to being open and welcoming to all.*

## Contents

1. Aims .....	2
2. Legislation and guidance.....	2
3. Definitions and scope .....	3
4. Roles and responsibilities .....	3
5. Principles for investigation .....	4
6. Stages of complaint (not complaints against the trust, CEO or trustees).....	5
7. Complaints about the trust, CEO or trustees.....	8
8. Referring complaints on completion of the school and trust procedures.....	9
9. Persistent complaints .....	9
10. Record-keeping and confidentiality.....	11
11. Learning lessons.....	11
12. Monitoring arrangements.....	11
13. Links with other policies .....	12

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## 1. Aims

The Keys Academy Trust (TKAT) aims to meet its statutory obligations when responding to complaints from parents of pupils at the school and any person including members of the public, may make a complaint.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Treat complainants with respect and courtesy
- Make sure any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school and TKAT improvement evaluation processes

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

TKAT will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will make sure we publicise the existence of this policy and make it available on our website, and on the websites of our schools.

Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

## 2. Legislation and guidance

This document meets the requirements set out in part 7 of the schedule to the [Education \(Independent School Standards\) Regulations 2014](#), which states that we must have and make available a written procedure to deal with complaints from parents of pupils in TKAT.

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. In addition, it addresses duties set out in the [Early Years Foundation Stage statutory framework](#) with regards to dealing with complaints about TKAT's fulfilment of Early Years Foundation Stage (EYFS) requirements.

### 3. Definitions and scope

#### 3.1 Definitions

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”
- A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”

#### 3.2 Scope

This policy does **not** cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs and disabilities (SEND)
- Safeguarding matters
- Suspension and permanent exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline
- Withdrawal from the curriculum (parents and carers can withdraw their child from any aspect of religious education, including the daily act of collective worship. They do not have to explain why.)

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

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

### 4. Roles and responsibilities

#### 4.1 The complainant

The complainant will get a more effective and timely response to their complaint if they:

- Follow these procedures
- Co-operate with the school or TKAT throughout the process, and respond to deadlines and communication promptly
- Ask for assistance as needed

- › Treat all those involved with respect
- › Do not publish details about the complaint on social media

## **4.2 The investigator**

An individual will be appointed to look into the complaint and establish the facts. They will:

- › Interview all relevant parties, keeping notes. Informed consent from all parties will be sought before recording conversations or meetings
- › Consider records and any written evidence and keep these securely
- › Refuse to accept recordings of conversations that were obtained covertly and without informed consent of all parties being recorded.
- › Prepare a comprehensive report to the headteacher or complaints committee, which includes the facts and potential solutions

## **4.3 The complaints co-ordinator**

The complaints co-ordinator for complaints about individual schools can be the headteacher, any designated complaints governor or other staff member providing administrative support. In the case of complaints about TKAT, the complaints co-ordinator can be the CEO, any designated complaints trustee or another member of the TKAT's central team.

The complaints co-ordinator will:

- › Keep the complainant up to date at each stage in the procedure
- › Make sure the process runs smoothly by liaising with staff members, the headteacher, chair of governors/trustees, clerk and CEO. Be aware of issues relating to:
  - Sharing third-party information
  - Additional support needed by complainants; for example, interpretation support or where the complainant is a child or young person
- › Keep records

## **4.4 Clerk/Governance Professional to the local governing body and trust board**

The clerk will:

- › Be the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints committee meetings
- › Arrange the complaints hearing
- › Record and circulate the minutes and outcome of the hearing

## **4.5 Committee chair**

The committee chair will:

- › Chair the meeting, ensuring that everyone is treated with respect throughout
- › Make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case

## **5. Principles for investigation**

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

## 5.1 Timescales

The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.

We will consider exceptions to this timeframe in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

When complaints are made out of term time, we will consider them to have been received on the first school day after the holiday period.

If at any point we cannot meet the timescales we have set out in this policy, we will:

- Set new time limits with the complainant
- Send the complainant details of the new deadline and explain the delay

## 5.2 Complaints about our fulfilment of early years requirements

We will investigate all written complaints relating to TKAT's fulfilment of the Early Years Foundation Stage requirements, and notify the complainant of the outcome within 28 days of receiving the complaint. Schools will keep a record of the complaint (see section 10) and make this available to Ofsted on request.

