



THE CONSORTIUM  
ACADEMY TRUST

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Shaping Positive Futures

# External Complaints Policy

The Consortium Academy Trust (TCAT)  
An Exempt Charity Limited by Guarantee  
Company Number 07665828

Status:	Live
Policy Owner (position)	CEO
Statutory / Recommended	Statutory
Date Adopted	22 October 2018
Review Period	24 months
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Advisory Committee	Trust Board
Linked Documents and Policies	Guidance: Employee Personal Protection Safety Guidance 2014

*\*NB – This document can only be considered valid when viewed on The Consortium Academy Trust website. If the copy is printed or downloaded and saved elsewhere the Policy date should be cross referenced to ensure the current document is referenced. The linked policies can be viewed at [www.consortiumtrust.co.uk](http://www.consortiumtrust.co.uk)*

## **1. Introduction**

- 1.1 The Consortium Academy Trust (the "Trust") is committed to ensuring that the highest standards are maintained, both in the provision of education to students and in every other aspect of the running of all its academies.
- 1.2 The Trust aims to deal positively with all complaints and the complaints procedure allows parents and others the opportunity to voice any concerns they may have through appropriate channels.
- 1.3 This policy explains the procedure which has been adopted by the Trust to ensure a timely, systematic and fair approach to the resolution of such concerns.

## **2. Scope**

- 2.1 The Trust recognises the need to be clear about the difference between a concern and a complaint. By taking informal concerns seriously at the earliest stage we aim to reduce the numbers that develop into formal complaints. We aim to ensure that concerns are handled, if at all possible, without the need for formal procedures.
- 2.2 Our formal complaints procedure is only necessary if efforts to resolve the concern informally are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.
- 2.3 This policy does not cover certain types of complaints (e.g. admissions), and these are dealt with under separate policies and procedures (e.g. LA Admissions Appeals). Also any third party providers (e.g. Kumon) offering services and facilities via the academy should have their own complaints procedures in place.
- 2.4 A complaint may result in disciplinary action by the academy against a member of staff, which would be confidential between that member of staff and the academy, but otherwise the academy will endeavour to keep complainants fully informed of the handling of any complaint. Any complaint will be kept confidential unless it is necessary to involve other parties and will be dealt with as quickly as possible.

## **3. Roles and Responsibilities**

- 3.1 Although the Chief Executive Officer (CEO) of the Trust has overall responsibility for ensuring that there is a consistent approach to managing and resolving complaints, it is the academy Headteacher who has overall responsibility for the operation and management of the academy complaints procedure.
- 3.2 Whilst, in general, any written complaint should be addressed to the Headteacher, in practical terms the Headteacher will normally nominate a senior member of staff to investigate the matter and ensure that all appropriate informal procedures have been exhausted.
- 3.3 It is expected that attempts will be made to resolve difficulties informally with the class teacher/ form tutor/Pastoral Manager/Head of House/ support staff / senior member of staff before being referred to the Headteacher.
- 3.4 The informal stage of the procedure should be exhausted before the matter is referred to the formal stage. If any substantial complaint is made to a member of staff, it should be referred to his or her line manager or Headteacher, as appropriate, if it cannot be resolved immediately, by the member of staff, to the satisfaction of the complainant.

#### **4. Stages in the Procedure**

4.1 There are four stages in the Trust's Complaints Procedures:

- Stage 1 (informal): complaint investigated by a staff member (not the subject of the complaint) and resolved informally
- Stage 2 (formal): complaint heard by the Headteacher or Senior Member of Staff
- Stage 3 (formal): complaint heard by the Chair of the Local Governing Body (LGB)
- Stage 4 (formal): complaint heard by the Trust Complaints Appeal Panel if the complainant is not satisfied with the outcome of the third stage

Some complaints will be so serious that they will come in at Stage 2 or above directly, and be investigated formally. In addition, who the complaint is directed at can also influence at which stage it is brought in.

