

Complaints Procedure

Policy Monitoring, Evaluation and Review

This policy is effective for all schools within The Mead Educational Trust, the Teaching School, the SCITT and all other activities under the control of the Trust and reporting to the Trust Board.

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Revision History:

Version	Date	Author	Summary of Changes:
1.0	October 2015	CJO	Policy adopted by RMET
2.0	January 2016	CJO	Updated Stage 3 procedure following Departmental publication. Addition of Record Keeping section.
3.0	June 2016	CJO	Amendment to Stage 2. Addition of Stage 3 - Formal Complaints to the Trust.
4.0	August 2016	CJO	Addition to Record Keeping
5.0	July 2017	CJO	Amendment to Stage 2 and 4 investigations. Introduction of Stage 3 – Formal complaint investigated by senior Trust member of staff.
6.0	January 2019	CBR	Changed Trust name to TMET and governors to academy councillors. Amendments in line with January 2019 DfE guidance on school complaints procedures. Stage 1 moved to first stage of formal complaint (not informal concern).
7.0	June 2019	CBR	Reduced number of formal stages from 3 to 2 in line with DfE recommendation. Amendments in line with March 2019 DfE guidance on school complaints procedures.
8.0	August 2020	CBR	Updated in line with ESFA academy complaints best practice guidance 16 July 2020, specifically: 5 – added reference to reasonable adjustments 7 – updated time scale in which to lodge complaints and added guidance around handling complaints relating to exam results 14.3.1 – clarified membership of panels, sharing panel minutes 15 – updated ESFA remit and contact details Annex 1 – clarified decision making process of when to stop responding
9.0	August 2022	CBR	3 – addition of referral to another staff member. 7.1 – removal of ref to complaints relating to 2020 exam results. 11 – addition of detail about storing and monitoring complaints. 14.2 – Addition of what may happen if complaint is not clear; addition of possibility that chair of AC can commission another to investigate complaint against principal/councillor; change so that complaint against chair or AC referred to Trust Complaints Team instead of clerk. 14.3.1 – clarification of independent panel member.
10.0	December 2022	CBR	Rewrite to make procedure easier to follow, including putting flowchart and who to contact near beginning. Appendix A - clarification that email submissions are accepted and that principal may still communicate with complainant during investigation where complaint is about the principal.

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1. Introduction

The Mead Educational Trust (TMET), its schools, The Mead Institute of Professional Learning, Teaching School Hub and SCITT are committed to maintaining strong and productive partnerships with parents/carers, pupils and other members of the community.

We are open to feedback and comments about our work, both positive and negative, as these provide us with valuable information about our effectiveness and how we can better meet our aims.

This procedure describes the processes to be followed when parent/carers, pupils and others (including members of the public) have concerns or make complaints about TMET, its schools, Teaching School Hub or SCITT.

The guiding principles behind our complaints procedure are:

- Simplicity – it is simple to understand and use
- Access – it is easily accessible and publicised
- Speed and clarity – it allows complaints to be handled promptly, effectively and professionally
- Development – it provides information that enables TMET and its schools to improve
- Action - it ensures a full and fair investigation

2. Scope

This procedure applies to parents/carers, pupils and people who are not parents of attending pupils.

Complaints not in scope of this procedure, which are dealt with under other statutory procedures, are:

- admissions to schools;
- statutory assessments of special educational needs;
- school re-organisation proposals
- matters likely to require a child protection investigation;
- exclusion of children from school;
- whistleblowing;
- staff grievances and disciplinary procedures;
- complaints about services provided by third party providers who may use school premises or facilities; and,
- National Curriculum content.

3. The difference between a concern and a complaint

CONCERN	COMPLAINT
An expression of worry or doubt over an issue considered to be important for which reassurances are sought	An expression of dissatisfaction about previous concerns not resolved, actions taken or a lack of action

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally by discussing with an appropriate member of staff, without the need to use the formal stages of the complaints procedure.

We understand, however, that there are occasions when people would like to raise their concerns or complaints formally. On such occasions the school/Trust will attempt to resolve the issue through the stages outlined in this Complaints Procedure.