Parents and carers can notify Ofsted if they believe that a school is not meeting Early Year Foundation Stage requirements, by:

- Calling 0300 123 4666
- Emailing [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk)
- Using the online contact form available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>

Schools will notify parents and carers if they become aware that they are to be inspected by Ofsted. Schools will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis.

## 6. Stages of complaint (not complaints against the trust, CEO or trustees)

We have adopted a 3-stage process for dealing with complaints:

- Stage 1 – informal resolution
- Stage 2 – formal investigation
- Stage 3 – local governing body panel hearing

### 6.1 Stage 1: informal

TKAT will take informal concerns seriously and make every effort to resolve that matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant should raise the complaint as soon as possible with the relevant member of school staff or the headteacher, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact their school office. Should an approach be made directly to a member of the Governors, the Governor must refer the complainant to the Head Teacher or the next most senior member of staff.

The school will acknowledge informal complaints within 5 school days, and investigate and provide a response within 10 school days.

The informal stage will involve a meeting between the complainant and a member of staff. On occasion a senior member of staff might become involved to help resolve an issue.

If the complaint is not resolved informally, it will be escalated to a formal complaint.

## **6.2 Stage 2: formal**

The formal stage involves the complainant putting the complaint in writing (unless the complainant has a sufficient reason to request a reasonable adjustment be made to amend this). This letter should provide details such as:

- Relevant dates and times
- The names of witnesses of events
- What the complainant feels would resolve the complaint

The letter should be submitted alongside copies of any relevant documents.

### **Addressing the complaint**

Complaints not involving the headteacher or a member of the local governing body should be directed to the headteacher. This can be done by:

- Email: [admin@st-cecilias.wokingham.sch.uk](mailto:admin@st-cecilias.wokingham.sch.uk)
- Letter addressed to the headteacher, delivered to the school office

Complaints involving the headteacher or a member of the local governing body should be directed to the chair of the local governing body. This can be done by:

- Email: [clerk@st-cecilias.wokingham.sch.uk](mailto:clerk@st-cecilias.wokingham.sch.uk)
- Letter addressed to the chair of the local governing body, delivered to the school office

Complaints involving the chair of the local governing body should be directed to the clerk to the local governing body. This can be done by:

- Email: [clerk@st-cecilias.wokingham.sch.uk](mailto:clerk@st-cecilias.wokingham.sch.uk)
- Letter addressed to the clerk to the local governing body, delivered to the school office

If complainants need assistance raising a formal complaint, they can contact the school office.

### **Investigation**

The complainant will receive written acknowledgement of their complaint within 5 school days.

The headteacher or the chair of the local governing body will then conduct their own investigation.

If the complaint is:

- Jointly about the chair and vice-chair or
- The entire local governing body or
- The majority of the local governing body

The CEO or trust board will conduct the investigation.

The written conclusion of this investigation will be sent to the complainant within 15 school days.

If the headteacher / chair of the local governing body 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 to be taken to resolve the complaint.

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the clerk to the governing board in writing within 5 school days.

### **6.3 Stage 3: review panel**

#### **Convening the panel**

Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the second, formal stage.

The panel will be appointed by or on behalf of TKAT and must consist of at least 3 people who were not directly involved in the matters detailed in the complaint. At least 1 panel member must be independent of the management and running of the school. This may be a governor from another TKAT school. The panel cannot be made up solely of local governing body members, as they are not independent of the management and running of the school.

If the complaint is:

- Jointly about the chair and vice-chair or
- The entire local governing body or
- The majority of the local governing body

The panel will be made up of trustees and an independent panel member.

The panel will have access to the existing record of the complaint's progress (see section 10).

The complainant must have reasonable notice of the date of the review panel. The clerk will aim to find a date within 15 school days of the request, where possible.

If the complainant rejects the offer of 3 proposed dates without good reason, the clerk will set a date. The hearing will go ahead using written submissions from both parties.

Any written material will be circulated to all parties at least 5 school days before the date of the meeting.