4.2 At each stage in the procedure we will remain mindful of ways in which a complaint can be resolved, which may include one or more of the following:

- An apology
- An explanation
- An admission that the situation could have been handled differently or better
- An assurance that the event complained of will not recur
- An explanation of the steps that have been taken to ensure that it will not happen again
- An undertaking to review academy policies in light of the complaint

4.3 Complainants will be encouraged to state what actions they feel might resolve the problem at any stage, always acknowledging that an apology or admission that the academy could have handled the situation better is not the same as an admission of negligence.

#### **5. Stage 1 - Informal**

5.1 In this stage, an appropriate member of staff, but not anyone who is the subject of the complaint, will deal with the complaint.

5.2 It is anticipated that most concerns can be adequately resolved by discussion with this person and there may be no need for the complaint to be put in writing, which would formalise matters and may lead some complainants to feel less prepared to articulate concerns.

5.3 The complaint should be resolved within 10 school working days. However, if the complainant is not satisfied and wishes to take the matter further they will be required to put their concerns in writing and submit this to the Headteacher within 5 school working days of being informed of the outcome of Stage 1.

5.4 The Headteacher will be informed and Stage 2 is implemented.

#### **6. Stage 2 – Formal**

6.1 The complainant puts the complaint in writing. An acknowledgement of the formal complaint is sent out via email or letter by the academy within 24 hours of the Headteacher receiving the complaint. This draws a clear line between the informal resolution work and the formal complaint stage.

6.2 The initial recipient of the complaint should refer the matter to the Headteacher or a designated member of the Senior Leadership Team.

- 6.3 The Headteacher, or a designated member of the Senior Leadership Team, will investigate the circumstances of the complaint and may find it appropriate to ask for written statements from staff or learners and to call for any relevant documentation.
- 6.4 If the complaint is against a member of staff, that member of staff has a right to be given details of the complaint and the opportunity to make representation about it. The person investigating the incident will take these details into account.
- 6.5 The Headteacher or designated member of staff will consider the complaint but it will be the Headteacher who will decide what action is required and respond to the complainant with the outcome of the investigation, normally within 10 school working days of receipt of the substance of the complaint.
- 6.6 The response may be in writing or at a meeting with the complainant followed by written confirmation of the outcome. The outcome will also be recorded on the complaints log.

## **7. Stage 3 – Formal**

- 7.1 If the complainant is not satisfied they should write to the Chair of the Local Governing Body within 5 school working days of the date of the letter they received detailing the outcome of Stage 2.
- 7.2 The Chair will review the complaint and all related evidence and correspondence.
- 7.3 The Chair may arrange to meet with the complainant or they may ask someone to undertake further investigations.
- 7.4 Once all relevant details have been collated and reviewed the Chair will make a decision and relay this to the complainant verbally, wherever possible.
- 7.5 Written confirmation will be provided and the outcome will also be recorded on the complaints log.
- 7.6 This stage should be completed within 10 school working days of receipt of the Stage 3 complaint.

## **8. Stage 4 – Formal Appeal Stage**

- 8.1 If following Stage 3 the complainant is still dissatisfied with the outcome they can submit an appeal to the Chair of the Trust.
- 8.2 This appeal must be submitted in writing to the Chair of the Trust within 5 school working days of the date of the letter they received detailing the Stage 3 outcome.
- 8.3 If a hearing is requested, a Trust Complaints Appeal Panel will be assembled supported by a nominated person to act as Clerk to the Appeal Panel.
- 8.4 The complainant will be informed by the Clerk of the new timescale for the Trust investigation in preparation for the hearing.
- 8.5 This would normally be within 15 school working days but the length of time will depend upon the nature of the complaint and other variable factors. If the investigation is likely to exceed 15 school working days, realistic time limits will be set and the complainant advised accordingly.

