Concerns & Complaints Policy

The Tapscott Learning Trust

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1. Introduction

1.1 We believe that our schools provide an excellent education for all our children, and that the Executive Team, Head Teachers/Heads of School and other staff work very hard to build positive relationships with all parents and the local community. This policy sets out guidance to support and address any complaints or concerns identified by parents and the local community and sets out the procedures that the individual and school follow should the need occur. If any parent is unhappy with the education that their child is receiving, or has any concern relating to the school, we encourage that person to talk to the child's class teacher immediately in the first instance.

1.2 As schools and a trust, we also recognise that at times, complaints can also come from members of the public or from within the community and schools should exercise professional judgement as to the appropriate course of escalation and response.

1.3 This procedure does not apply to concerns and complaints relating to the matters listed in Appendix 2 and complaints which have already been investigated will not be considered again. Legal, safeguarding or disciplinary proceedings may take precedence over complaints procedures (e.g. where there is a police investigation).

1.4 In this procedure:

- A complaint means an expression of dissatisfaction however made about actions taken or a lack of action
- A concern means an expression of worry or doubt over an issue considered to be important for which assurances are sought
- The definition of 'meeting' means an in person or virtual meeting i.e. telephone or video conference where all parties can participate verbally. Virtual meetings will only be held in the event that all parties have access to appropriate equipment to attend and are happy to do so. If the parties are unable to meet virtually and the meeting must take place in person, the meeting may be postponed until it is deemed safe to hold an in person meeting, at the discretion of the trust
- 'parent' means a parent, carer or anyone with legal responsibility for a child
- 'school days' excludes weekends and school holidays and periods of partial or total school closure
- 'trust' means the Tapscott Learning Trust

2. Aims and Objectives

2.1 Our schools aim to be fair, open and honest when dealing with any complaint. Schools give careful consideration to all complaints and deal with them as swiftly as possible. We aim to resolve any complaint through dialogue and mutual understanding and we put the interests of the child above all other issues. Through our communications strategy, we provide sufficient opportunity for any complaint to be fully discussed, and then resolved.

2.2 The trust expects members of staff to be addressed in a respectful manner and for communication to remain calm at all times. The procedure under Appendix 2 will only be used on very rare occasions to deal with unreasonably persistent complainants or unreasonable complainant behaviour.

2.3 Every attempt will be made to resolve the complaint by the school, if the complaint is not resolved, and the complainant has followed the appropriate steps within the complaints policy, the complainant may escalate the matter to the trust.

2.4 We believe that most complaints can be resolved satisfactorily by informal discussion whether over the telephone or through a meeting involving the key people involved.

2.5 Informal queries and complaints should be taken up directly with the relevant member of staff either verbally or in writing.

2.6 Formal complaints concerning an individual school should be addressed to the appropriate Head Teacher or Head of School in writing.

2.7 Complaints concerning the CEO, an Executive Head Teacher, a Head Teacher or Head of School should be addressed to the trust's Head of Governance via info@ttlt.academy

2.8 Complaints concerning the trust, a Local Advisory Board Member or a Trustee should be addressed to the trust's Head of Governance via info@ttlt.academy

2.9 All complaints will be acknowledged within three school working days of receipt and dealt with as quickly and efficiently as possible. The length of the period will vary with the gravity and complexity of the complaint and the urgency with which it needs to be settled. However, the intention is that all complaints are dealt with within a reasonable period.

2.10 All formal complaints will be investigated fully, fairly and carefully and complainants will be kept informed of progress.

2.11 The aim is always to ensure the resolution of the complaint to the satisfaction of the complainant if possible.

2.12 Concerns or complaints should be brought to the school's attention as soon as possible. Any matter raised more than 12 months after the incident being complained of (or, where a series of associated incidents have occurred, within 12 months of the last of these incidents) will not be considered unless the Head Teacher or Head of School accepts that there are good reasons to explain the delay or the complaint is about a particularly serious matter.

2.13 Anonymous complaints will not normally be considered however, the CEO will determine whether the gravity of an anonymous complaint warrants an investigation.

2.14 Complaints made outside term time will be deemed to have been received on the first day after the holiday period. If it becomes necessary to alter time limits and deadlines set out within this policy, the complainant will be advised accordingly and given an explanation as to why this has been the case and provided with revised timescales. If other bodies are investigating aspects of the complaint, for example the police, local authority safeguarding teams or tribunals/courts, this may impact on the trust's ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

2.15 On rare occasions, the school may receive complaints from a number of parents relating to the same issue. In order to deal with these complaints efficiently the school may deviate from the procedure set out in this policy and instead send a template response to all complainants and/or publish a single response on the school/trust's website (as applicable).

