



TyneCoast  
Academy Trust

# Complaints Policy

**Approved by:** Tyne Coast Academy Trust Board

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## 1. Aims

Tyne Coast Academy Trust ('Trust') and the academies within aims to meet its statutory obligations when responding to complaints from parents of pupils, pupils, and others.

When responding to complaints, we aim to:

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

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

The Trust/academy will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will ensure we publicise the existence of this policy and make it available on the Trust and individual academy websites.

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

## 2. Legislation and guidance

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

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on [creating a complaints procedure that complies with the above regulations](#), and refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).

This policy complies with our funding agreement and articles of association.

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

## 3. Definitions and scope

### 3.1 Definitions

The DfE guidance explains the difference between a concern and a complaint.

- A **concern** is defined as "an expression of worry or doubt over an issue considered to be important for which reassurances are sought". The Trust will resolve concerns through day-to-day communication as far as possible.
- A **complaint** is defined as "an expression of dissatisfaction however made, about actions taken or a lack of action".

### 3.2 Scope

The Trust/academy intends to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.



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

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Exclusion
- Whistleblowing
- Employee conduct, including staff grievances and staff discipline
- Teacher performance

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

Arrangements for handling complaints from parents of children with special educational needs (SEN) about support are within the scope of this policy. Such complaints should first be made to the class teacher or special educational needs co-ordinator; they will then be referred to this complaints policy. Specific Academy SEND Policy and information reports includes information about the rights of parents of pupils with disabilities who believe that our Trust/academy has discriminated against their child.

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

## 4. Roles and responsibilities

### 4.1 The complainant

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

- Follow these procedures
- Co-operate with the Trust/academy throughout the process, and respond to deadlines and communication promptly
- Treat all those involved with respect
- Not publish details about the complaint on social media

### 4.2 The investigator

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

- Interview all relevant parties, keeping notes
- Consider records and any written evidence and keep these securely
- Prepare a comprehensive report to the headteacher or complaints committee which includes the facts and potential solutions

### 4.3 Clerk to the governing board

The clerk will:

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

### 4.4 Committee chair

The committee chair will:

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



## 5. Principles for investigation

When investigating a complaint, we will try to clarify:

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

### 5.1 Time scales

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

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

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

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

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

### 5.2 Complaints about our fulfilment of early years requirements

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

Parents and carers can notify Ofsted if they believe that the Trust/academy is not meeting Early Years Foundation Stage requirements, using any of the following contact methods, calling 0300 123 4234 or 0300 123 4666, or by emailing [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk). An online contact form is also available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>.

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

## 6. Stages of complaint (not complaints against the headteacher/principal, governors or trustees)

### Stage 1: Informal

The Trust/academy 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.

The complainant should raise the complaint as soon as possible with the relevant member of staff or the headteacher/principal, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the relevant academy office (details can be found in section 14) or Trust central contact. The complainant may also wish to approach his/her child's class teacher as they will be best placed to help, either directly or by finding out which member of staff they should be speaking to.

The Trust/academy will acknowledge informal complaints within 3 school days and investigate and provide a response within 10 school days.

The informal stage will involve a meeting between the complainant and the head teacher/principal or an appropriate member of staff.

The complainant is welcome to bring a friend, partner, or – in the case of a pupil who has raised a concern – a parent, to this meeting. It may be appropriate for a pupil to attend the meeting if their parent has raised a concern, depending on the nature of the issue.



Staff have a responsibility to ensure that the complainant understands any future points of action that have been agreed upon in this meeting and should make a record what has been discussed, as well as any outcomes and a plan of action, if one has been agreed

All staff will do their best to ensure that the complainant's concerns are dealt with appropriately and efficiently. If the complaint is not resolved informally, it will be escalated to a formal complaint.

## Stage 2: Formal complaints

The formal stage involves the complainant putting the complaint to the headteacher/principle and/or the subject of the complaint:

- In a letter or email
- Over the phone
- In person
- Through a third party acting on their behalf

The complainant should provide details such as relevant dates, times and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint. A complaint form can be found in Appendix 1.

If complainants need assistance raising a formal complaint, they can contact the relevant Trust/academy office by phone or email (details can be found in section 14).

The headteacher/principal (or other person appointed by the headteacher/principal for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 15 school days.

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the clerk to governing board in writing within 10 school days.

## Stage 3: Review panel

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

The panel will be appointed by or on behalf of the Trust and must consist of at least 3 people who were not directly involved in the matters detailed in the complaint. At least 1 panel member must be independent of the management and running of the academy. The panel cannot be made up solely of local governing board members, as they are not independent of the management and running of the individual academy.

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

The complainant must have reasonable notice of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather than that of the complainant. At the review panel meeting, the complainant and representatives from the Trust/academy, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

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

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

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

The panel will then put together its findings and recommendations from the case. The panel will also provide a copy of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint, and make a copy available for inspection by the Trust and head teacher/principal.

The Trust/academy will inform those involved of the decision in writing within 20 school days.



## 7. Complaints against the headteacher/principal, governors, trustees or the governing board

### 7.1 Stage 1: informal

Complaints made against the headteacher/principal or any member of the governing board should be directed to the clerk to the governing board in the first instance.

If the complaint is about the headteacher/principal or one member of the governing board (including the chair or vice chair), a suitably skilled and impartial governor will carry out the steps at stage 1 (set out in section 6 above).

### 7.2 Stage 2: formal

If the complaint is jointly about the chair and vice chair, the entire governing board or the majority of the governing board, an independent investigator will carry out the steps in stage 2 (set out in section 6 above). They will be appointed by the governing board and will write a formal response at the end of their investigation.

