



THE CONSORTIUM
ACADEMY TRUST

Shaping Positive Futures

Trust Complaints Policy

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

Status:	Live
Policy Owner (position)	Director of Operations and Compliance
Statutory / Recommended	Statutory
Date Adopted	22 October 2018
Review Period	12 months
Last Review Date	April 2023
Revision	5
Next Review Date	April 2024
Advisory Committee	Headteacher Board Quality and Standards Committee
Linked Documents and Policies	Education Regulations 2014 Behaviour Policy

**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*

Contents

1. Introduction.....	3
2. Legislation and guidance.....	3
3. Complaints and concerns.....	3
Guidance on how to raise a concern or make a complaint	4
Anonymous complaints	4
Vexatious communications	4
Duplicate complaints.....	4
Time scales	4
Complaints received outside of term time	4
4. Scope of this Complaints Procedure.....	5
5. Complaints about Senior Personnel	6
6. Record Keeping.....	6
7. The formal complaints procedure	6
Stage 1 – Head of Department / Service Lead.....	8
Stage 2 - Formal complaint to Headteacher or Director as appropriate	8
Stage 3 - Panel hearing.....	9
Next steps.....	10
Withdrawal of a complaint	10

1. Introduction

The Consortium Academy Trust ('the Trust') aims to resolve concerns or complaints at the earliest possible stage and, where possible, informally, and is dedicated to continuing to provide the highest quality of education possible in all of our schools. Any person, including members of the general public, may raise a concern or make a complaint about any provision of facilities or services that we provide, unless separate statutory procedures apply (see section 4 for details of the scope of this policy).

This policy has been created to handle complaints relating to any aspects of the provision of facilities or services against:

- Any member of staff
- Any school within the Trust
- Any Local Governing Body of the Trust
- Individual Trustees or the Board of Trustees
- The Trust as a whole

Our Vision is Shaping Positive Futures

Our Mission is to put our children and young people first. We have a supportive, yet challenging environment to allow everyone in our Trust community to:

- flourish and believe that they have every chance of success
- work together so that they can achieve more than can be done individually
- work within a supportive culture where taking appropriate risk is seen as a strength
- be proud of themselves, their peers, our schools, and our local communities

2. Legislation and guidance

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

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.

3. Complaints and concerns

A **concern** may be defined as '*an expression of worry or doubt over an issue considered to be important for which reassurances are sought*'.

A **complaint** may be defined as '*an expression of dissatisfaction however made, about actions taken or a lack of action*'.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Depending on the nature of the concern or complaint, many issues can be resolved informally through listening and providing appropriate explanations and/or reassurances.

We understand however, that an informal process may not always be appropriate. For example, if the subject matter of the complaint relates to alleged serious misconduct or where the complainant would like to raise the matter formally. In such cases, we will aim to resolve the issue internally, through the stages outlined within this complaints procedure.

Guidance on how to raise a concern or make a complaint

An informal concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of a complainant if they have appropriate consent to do so.

Informal concerns or complaints should be raised with a member of the school staff or central service team of the Trust. Details of all informal concerns/ complaints (including the outcome) will be recorded on the central complaints database by school or central admin depending on where the concern was raised.

Complainants should not approach individual governors to raise concerns or complaints. Governors have no power to act on an individual basis and it may also prevent them from considering complaints at a later stage in the procedure.

If the issue remains unresolved, the next step is to make a formal complaint.

All **formal** complaints should be detailed on the electronic form that can be found on each school's website - a copy of which can be found at the end of this policy.

Anonymous complaints

We will not normally investigate anonymous complaints. However, the CEO or Chair of the Board of Trustees, if appropriate, will determine whether the complaint warrants an investigation.

Vexatious communications

Vexatious communications will be dealt with under the Dealing with Persistent and Vexatious Complaints and Harassment Policy.

Duplicate complaints

For the purpose of this policy, "**duplicate complaints**" are identical complaints received from a complainant's spouse, partner or child. These complaints will not be addressed again and the individual making the second complaint will be informed that the complaint has been dealt with on a local level. If the individual is dissatisfied with the result, they can appeal to the ESFA, as outlined in the Next Steps section of this policy, on page 10. Any new details provided by a complainant's spouse, partner or child, however, will be investigated and managed in line with the complaints procedure.

Time scales

You must raise the complaint within one calendar month of the incident or, where a series of associated incidents have occurred, within one calendar month of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

Complaints received outside of term time

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

Decision making

Our decision will be based on the balance of probabilities – ie 51% certainty that something has occurred.

4. Scope of this Complaints Procedure

This procedure covers all complaints about any provision of facilities or services by the Trust, other than complaints that are dealt with under other statutory procedures, including those listed on the following page.