#### **At the meeting**

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 will be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

At the review panel meeting, the complainant and representatives from the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied if they wish. We don't encourage either party to bring legal representation, but will consider it on a case-by-case basis. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by their union.

Representatives from the media are not permitted to attend.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called, as appropriate, to present their evidence.

The panel, the complainant and the school representative(s) will be given the chance to ask and reply to questions. Once the complainant and school representative(s) have presented their cases, they will be asked to leave and evidence will then be considered.

The panel will then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and 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 TKAT and headteacher.

#### **The outcome**

The committee can:

- Uphold the complaint, in whole or in part
- Dismiss the complaint, in whole or in part

If the complaint is upheld, the committee will:

- Decide the appropriate action to resolve the complaint
- Where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future

The school will inform those involved of the decision in writing within 5 school days.

## **7. Complaints about the trust, CEO, trustees or governors**

### **7.1 Stage 1: informal**

We make every effort to address any concerns or complaints early through informal measures.

The complainant should raise any concerns as soon as possible with the relevant member of the TKAT's central team, the chief executive officer (CEO) or Governance Professional.

If the concern regards the chair of trust, the complainant should contact the vice chair.

If the concern regards the CEO, the complainant should contact the chair of the board of trustees.

If the concern regards a governor, the complainant should contact the school's chair of governors. If a concern is about the chair of governors, the complainant should contact the Clerk/ Governance Professional.

If the concern regards the clerk/Governance Professional, the complainant should contact the chair of school/ trust.

If the complainant is unsure who to contact, or needs to contact the chair of the board of trustees, they should contact the TKAT office by emailing [admin@keysacademytrust.org](mailto:admin@keysacademytrust.org)

The process for responding to and investigating an informal complaint about TKAT or central staff is the same as that set out in section 6.

### **7.2 Stage 2: formal**

If the complaint is not resolved satisfactorily at the informal stage, the complainant must submit a formal complaint in writing.

The complainant will receive written acknowledgement of their complaint within 5 school days.

The investigating officer will then conduct an investigation, in line with the process set out in section 6 above, providing a written response to the complainant within 15 school days.

### **7.3 Stage 3: panel hearing**

#### **Convening the panel**

Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the second, formal stage.

A panel will be appointed by TKAT, and will consist of 3 members of the board not involved in investigating the complaint in the formal stage.

If the complaint is:

- Jointly about the chair and vice-chair or
- The entire trust board or
- The majority of the trust board



The panel will be entirely made up of independent members.

The complainant will have reasonable notice of the date of the review panel. The governance professional/clerk will aim to find a date within 15 school days of the request, where possible.

If the complainant rejects the offer of 3 proposed dates without good reason, the governance professional/clerk will set a date. The hearing will go ahead using written submissions from both parties.

Any written material will be circulated to all parties at least 5 school days before the date of the meeting.

The complainant and representatives from TKAT, as appropriate, will be present at the panel hearing. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied if they wish.

The board will ensure that the hearing is properly minuted.

### **At the meeting**

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called, as appropriate, to present their evidence.

The panel, the complainant and TKAT representative(s) will be given the chance to ask and reply to questions. Once the complainant and TKAT representative(s) have presented their cases, they will be asked to leave and evidence will then be considered.

The panel must then 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 TKAT.

The panel will inform those involved of the decision in writing within 5 school days.

## **8. Referring complaints on completion of the school and trust procedures**

If the complainant is unsatisfied with the outcome of the school or TKAT 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, including following its published complaints procedure and allowing the complaints procedure to be completed. The ESFA will not overturn the school or TKAT's decision about a complaint but will intervene if a school or trust has:

- › Breached a clause in its funding agreement
- › Failed to act in line with its duties under education law
- › Acted (or is proposing to act) unreasonably when exercising its functions

If the complaints procedure is found not to meet regulations, the trust will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:

[www.gov.uk/complain-about-school](http://www.gov.uk/complain-about-school)

We will include this information in the outcome letter to complainants.