2.16 Complainants should not approach individual members of the Local Advisory Board or Trustees to raise concerns or complaints. They have no power to act on an individual basis and it may prevent them from considering complaints at later stages.

3. Representation

3.1 The complainant may be accompanied by a friend, colleague or other representative but not a paid legal representative. In this case, the complainant should make their own arrangements for such representation. The representative may ask questions, confer with the complainant and make summary statements but may not answer questions on behalf of the complainant.

4. Record Keeping and Confidentiality

4.1 The appointed Complaints Officer at each school will maintain accurate and contemporaneous records throughout the process, including details of any initial informal process. The trust's Head of Governance will record any complaint relating to the trust, the CEO, trust officers, a Head Teacher/Head of School. Records of individual complaints will be kept confidential except where:

- Access is requested by the Secretary of State;
- Disclosure is required in the course of a school inspection;
- An individual has a legal right to access their own personal data contained within such documentation

4.2 Formal complaints will be reported to the school's Local Advisory Board

4.3 All complaints will be reported to Trustees on a termly basis

4.4 The complainant will be informed of the outcome in writing, together with their entitlement to appeal the outcome. Where the complaint is upheld, any action to be taken by the trust or school in response will also be recorded.

5. The Complaints Process

5.1 Informal Concerns

5.1 Stage 1a Concerns - Talk to the Class Teacher or SENDCo

5.1.1 The school will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue. Concerns should be raised as soon as possible with the relevant member of staff in person, in writing, or by telephone. If you are unclear who to contact or how to contact them, please contact the school office to make an appointment to see the class teacher. The class teacher will know your child well and may already know the details of any incident about which you may have a concern. Please do not try to see the teacher during the school day when lessons are occurring. It is hoped that you can reach an agreement that satisfies you but on some occasions the concern raised may require investigation, or discussion with others, in which case the complainant should allow at least 5 days for a response. The majority of concerns are dealt with in this way. However, if it is not the case, please progress to Stage 1b.

5.2 Stage 1b Concerns - Meet with a Senior Teacher/Member of Staff

5.2.1. Meet a senior teacher. Please contact the school office to arrange to meet with a senior member of staff who will investigate your concern and reply within 5 working school days. If the complaint is not resolved informally, it will be escalated to a formal complaint (Stage 2).

5.2.2 If you are dissatisfied with the response at Stage 1 please put your complaint in writing to the Head Teacher/Head of School who will deal with it formally or appoint an Investigating Officer. Please provide full details such as relevant dates, times, names of witnesses of events or copies of relevant documents. You should also state what you believe would resolve the complaint (please see Appendix 4 – Complaint Form) which may be used to support this process.

6. The Complaints Process

Formal

6.1 Stage One- School Led Investigation

6.1.1 Complaints against school staff (except the Head Teacher or Head of School) should be made in the first instance to the schools Complaints Officer. Please mark them as Private and Confidential. The Complaints Officer will record the date of the complaint and will forward the complaint to the Head Teacher/Head of School who will acknowledge receipt of the complaint in writing

6.1.2 Complaints must be raised within three months of the incident, or where a series of incidents have occurred, within three months of the last of these incidents.

6.1.3 Complaints received outside of term time will be deemed to have been received on the first school day after the holiday period.

6.1.4 The Head Teacher or Head of School will ensure that the complaint is investigated fully within 15 school days of the receipt of the complaint. The Head Teacher or Head of School may delegate responsibility for conducting the investigation to another member of the School Leadership Team.

6.1.5Where the complaint concerns the Head Teacher or Head of School, the complainant will be informed in writing that they should send a completed complaint form (See Appendix 3) to the Chair of the Local Advisory Board, who will then take the place of the Head Teacher/Head of School throughout the formal procedure.

6.1.6 Once the investigation has been completed, the Head Teacher or Head of School will review all of the information and discuss the findings with the complainant with the aim of resolving the complaint to the complainant's satisfaction.

6.1.7 Should the complainant wish to withdraw their complaint, we ask that this is done in writing.

6.1.8 Possible outcomes include:

- Complaint resolved to the satisfaction of the complainant
- Complaint dealt with under another procedure
- Complaint not resolved to the satisfaction of the complainant and escalated by the complainant to Formal Stage Two within 10 days of the Stage One outcome.

6.2 Stage Two – Governance Led Investigation

6.2.1 The Chair of the Local Advisory Board will look to resolve the complaint, to the satisfaction of the complainant, as quickly as possible.

6.2.2 A meeting will be arranged to discuss the complaint with the complainant; the complainant may be accompanied and will have the opportunity to explain the complaint in more detail. The Chair of the Local Advisory Board will give at least three school days' notice of the meeting.