4. Who to contact at each stage

	School		Trust	
Concern / complaint about:	School	Principal or academy councillor(s)	Trust*	CEO or Trustee(s)
Concern	Teacher, other staff member or principal	Trust Complaints Team	Trust Complaints Team	Trust Complaints Team
Stage 1 – Formal Complaint	Principal	Trust Complaints Team	Trust Complaints Team	Trust Complaints Team
Stage 2 – Panel	Trust Complaints Team	Trust Complaints Team	Trust Complaints Team	Trust Complaints Team

* The Trust includes The Mead Institute of Professional Learning, Teaching School Hub and SCITT

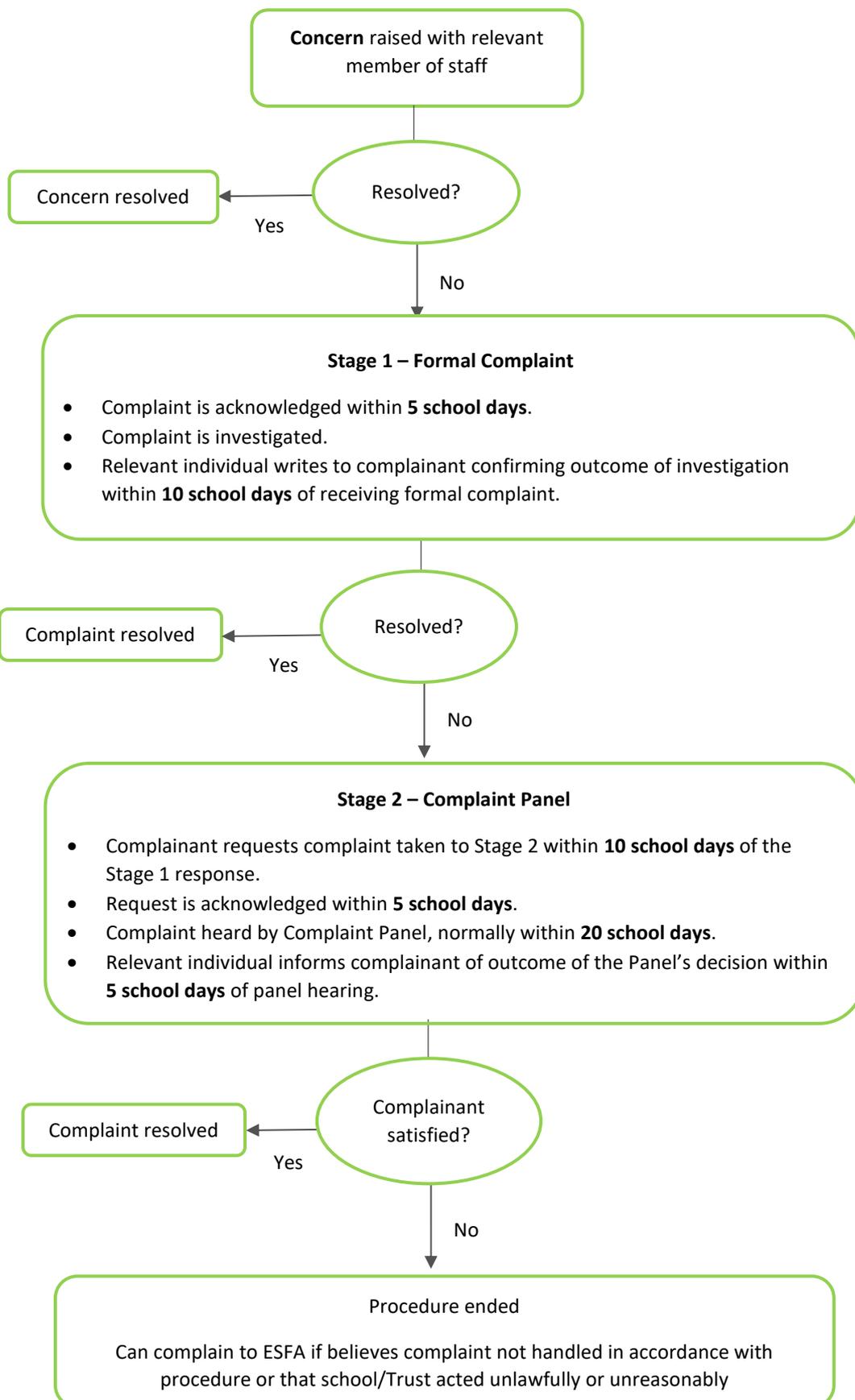
Trust Complaints Team:

info@tmet.uk, 0116 2143148

TMET, The Mead Centre, 343 Gipsy Lane, Leicester LE4 9DD

5. Complaint Flow Chart

This sets out the overall process. See Appendix A for a full description of each stage.