Exceptions	Relevant Policy/Procedure
<ul style="list-style-type: none"> Admissions to schools Statutory assessments of Special Educational Needs School re-organisation proposals 	<p>Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals are dealt with under the relevant policy and in accordance with statutory guidance.</p>
<ul style="list-style-type: none"> Matters likely to require a Child Protection Investigation 	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH). <insert LADO/MASH details>.</p>
<ul style="list-style-type: none"> Exclusion of children from school 	<p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-disciplineexclusions/exclusions.</p> <p>Trust Exclusion Policy</p>
<ul style="list-style-type: none"> Whistleblowing 	<p>We have an internal Whistleblowing Policy for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus.</p>
<ul style="list-style-type: none"> Staff grievances 	<p>Complaints from staff will be dealt with under the internal grievance procedures.</p>
<ul style="list-style-type: none"> Complaints about services provided by other providers who use school premises 	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them directly.</p>
<ul style="list-style-type: none"> Staff Conduct 	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against the Trust in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

5. Complaints about Senior Personnel

Complaints against senior personnel will be escalated directly to Stage 2 and details of who will manage the complaint can be seen below:

Complaint regarding	Complaint Manager
School Senior Leadership Team	Headteacher
Headteacher	CEO
Central Directors	CEO
CEO	Trustee
Trustees	Chair of the Trust
Chair of the Trust	Independent panel

6. Record Keeping

A written record will be kept of all complaints, along with what actions have been taken, regardless of the decision. The record will be kept no longer than is reasonably necessary in accordance with the General Data Protection Regulation 2018.

All correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

7. The formal complaints procedure

The table below provides details of who would typically manage each stage (the Complaint Manager):

Stage	Complaint Manager
One	Head of Department or Service Lead
Two	Headteacher / Deputy Headteacher or Director as appropriate Complaints about senior personnel to be investigated by those listed in section 5.
Three	Panel of three Governors.
Next steps	Refer to the ESFA (see next steps below)

Complaint form

All formal concerns or complaints must be made using the Complaints Form that is on each school website. We will only accept complaints via the correct form. The electronic forms will feed directly to the central team complaints helpdesk. If you do not have any means to complete the form online, hard copies of the form can be found at each School Reception and on page 11-12 of this policy. Once complete, the Receptionist will ensure the form is sent to the helpdesk for you. If you require any assistance with the completion of this form, please let the School Reception know.

Complaints will be managed by the Compliance and Data Protection Manager. The complainant will receive a unique call number and acknowledgement receipt within 5 school days.

The investigation

We understand how important it is to establish the facts when a formal complaint or concern is raised. When a formal concern or complaint is received, we will appoint an appropriate investigating officer. The investigating officer will take time to understand the nature and scope of the issues raised and undertake a fact-finding exercise to establish the facts. The investigating officer will be someone within the Trust who is suitably trained to undertake unbiased investigations. The investigating officer may or may not be the Complaint Manager. If the matter is particularly complex, the Trust may consider appointing an external investigating officer.

During the investigation, the investigating officer will:

- Establish the facts relating to the complaint
- If necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- Keep a written record of any meetings/interviews in relation to their investigation

The investigating officer will complete the investigation in adequate time for the decision maker to come to an informed decision.

At the conclusion of the investigation, an investigation report will be produced. The investigation report will not detail or recommend the outcome of the complaint.

The decision

The Complaint Manager is responsible for determining the outcome of the complaint.

The Complaint Manager will aim to provide a formal written response within 10 school days of the date of receipt of the complaint (or notification of its escalation). If unable to meet this deadline, the complainant will be provided with an update and revised response date.

At each stage, the response will detail the 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 the Trust will take to resolve the complaint. At each stage, the Complaint Manager will advise the complainant of how to escalate their complaint should they be dissatisfied.

The investigating officer will complete the investigation in adequate time for the decision maker to come to an informed decision. Our decision will be based on the **balance of probabilities** – ie 51% certainty that something has occurred.

Stage 1 – Head of Department or Service Lead

Provided the complaint does not involve senior personnel (which will be escalated to stage 2), in the first instance the complaint will be referred to the appropriate stage 1 Complaint Manager (Head of Department / Service Lead).

The Complaint Manager will undertake the investigation or appoint an investigating officer.

The Complaint Manager has overall responsibility and they will determine whether a face-to-face meeting with the complainant is necessary to resolve the complaint.

The Complaint Manager will provide a formal written response within 10 school days which sets out their decision and will advise the complainant of how to escalate their complaint should they be dissatisfied with the outcome of Stage 1.

The request for the complaint to be heard at Stage 2 must be logged by email to complaintshelpdesk@consortiumtrust.co.uk within 10 school days of receiving the outcome letter.

The email must confirm what aspect of the Stage 1 process the complainant is dissatisfied with. The unique number that was issued at Stage 1 should be included in the email subject line.

Stage 2 - Headteacher or Director

An acknowledgement of the complaint reaching Stage 2 will be made within 5 school days.

The Stage 2 complaint and all supporting documentation from Stage 1 will be provided to the appropriate Stage Complaint Manager.