6.2.3 Once the investigation has been completed, the Chair of the Local Advisory Board will review all of the information and discuss the findings with the complainant with the aim of resolving the complaint to the complainant's satisfaction.

6.2.4 The Chair of the Local Advisory Board will decide on the final outcome to the formal complaint and inform the complainant in writing of the decision within 10 school days of the conclusion of the investigation. A meeting may also be arranged to convey the reasons for the decision.

6.2.5 Possible outcomes include:

- Complaint withdrawn
- Complaint dealt with under another procedure
- Complaint dismissed
- Complaint upheld in full or in part

6.2.6 Where a complaint pertains to a Head Teacher, Head of School or of a Local Advisory Board member or Trustee, the complaints form should be completed and issued to the trust's Head of Governance.

6.3 Stage Three – Appeals

6.3.1 If the complainant remains dissatisfied, they should notify the trust's Head of Governance within 10 school days of receiving the Stage 2 outcome, stating why they are dissatisfied and what outcome they seek. The trust's Head of Governance will forward this to the trust's CEO.

6.3.2 The trust's CEO may be able to resolve the complaint informally with the result that the complainant withdraws their appeal.

6.3.3 If this is not possible, the CEO will convene an appeal hearing within 20 school days of the request.

6.3.4 The CEO will ensure that the complainant is notified of the date, time and venue of the meeting.

6.4 Appeal Hearings

6.4.1 The appeal will be heard by a Complaints Appeal Committee that will consist of at least three people consisting of:

- The CEO or his/her nominated representative
- A member of the school's Local Advisory Board
- One person who is independent of the management and running of the school to which the complaint has been made

6.4.2 The committee may not include any persons who have had prior involvement in the complainant or in the incident to which the complaint refers.

6.4.3 The Complaints Appeal Committee will decide whether or not the outcome of the formal procedure was correct. Accordingly, the respondent will be the person who made the initial decision in relation to the outcome of the formal procedure in relation to the complaint.

6.4.4 The Complaints Appeal Committee reserves the right not to consider any documentation presented by either party less than 3 school days prior to the hearing. The Committee is under no obligation to hear oral evidence from witnesses but may do so and/or may take written statements into account. The committee will not normally accept recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

6.4.5 The Appeal Committee Chair will decide the procedure that is to be followed, ensuring that:-

- The remit of the Committee is explained to the parties and each party has the opportunity of putting their case without undue interruption
- Members of the Committee are objective and open-minded and act independently
- The complainant and any others who may not be used to speaking at such a hearing are put at ease
- The hearing is conducted in an informal though clearly structured manner with each party treating the other with respect and courtesy
- Each side is given the opportunity to state their case and to ask questions
- Any written material is seen by all parties. If a new issue arises, all parties should be given the opportunity to consider and comment on it
- Any witnesses are only required to attend for the part of the hearing in which they give their evidence
- The issues are addressed
- Key findings of fact are made

6.4.6 The hearing should generally proceed as follows:

- Introductions and introductory comments are made from the Committee Chair
- The complainant explains the complaint, followed by questions
- Any witnesses to support the complaint give evidence and are questioned
- The respondent explains the outcome of the formal procedure and briefly explains the outcome of the formal procedure, followed by questions
- Any witnesses to support the respondent give evidence and are questioned
- The complainant sums up
- The respondent sums up
- With the exception of the Committee members and any independent advisor, all persons will withdraw while the Committee decides the outcome
- The complainant and respondent are informed of the decision

6.4.7 The Clerk or the Committee reserves the right to modify the above procedure at their sole discretion, for example requiring the parent and the school representative to present their complaint/actions separately to the Committee in the absence of the other party.

6.4.8 The Committee may:

- Dismiss the complaint in whole or in part
- Uphold the complaint in whole or in part
- Decide on any further action to be taken
- If appropriate, recommend changes to the school's systems or reasons for it and that the decision is final

6.4.9 A copy of the findings and recommendations will be made available for inspection on the school premises by the Head Teacher or Head of School.

6.4.10 The complainant, and where relevant, the person complained about will be informed in writing within five days of the outcome of the hearing and the reasons for it, and that decision is final.

6.4.11 A copy of the findings and recommendations will be made available for inspection on the school premises by the Head Teacher or Head of School

6.4.12 All complainants have the right to write to the Department of Education via the Education & Skills Funding Agency should they remain unsatisfied. The Department cannot re-investigate complaints nor can they normally overturn any decisions by the school. They only consider whether the school's statutory policies

meet current education legislation and whether these policies have been adhered to. If the department finds fault with trust policies or any failure to adhere to them, they may request that remedial action is taken.