- 8.6 A Trust Complaints Appeal Panel will be assembled comprising two Trustees and a Local Governing Board member that is independent of the management and running of the school to which the complaint relates.
- 8.7 None of the Appeal Panel members will have had any previous connection to the complaint and one of them will act as chair for the meeting.
- 8.8 The Clerk will write to the complainant, the Headteacher, Chair of the Trust and Appeal Panel members giving details of the meeting, requesting copies of any documents to be put before the meeting and the names of any witnesses that either party may wish to attend.
- 8.9 The Clerk will inform the complainant of the right to be accompanied by a friend (who should not be an employee of the Trust) and request details of anyone attending in such a capacity.
- 8.10 The hearing will be at reasonable notice and be held as soon as practicable after receipt of the complaint.
- 8.11 The procedure at the hearing will be sensitive and appropriate for the circumstances and is at the discretion of the Chair of the Trust Complaints Appeal Panel, but is likely to involve:
- presentation of the complaint
  - a reply by the Headteacher or governor
  - questioning of all parties
  - representation about ways to resolve the complaint satisfactorily
- 8.12 If necessary, the panel will withdraw to consider their findings of fact on the evidence put before them and their conclusions, which may include measures to redress problems identified.
- 8.13 The panel can:
- Dismiss the complaint in whole or in part
  - Uphold the complaint in whole or in part
  - Decide on the appropriate action to be taken to resolve the complaint
  - Recommend changes to the academy's procedures to ensure that similar problems do not recur.
- 8.14 The decision of the Trust Complaints Appeal Panel is final.
- 8.15 After the hearing the Clerk will send a copy of the findings and any recommendations of the panel by letter to the complainant and, where relevant, to the person complained about, within 5 school working days. A copy of this letter will be retained by the Headteacher.
- 8.16 If, despite following appropriate procedures, the complainant remains dissatisfied, or tries to reopen the same issue, the Chair of the Trust will inform them in writing that the procedure has been exhausted and that the matter is now closed, and if they wish to take the complaint further they may do so by referring their complaint to the Secretary of State for Education.
- 8.17 This route can be accessed by writing to:

Education & Skills Funding Agency  
Cheylesmore House  
5 Quinton Road  
Coventry  
CV1 2WT

The Schools Complaints Unit will not overturn the governors' decision about the complaint but will check whether:

- There has been undue delay in the proceedings.
- That the procedures in the academy's policy and other relevant policies were followed correctly.
- That the academy has complied with its funding agreement with the Education Secretary.
- That the policy meets all legal requirements.

Further information can be found on the DfE website.

## **9. Record – keeping and Data Protection**

- 9.1 A complaints register is held by the academy and the Trust. The register contains details of the complaint whether the complaint was resolved at Stage 1, 2, 3 or proceeded to a Trust Complaints Appeal Panel hearing
- 9.2 Correspondence, statements and records relating to individual complaints are stored confidentially by the academy, except where the Secretary of State or a body conducting an inspection under Section 109 of the 2008 Act request access to them.
- 9.3 Minutes of the Trust Complaints Appeal Panel hearing detailing the findings and recommendations of the Panel are stored by the academy and are available for inspection by the Trust or the Headteacher.
- 9.4 Information about complaints will be kept in electronic data systems, but will be restricted to members of staff dealing with the complaint and professional advisors.

## **10. Unreasonably Persistent Complaints**

- 10.1 Complaints will be treated as unreasonably persistent if the above procedure has been exhausted and the complainant meets one or more of the below criteria:
- submits multiple complaints which focus on trivial matters
  - continually changes the substance of a complaint or raises new concerns whilst the original complaint is being addressed
  - is unwilling to accept documented evidence in response to a complaint
  - does not clearly identify the issues which they wish to be investigated
  - threatens or uses physical violence towards staff
  - subjects staff to verbal abuse or harassment
- 10.2 Where a complainant meets the above criteria the Chair of the Trust should write to the complainant advising them that they have met the criteria for unreasonably persistent complaints, and therefore any further complaints will be acknowledged but not answered.
- 10.3 Once complainants have been deemed unreasonably persistent, this status will remain under review, with the possibility of its withdrawal at a later date if, for example, complainants subsequently demonstrate a more reasonable approach or if they submit a further new complaint for which the normal complaints procedure would appear appropriate.