6. Access to complaints procedure

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

7. Anonymous complaints

We will not normally investigate anonymous complaints. However, the person receiving the complaint will determine whether the complaint warrants an investigation.

8. Time scales and complaints received out of term time

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 if exceptional circumstances apply.

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

Every effort will be made to adhere to the timescales set out for each stage of the procedure. However, there may be some circumstances where it takes longer to arrange a meeting of all the relevant parties. If this is the case, the complainant will be kept informed.

9. Resolving complaints

At each stage in the procedure the person(s) hearing a complaint will keep in mind ways in which that complaint can be resolved.

If possible, the complainant should be seen face to face at each stage of the formal complaint procedure and, if appropriate, at the informal stage.

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:

- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that we will try to ensure the event complained of will not happen again;
- 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 policies in light of the complaint; or,
- an apology.

It is useful if complainants are able to state what actions they feel might resolve the problem at any stage. An admission that the situation could have been handled better is not an admission of negligence.

10. Withdrawal of a complaint

A complainant may withdraw their complaint at any time during the process and should confirm this in writing.

11. Confidentiality

All documentation relating to a complaint, including correspondence, statements and records 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).

All information relating to a complaint will be handled sensitively, telling only those who need to know and following any relevant data protection requirements.

Should a complaint relate to a member of staff, then that person shall be advised of the complaint made against them, unless there is an overriding reason why this would be inappropriate.

12. Record keeping and monitoring of complaints

TMET and each of its schools will maintain a written record of all complaints concerning them, including whether they are resolved following a Stage 1 investigation or proceed to a Stage 2 panel hearing, the date on which they were received, their final outcome and details of the action taken by the Trust/school as a result of those complaints (regardless of whether they were upheld).

The number of complaints registered under the formal procedure during the preceding school year is available upon request.

The Trust Complaints Team records details of all complaints about TMET schools and the Trust that reach Stage 2 (Complaints Appeal Panel). The Trust Complaints Team monitors the response to, and outcomes of, such complaints. The number of formal complaints is recorded on the Trust and school Data Dashboards which are updated three times a year. This enables the monitoring of the number of formal complaints by the academy councils, Trust Executive Team and the Board.

13. Duplicate complaints and complaint campaigns

If, after closing a complaint at the end of the complaints procedure, a duplicate complaint is received from someone connected to the original complainant (e.g. spouse, partner, grandparent or child), the new complainant will be informed that the complaint has been considered and that the local process is complete. The new complainant will be advised to contact the ESFA if they are dissatisfied with the handling of the original complaint.

If the school/Trust receives large volumes of complaints all based on the same subject and/or from complainants unconnected with the school/Trust, we may address the complaints by:

- sending a template response to all complainants; and/or
- publishing a single response on the website of the school/Trust.

Such responses will advise complainants to contact the ESFA if they are dissatisfied with the handling of their complaint.

14. Serial, persistent and unreasonable complaints

For the purpose of this procedure, a complaint may be viewed as **serial** and/or **persistent** if it relates to the same issue that was the subject of a previous complaint (made by the same complainant) which has already been through the formal complaints procedure in which the complainant has been notified of the outcome. In such cases, it is likely that the complainant will be informed that the matter is now closed and that no further response will be provided.

For the purpose of this procedure, a complaint may be viewed as **unreasonable** if it contains threatening, abusive or offensive language and/or conveys unrealistic outcomes beyond all reason. In such cases, the Trust Complaints Team will consult with relevant parties and may decide that the complaint is not considered under this procedure. The complainant will be notified in writing that this is the case and that no further response will be provided.

The application of a serial, persistent or unreasonable categorisation will be against the subject or complaint itself, not against the complainant.

Please see Appendix C for more information on handling unreasonable complaints.

Appendix A: Complaints Procedure

Informal Concern

It is hoped that most concerns can be resolved at this stage.