7.0 Complaints about the Trust, CEO or Trustee

7.1 If the complaint is about the trust then the complaint should be sent to the trust's Head of Governance who will forward the complaint to the CEO. The CEO will write to the complainant acknowledging the complaint within three working days of the date that the letter was received

7.2 If the complaint concerns the CEO or a Trustee, the complaint will be investigated by the Chair of Trustees. If a formal complaint is received about the Chair, the complaint will be referred to the Vice Chair for investigation.

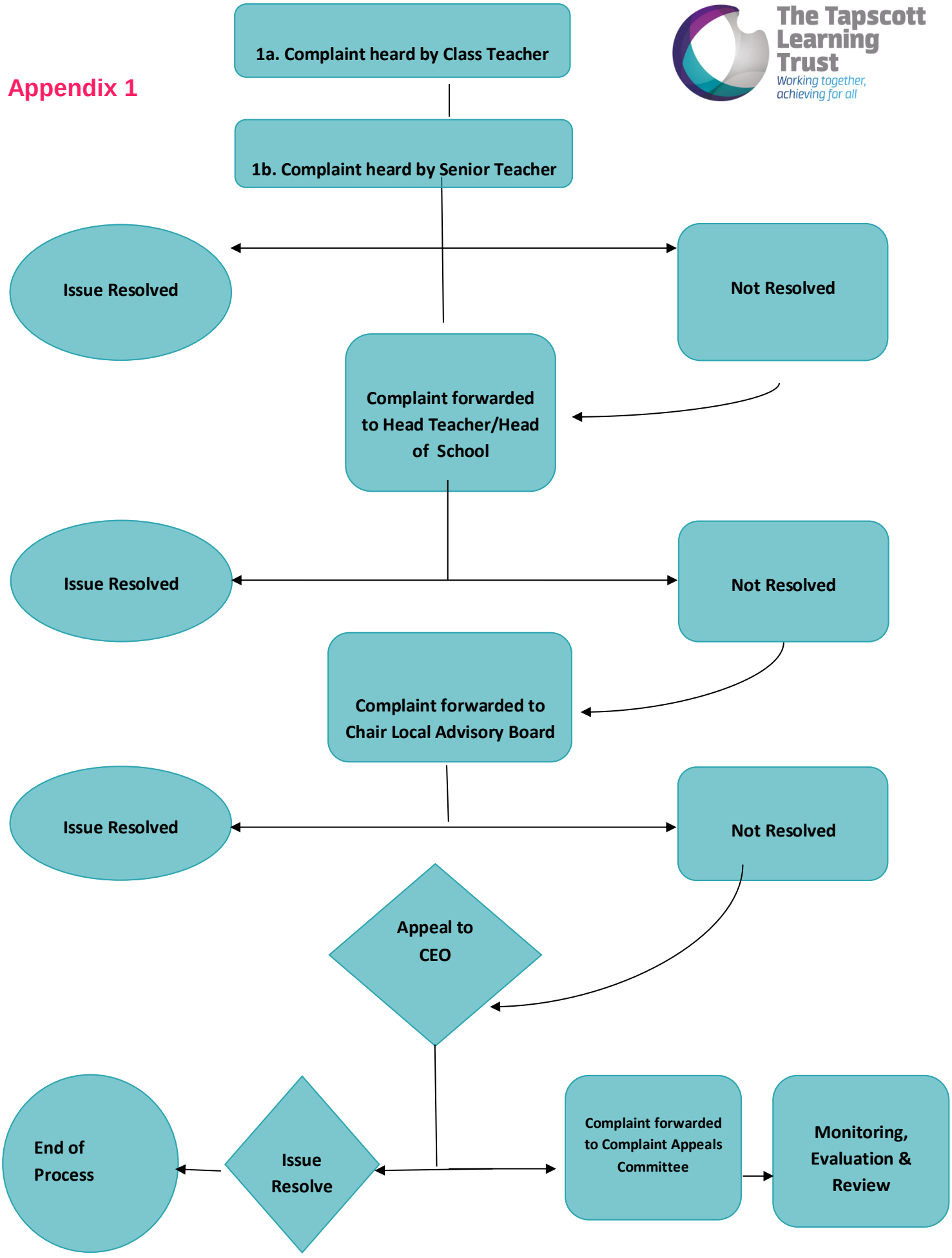
8.0 Monitoring, Evaulation and Review

8.1 The trust monitors the complaints procedure, in order to ensure that all complaints are handled properly.

8.2 The trust will take into account any local or national decisions that affect the complaints process and make all modifications necessary to this policy. This policy is made available to all parents both online and by request to ensure that parents are properly informed about the complaints process.