The Stage 2 Complaint Manager is entitled to rely upon the facts established during the investigation completed at stage 1 and may confer with the investigating officer or Stage 1 Complaint Manager if necessary.

The Stage 2 Complaint Manager may decide to undertake further investigations themselves or through appointing another investigating officer if:

- The initial investigation at stage 1 is incomplete, does not include all relevant evidence, or has determined facts which are not consistent with the evidence; or
- Further information has come to light that needs to be investigated; or
- In the unlikely event that the investigation has not been undertaken in good faith or if there is evidence of bias.

For complaints against senior personnel, the Stage 2 Complaint Manager will follow the approach to the investigation outlined in stage 1.

The Stage 2 Complaint Manager will provide a formal written response within 10 school days which sets out their decision and will advise the complainant of how to escalate their complaint to stage 3 should they be dissatisfied with the outcome of Stage 2.

A request to escalate to Stage 3 should be made to complaintshelpdesk@consortiumtrust.co.uk within 10 school days of receiving the outcome letter. The unique number that was issued at Stage 1 should be included in the email subject line. The email must confirm what aspect of the Stage 2 complaint process the complainant is dissatisfied with.

Stage 3 - Panel hearing (appeal stage)

If the complainant is dissatisfied with the outcome at Stage 2, they can escalate the complaint to Stage 3, which is the final stage of the complaints procedure. The complaint will be heard by a panel of three Trust governors, at least one of which does not sit on the Local Governing Board of the school. **Local Governors that do not sit on the LGB of the school are regarded as independent of the school.** The panel members will appoint their own Chair.

A request to escalate to Stage 3 must be made within 10 school days of receipt of the Stage 2 response to complaintshelpdesk@consortiumtrust.co.uk. This will be acknowledged within 5 school days. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The complainant will be informed of the date of the meeting, which will be within 15 school days of receipt of the Stage 3 request. If this is not possible, the Compliance and Data Protection Manager will provide an anticipated date and keep the complainant informed. If the complainant rejects the offer of three proposed dates, without good reason, the meeting will proceed in the complainant's absence based on written submissions from both parties.

The panel will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the issues raised and the complainant's needs. If the complainant is invited to attend the meeting, they may bring someone along to provide support provided confidentiality is maintained. This can be a relative or friend. Generally, we do not encourage either party to bring their child or legal representatives to the panel meeting. However, there may be occasions when either is appropriate. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

Representatives from the media or any form of covert recording equipment is not permitted.

The panel are entitled to rely upon the investigation completed at stage 1 or 2 to establish the facts relating to the complaint, but may decide to undertake further investigations through appointing an investigating officer if:

- The initial investigation at stage 1 is incomplete, does not include all relevant evidence, or has determined facts which are not consistent with the evidence; or
- Further information has come to light that needs to be investigated, or
- In the unlikely event that the investigation has not been undertaken in good faith or if there is evidence of bias.

At least 10 school days before the meeting, the Clerk of the meeting will:

- Confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible.
- Request copies of any further written material to be submitted to the panel at least 5 school days before the meeting.

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

The panel will not review any new complaints at this stage or consider evidence unrelated to the initial complaint. Unless it is a complaint about process, new complaints must be dealt with from Stage 1 of the procedure.

Recording of the panel hearing may take place for accuracy of the minute taking. Consent of all parties attending must be sought before recording takes place. Consent will be recorded in any minutes taken. The meeting will be held in private.

The panel will consider the complaint and all the evidence presented. The panel can:

- Uphold the complaint in whole or in part
- 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
- Where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future

The Chair of the Panel will provide the complainant with a full explanation of their decision and the reason(s) for it, in writing, within 10 school days of the hearing. The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled.

Next steps

If the complainant believes that the Trust did not handle their complaint in accordance with the published complaints procedure or acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the ESFA after they have completed Stage 3.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by The Consortium Academy Trust. They will consider whether the 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 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

Withdrawal of a complaint

Where a complainant wishes to withdraw their complaint, they will be asked to confirm this in writing. Despite the complaint having been withdrawn, the Trust will still take the complainant's voice seriously and attempt to avoid causing similar distress to others in the future.

We will not under any circumstances ask, or pressure an individual, to withdraw a complaint.

Formal Complaints Procedure Form

Name		Address	
School (if applicable)			
Learner Name and Year Group (if applicable)			
Relationship to Learner			
Contact telephone number			
Email address			
Please give details of your complaint (be as specific as possible)			
What action, if any, have you already taken to try and resolve the complaint. For example, who have you spoken to and what was the response?			
What actions do you feel might resolve the problem at this stage?			

Signed		Date	
---------------	--	-------------	--

Data Protection Act 2018: Personal data that the Trust receives as a complaint/suggestion on this form or in other ways, will be used by The Consortium Academy Trust as a way of listening to local people and service users, to respond to issues raised and to improve services. Data may be shared with other organisations to respond to specific issues that may be raised. Data will not be used for purposes other than the purpose set out above.