Concerns regarding a school should be raised with the class teacher, form tutor, head of year, subject head or principal.

Concerns regarding the school principal, academy councillor(s), Trust or trustee(s) should be raised with the Trust Complaints Team. See Section 5 for contact details.

If you have difficulty discussing a concern with a particular member of staff, the school principal (or Trust Complaints Team) will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the school principal (or Trust Complaints Team) will refer you to another staff member. The 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.

Complainants should not approach individual academy councillors or trustees to raise concerns or complaints. They have no power to act on an individual basis and being involved at an earlier stage may prevent them from being on the Complaint Panel if the complaint goes to Stage 2 of the procedure.

In most cases, it is anticipated that concerns will be resolved quickly. Where this is not possible and the matter is not resolved informally, parents/carers, pupils and others may proceed with Stage 1, a formal complaint.

Stage 1: Formal complaint

A formal complaint can be made in person, by telephone, by e-mail or in writing. It may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so.

For ease of use, a template complaint form is included in Appendix A but you do not have to use this. If you require help in completing the form, please contact the school (or Trust Complaints Team). You can also ask organisations like Citizens Advice to help you.

A complaint regarding a school should be raised with the school principal and a complaint regarding the school principal, academy councillor(s), Trust or trustee(s) should be raised with the Trust Complaints Team.

The school contact details are on the school website under 'contact us' and the Trust Complaints Team contact details are provided in Section 5.

The complaint will be acknowledged within **5 school days** of receipt of the formal complaint by the school or Trust Complaint Team.

If the complaint is unclear, the principal (or Trust representative) will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. A face to face meeting may be the most appropriate way of doing this.

If after this the complaint remains unclear, the principal (or Trust representative) may not proceed with an investigation into the complaint. In such a case, this will be communicated to the complainant.

The principal (or Trust representative) will investigate the complaint or may delegate the investigation to another member of staff. See Appendix D for further information about conducting an investigation.

If the complaint is about the principal, the principal may still communicate with the complainant whilst the investigation is being carried out by another individual.

Following the investigation, the principal (or Trust representative) will write to the complainant confirming the outcome of the investigation within **10 school days** of receipt of the written formal complaint (or establishment of grounds of complaint, if relevant). This response will also detail any actions taken to investigate the complaint, the reasons for the decision and, if appropriate, any actions to be taken to resolve the complaint. The response will advise the complainant how to escalate their complaint should they remain dissatisfied with the outcome at this Stage.

If the principal (or Trust representative) is unable to meet the timescale of 10 school days, they will provide the complainant with an update and a revised response date.

Stage 2: Appeal heard before a Complaint Panel

If the complainant is dissatisfied with the outcome of Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2 – an appeal heard by a Complaint Panel. This is the final stage of the complaints procedure.

The complainant should email or write to the Trust Complaints Team within **10 school days** of the date of the Stage 1 response, asking for the complaint to be heard before a Complaint Panel.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Trust Complaints Team will acknowledge within **5 school days** receipt of the written request to escalate to Stage 2. If not already provided, the Trust Complaints Team will ask the

complainant to provide details of the reason for the appeal and any relevant supporting evidence.

The Trust Complaints Team will schedule the panel meeting to take place as soon as practicable, normally within **20 school days of receipt of the letter from Trust Complaints Team to complainant confirming the appeal**, giving the complainant reasonable notice of the panel meeting date. The Trust Complaints Team will make reasonable attempts to arrange the hearing at a time convenient to the complainant, panel and other attendees. If this is not possible within the 20 days, the Trust Complaints Team will arrange the meeting as soon as possible and will keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Trust Complaints Team 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.

Membership of the Complaint Panel

The Complaint Panel will comprise three people with no prior connection to the complaint.

For a complaint concerning a **school**, two of the panel members will be drawn from the academy council of that school (or another school in the Trust or from the Trust Board). The third panel member will be independent of the management and running of that school (i.e. not on the academy council of that school and not on the Trust Board).

For a complaint concerning the **academy council** (chair, vice-chair, other councillor or academy council itself), two of the panel members will be drawn from the Trust Board and the third member will be independent.

For a complaint concerning the **Trust**, two of the panel members will be drawn from the Trust Board and the third member will be independent.