8.3 The trust will review this policy every three years and assess its implementation and effectiveness.

Appendix 1


1a. Complaint heard by Class Teacher
1b. Complaint heard by Senior Teacher
Issue Resolved
Not Resolved
Complaint forwarded to Head Teacher/Head of School
Issue Resolved
Not Resolved
Complaint forwarded to Chair Local Advisory Board
Issue Resolved
Not Resolved
Appeal to CEO
End of Process
Issue Resolve
Complaint forwarded to Complaint Appeals Committee
Monitoring, Evaluation & Review

Appendix 2

This procedure does not cover the following issues:

Exceptions	Who to contact
• Admissions to schools • Statutory assessments of Special Educational Needs (SEN) • Matters likely to require a Child Protection investigation	These concerns should be raised direct with the Local Authority (The London Borough of Newham)
Exclusion of children from school	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline exclusions/exclusions.
Whistleblowing	We have an internal whistleblowing procedure for school staff. The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters directly with their employer. Referrals can be made at: www.education.gov.uk/contactus The trust has a nominated link trustee who oversees whistleblowing concerns. Please contact the trust's Head of Governance who will forward your concern to the correct trustee.
Staff grievances and disciplinary procedures	These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.
Complaints about services provided by other providers who may use school premises or facilities.	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.

Appendix 3

Unreasonably persistent complainants and unreasonable complainant behaviour

There are rare circumstances where the trust will deviate from the Complaints Procedure. These include, but are not necessarily limited to:

- Where the complainant's behaviour or language towards staff, members of the Local Advisory Board or trustees is abusive, offensive, discriminatory or threatening;
- Where the complainant's behaviour is hindering our consideration of complaints and/or the proper running of the school because of the frequency or nature of the complainant's contact, such as, if the complainant refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- Where the complainant refuses to co-operate with the complaints investigation process
- Where the complainant refuses to accept that certain issues are not within the scope of the complaints procedure
- Where the complainant insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- Where the complainant introduces trivial or irrelevant information which they expect to be taken into account and commented on
- Where the complainant raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- Where the complainant makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- Where the complainant changes the basis of the complaint as the investigation proceeds, the complainant seeks an unrealistic outcome, such as the inappropriate dismissal of staff
- Where the complainant makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- Where the complainant knowingly provides falsified information
- Where the complainant publishes unacceptable information on social media or other public forums
- Where the complainant's complaint is clearly frivolous, vexatious and/or has patently insufficient grounds. The Office of the Independent Adjudicator defines the characteristics of a 'frivolous' or 'vexatious' complaint as:
    - Complaints which are obsessive, persistent, harassing, prolific, repetitious
    - Complaints which are insistent upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason
    - Complaints that are designed to cause disruption or annoyance
    - Demands for redress that lack any serious purpose or value
    - Where the complainant's complaint is the same, similar to or based on the same facts of a complaint which has already been considered in full.

In these circumstances, the trust may:

- Inform the complainant that their behaviour is unacceptable or unreasonably persistent and ask them to change it
- Restrict the complainant's access to the school e.g. requesting contact in a particular form (for example by letter only), requiring contact to take place with a named person only, restricting telephone calls to specified days and times or banning the complainant from the school's premises. Any such arrangements will be reviewed after six months

- Conduct the Complaints Committee on the papers only i.e. not hold a hearing
- Refuse to consider the complaint and refer the complainant directly to the Education and Skills Funding Agency

In all cases the trust will write to tell the complainant why we believe his or her behaviour is unacceptable or unreasonably persistent, what action we are taking and the duration of that action.

The trust may take the decision not to respond to any further correspondence where:

- We have taken every reasonable step to address the complainant's concerns
- The complainant has been given a clear statement of our position and their options
- The complainant contacts us repeatedly making substantially the same points each time

The case for ceasing further correspondence is stronger where:

- Letters, emails or telephone calls are often or always abusive or aggressive or make insulting personal comments about or threats towards staff
- We have reason to believe that the complainant is contacting us with the intention of causing disruption or inconvenience
- Where the behaviour is so extreme that it threatens the immediate safety and welfare of staff, members of the Local Advisory Board or trustees, we will consider other options, for example reporting the matter to the police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

Appendix 4 - Complaints Form

Name
Address
Telephone Number
Email
Date Submitted
Dated Received
Please provide details of the nature of the complaint, including dates, times, location and your summary of key events
What action have you already taken to try to resolve your complaint? Who have you spoken to already and what was the response?
What is the outcome that you are seeking to achieve?