## **9. Persistent complaints**

### **9.1 Unreasonably persistent complaints**

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- › Has made the same complaint before, and it has already been resolved by following this complaints procedure
- › Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive

- Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure, beyond all reason
- Pursues a valid complaint, but in an unreasonable manner, e.g. refuses to articulate the complaint, refuses to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the timeframes it sets out
- Makes a complaint designed to cause disruption, annoyance or excessive demands on school time
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

#### **Steps the school/trust will take**

The school/TKAT will take every reasonable step to address the complainant's concerns, and give them a clear statement of the school's/TKAT's position and their options. The school/TKAT will maintain the role of an objective arbiter throughout the process, including when meetings are held with individuals. The school/TKAT will follow this complaints procedure as normal (as outlined above) wherever possible.

If the complainant continues to contact the school/TKAT in a disruptive way, communication strategies may be put in place. The school/TKAT may:

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third party to act on their behalf, such as [Citizens Advice](#)
- Put any other strategy in place as necessary

#### **Stopping responding**

The school/TKAT may stop responding to the complainant when all of these factors are met:

- The school/TKAT has taken all reasonable steps to help address their concerns
- The complainant has received a clear statement of the school's/TKAT's position and their options
- The complainant contacts the school/TKAT repeatedly, and the school/TKAT believes their intention is to cause disruption or inconvenience

The school/TKAT will inform the individual that they intend to stop responding and explain that any new complaints will still be considered.

In response to any serious incident of aggression or violence, the school/TKAT will immediately inform the police and communicate these actions in writing. This may include barring an individual from the school/TKAT site.

## **9.2 Duplicate complaints**

If the school/TKAT has resolved a complaint under this procedure and received a duplicate complaint on the same subject from a partner, family member or other individual, the school/TKAT will assess whether there are aspects that hadn't previously been considered, or any new information that needs to be taken into account.

If the school/ is satisfied that there are no new aspects, it will:

- Tell the new complainant that the issue has already been investigated and responded to, and that the local process is complete
- Direct them to the DfE if they are dissatisfied with the original handling of the complaint

If there are new aspects, this procedure will be repeated.

## **9.3 Complaint campaigns**

Where the school/TKAT receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school/TKAT may respond to these complaints by:

- Publishing a single response on the school/trust website

- Sending a template response to all of the complainants

If complainants are not satisfied with the school's/TKAT's response, or wish to pursue the complaint further, the normal procedures will apply.

## **10. Record-keeping and confidentiality**

The school/TKAT will record the progress of all complaints, including information about:

- Actions taken at all stages
- The stage at which the complaint was resolved
- The final outcome

The records will also include copies of letters and emails, and notes related to meetings and phone calls.

This material will be treated as confidential and stored securely, and will be viewed only by those involved in investigating the complaint or on the review panel.

In the case of complaints about TKAT or central staff, these records will be managed by the governance professional/ clerk to the board of trustees, and will be stored securely in TKAT's offices under restricted access.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests 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 securely, only for as long as necessary and in line with data protection law, our privacy notices and record retention schedule.

The details of the complaint, including the names of individuals involved, will not be shared with the whole local governing body of the school (or the entire trust board) in case a review panel needs to be organised at a later point.

Where the local governing body is aware of the substance of the complaint before the review panel stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the local governing body, who will not unreasonably withhold consent.

## **11. Learning lessons**

The local governing body will review any underlying issues raised by complaints with the headteacher where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school/TKAT can make to its procedures or practice to help prevent similar events in the future.

The trust board will receive regular reports on the types of complaints received in each school in order to support the development of appropriate support structures, and to inform any improvements to procedures or practice.

## **12. Monitoring arrangements**

The local governing body will monitor the effectiveness of the school complaints procedure in ensuring that complaints are handled properly.

The local governing body will track the number and nature of complaints, and review underlying issues as stated in the section entitled 'Learning lessons'.

The complaints records are logged and managed by the school's Operations Manager

The trust board will monitor the effectiveness of the complaints procedure trust-wide.

This policy will be reviewed by the trust board every 2 years.

### **13. Links with other policies**

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Suspension and permanent exclusion policy
- Staff grievance procedures
- Staff disciplinary procedures
- Special educational needs policy and information report
- Privacy notices
- Whistleblowing policy