For a complaint concerning the **Trust Board** (chair, vice-chair, other trustee or Trust Board itself), the panel will be entirely independent.

The remit and operation of the Complaint Panel

The aim of the panel meeting is for the panel to consider the complaint afresh with the aim of resolving the complaint and achieving reconciliation between the complainant and the subject of the complaint. The panel will not consider any new complaints at this stage or consider evidence unrelated to the initial complaint. New complaints must be dealt with from Stage 1 of the procedure.

The panel meeting will be professionally clerked.

The complainant may bring someone with them to the panel meeting to provide support, such as a relative or friend. Generally, we do not agree to either party bringing legal representatives

to the meeting as it is not a legal hearing. However, there may be occasions when legal representation is appropriate. For instance, if a school employee is called as a witness, they may wish to be supported by union and/or legal representation.

Representatives from the media are not permitted to attend.

Any written material will be circulated to all parties at least 5 school days before the panel meeting. The panel will not normally accept as evidence recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The panel 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 recording of meetings or conversations take place. Consent will be recorded in any minutes taken.

Decision of the Complaint Panel

After due consideration of all facts the panel considers relevant, the panel will reach a decision on the balance of probabilities as to whether or not the complaint is made out.

The panel can:

- uphold the complaint in whole or in part; or,
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the panel will:

- decide on the appropriate action to be taken to resolve the complaint; and,
- where appropriate, recommend changes to systems or procedures to prevent similar issues in the future.

The complainant will be notified in writing of the panel's decision, usually with **5 school days**. The letter will confirm the panel's findings and recommendations and will confirm the end of the procedure with that complaint. It will explain how to contact the Education and Skills Funding Agency (ESFA) if the complainant is dissatisfied with the way their complaint has been handled.

The complainant will also receive a copy of the minutes.

Next step

If the complainant believes that their complaint was not handled in accordance with this published complaints procedure or that the school/Trust acted unlawfully or unreasonably in the exercise of their duties, they can refer their complaint to the Education and Skills Funding Agency (ESFA) after they have completed Stage 2.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made. They will consider whether the school/Trust has adhered to education

legislation and any statutory policies connected with the complaint and whether they have followed [Part 7 of the Education \(Independent School Standards\) Regulations 2014](#).

The complainant can refer their complaint to the ESFA online at:

www.education.gov.uk/contactus, 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

Appendix B: TMET Complaint Form

Please complete and return to the appropriate person via the school/Trust office

Your name:		
Pupil's name (if relevant):		
Your relationship to the pupil (if relevant):		
Your address:		
Postcode:		
Daytime telephone number:		
Evening telephone number:		
Email address:		
Please state whether your complaint concerns a school (if so please name the school) the Trust, the Teaching School or SCITT:		
Please give details of your complaint, including		
<ul style="list-style-type: none"> • whether you have spoken to anybody at the school/Trust/Teaching School/SCITT about it (who and when) • whether you have taken any actions to try to resolve it • the outcomes of these discussions/actions 		
What actions do you feel might resolve the problem at this stage?		
Are you attaching any paperwork? If so, please give details.		
Signature:		Date:
Official use		
Date form received:		Date acknowledgment sent:
Received by:		Acknowledgment sent by:
Complaint referred to:		
Date:		

APPENDIX C: Handling Unreasonable Complaints

TMET 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 schools/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.

The TMET Parent and Visitor Code of Conduct, which is published on the Trust and school websites, sets out expected behaviour and conduct, what is not tolerated and dealing with incidents.

TMET defines unreasonable complaints as those that, because of their nature, hinder our consideration of those 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;
- 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 Education and Skills Funding Agency;
- 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;
- uses threats to intimidate;
- uses abusive, offensive or discriminatory language or violence;
- knowingly provides falsified information; or,

- publishes unacceptable information on social media or other public forums.

Complainants should limit the numbers of communications with the school/Trust 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 individual in the school/Trust who is dealing with the complaint will discuss any concerns with the complainant informally before applying an 'unreasonable' marking to the complaint.

If the behaviour continues, the individual in the school/Trust who is dealing with the complaint will write to the complainant explaining that their behaviour is unreasonable. They will also explain that if the behaviour continues the school/Trust may specify methods of communication e.g. restrict the individual to a single point of contact via email, limit the number of contacts in a communication plan or take the decision stop responding. This will usually be reviewed after six months.

The decision to stop responding will never be taken lightly. Before the school/Trust stops responding to a complainant who submits unreasonable complaints, we will need to be able to answer yes to the following questions:

- Have we taken every reasonable step to address the complainant's concerns?
- Has the complainant been given a clear statement of our position and their options?
- Does the complainant contact us repeatedly, making substantially the same points each time?

We will also consider the following points:

- Are the individual's letters, emails, or telephone calls often or always abusive or aggressive?
- Does the individual make insulting personal comments about or threats towards staff?
- Do we believe that the individual is contacting us with the intention of causing disruption or inconvenience?

The individual will be informed in writing should the individual in the school/Trust who is dealing with the complaint determine that the school/Trust should stop responding.

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 barring an individual from the school/Trust site(s).

APPENDIX D: Investigation procedures for formal complaints

The investigation of an allegation or a complaint should always be carried out thoroughly and responsibly, irrespective of whether the complaint appears to be trivial or serious. The outcome of such an investigation will have significance not only for the complainant but also for any member of staff against whom a complaint has been made.

The investigation of a complaint, including writing to the complainant confirming the outcome of the investigation, will take place within **10 school days** of receipt of the written formal complaint.

Preparing for an investigation

It is essential that there is a clear understanding of the complaint. Where necessary the nature of the complaint should be confirmed with the complainant, e.g. through an initial meeting.

Any member of staff against whom a complaint has been made should be notified that a complaint has been received and that the appropriate school procedure will be followed. It is usually not appropriate to provide the member of staff with details of the evidence on which the complaint is based until any investigation has been completed. However, the member of staff does need to be able to understand the nature of any allegations against them.

Once the complaint has been confirmed, the investigator needs to determine who they wish to interview and what documentation they will need to review.

Conducting the investigation

Arrangements should be agreed so that accurate notes can be taken of all interviews and that the outcome of the investigation can be accurately recorded.

The complainant and member of staff subject to the complaint should be given the opportunity to offer documentation and to identify potential witnesses or sources of evidence. The member of staff should be advised that they may be accompanied by a friend or trade union representative when invited to be interviewed.

Where pupils are potential witnesses, discretion should be exercised over their involvement. Pupils should only be interviewed when the nature of the complaint is sufficiently serious to warrant it and adult witnesses are not available. Only in extreme circumstances will younger pupils be interviewed.

Any interviews should be conducted as soon as possible to ensure that recollections are as fresh as possible and to minimise the possibility that evidence will become tainted through witnesses discussing alleged incidents with other persons. A written record must be made of any interviews.

In conducting interviews, the investigator should prepare the questions to be asked prior to the interview. These can always be supplemented during the interview. The investigator should allow the interviewee to answer in their own way. Their responses should be listened to attentively. Any temptation to cut an interviewee short or to seek to "lead" them must be resisted. The interviewee should be given the opportunity to provide other relevant information at the end of the interview. Interviewees should, however, be advised that their responses must be confined to the substance of

the complaint. Any attempt by the interviewee to introduce information relating to other members of staff or to issues unrelated to the complaint should be resisted.

The investigator should avoid reaching conclusions or passing judgement until the investigation has been completed.

Concluding the investigation

The investigator should complete the investigation by creating a summary report of the evidence gathered and a preferred outcome for agreement.

The summary report should include the following information:

- a statement of the complaint/concern
- a brief outline of the process that has been followed
- a summary of the findings, linked to the relevant evidence
- any recommendations for future action
- annexes containing copies of witness statements and other evidence collected during the investigation

The summary report will usually be confidential to the school/Trust, as it is likely to contain sensitive personal information. Consideration must be given to the Data Protection Act and Freedom of Information Act.

Following the investigation of the complaint, the investigator will write to the complainant confirming the outcome of the investigation within **10 school days** of receiving the written formal complaint. The investigator's response will include the following information:

- a brief summary of the complaint/concern
- a brief outline of the process that has been followed
- the outcome of the investigation
- the reasons for that outcome, unless confidentiality would be compromised
- any recommendations for future action
- information as to the next stage of the procedure in case the complainant is not satisfied with the response.