### 7.3 Stage 3: review panel

If the complaint is jointly about the chair and vice chair, the entire governing board or the majority of the governing board, a committee of independent governors will hear the complaint. They will be sourced from other academies within the trust and will carry out the steps at stage 3 (set out in section 6 above).

## 8. Referring complaints on completion of the trust's/academy's procedure

If the complainant is unsatisfied with the outcome of the Trust's/academy's complaints procedure, they can refer their complaint to the ESFA. The ESFA will check whether the complaint has been dealt with properly by the Trust/academy. The ESFA will not overturn a decision about a complaint. However, it will look into:

- Whether there was undue delay, or the academy/trust did not comply with its own complaints procedure
- Whether the Trust/academy was in breach of its funding agreement with the secretary of state
- Whether the Trust/academy has failed to comply with any other legal obligation

If the Trust/academy did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the Trust's/academy's complaints procedure is found to not meet regulations, the Trust/academy will be asked to correct its procedure accordingly.

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

<https://www.gov.uk/complain-about-school>

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

## 9. Persistent complaints

### 9.1 Unreasonably persistent complaints

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

- Has made the same complaint before, and it's already been resolved by following the trust/academy's complaints procedure
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- Knowingly provides false information
- Insists on pursuing a complaint that is unfounded, or out of scope of the complaint's procedure
- Pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refused to co-operate with this complaint's procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the time frames it sets out
- Changes the basis of the complaint as the investigation goes on





- Makes a complaint designed to cause disruption, annoyance or excessive demands on Trust/academy time
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

### Steps we will take

We will take every reasonable step to address the complainant's concerns and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

If the complainant continues to contact the Trust/academy in a disruptive way, we may put communications strategies in place. We may:

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

### Stopping responding

We may stop responding to the complainant when all of these factors are met:

- We believe we have taken all reasonable steps to help address their concerns
- We have provided a clear statement of our position and their options
- The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from our sites.

## 9.2 Duplicate complaints

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

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

If there are new aspects, we will follow this procedure again.

## 9.3 Complaint campaigns

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

- Publishing a single response on the Trust/academy website
- Sending a template response to all of the complainants

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





## 10. Record keeping

The Trust/academy will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

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

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or under the terms of the Data Protection Act, or where the material must be made available during an inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and records management and retention policy.

The details of the complaint, including the names of individuals involved, will not be shared with the whole governing board in case a review panel needs to be organised at a later point.

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

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

## 11. Learning lessons

The relevant academy governing board/trust board will review any underlying issues raised by complaints with the head teacher/principal, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the academy/trust can make to its procedures or practice to help prevent similar events in the future.

## 12. Monitoring arrangements

The relevant governing board/trust board will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The governing board/trust board will track the number and nature of complaints, and review underlying issues as stated in section 11.

The complaints records are logged and managed by the Trust clerk.

This policy will be reviewed by the Operations Manager every year.

At each review, the policy will be approved by the Trust Board.

## 13. Links with other policies

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Exclusions policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEN policy and information report
- Records management and retention policy
- Privacy notices



## 14. Contact Details

Please find below contact details for each of the academies within our Trust

### Tyne Coast Academy Trust

Website - [www.tynecoastacademytrust.co.uk](http://www.tynecoastacademytrust.co.uk)

Telephone – 0191 4273786

### Monkwearmouth Academy

Telephone – 0191 9172300

Email – [contactus@mwacademy.co.uk](mailto:contactus@mwacademy.co.uk)

### Redby Academy

Telephone – 0191 5484040

Email – [enquiries@redbyacademy.co.uk](mailto:enquiries@redbyacademy.co.uk)

### Walker Riverside Academy

Website – [www.walker.academy.co.uk](http://www.walker.academy.co.uk)

Email – [enquiry@walker.academy.co.uk](mailto:enquiry@walker.academy.co.uk)

Telephone – 0191 2958660

### Ridgeway Academy

Website – [www.ridgewayprimaryacademy.co.uk](http://www.ridgewayprimaryacademy.co.uk)

Telephone – 0191 4552865

Email – [info@ridgeway.s-tyneside.sch.uk](mailto:info@ridgeway.s-tyneside.sch.uk)

### North East Futures UTC

Website – [www.nefutures.co.uk](http://www.nefutures.co.uk)

Telephone – 0191 9179888

Email – [info@nefuturesutc.co.uk](mailto:info@nefuturesutc.co.uk)

## 15. Version Control

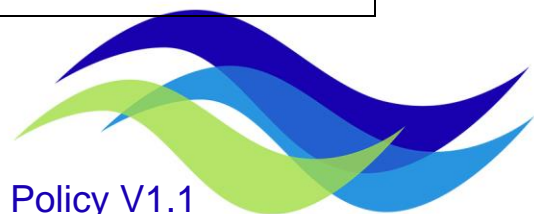
Version Number	Purpose/Change	Author	Approval	Date
1	Policy first developed to have one complaints policy across the trust.	C.Pinkney, Operations Manager	Tyne Coast Academy Trust Board	18/10/2018
1.1	Reviewed in line with DfE guidance, changes made to various sections in line with DfE guidance and sections 4, 14 and 15 added to provide detailed info/further clarification.	C.Pinkney, Operations Manager	Tyne Coast Academy Trust Board	17/10/2019



## APPENDIX 1

Please complete and return to the relevant academy office who will acknowledge receipt and explain what action will be taken.

Your name:
Pupil's name:
Relationship to the pupil:
Address:
Postcode:
Day time telephone number:
Evening telephone number:
Please give details of your complaint:



What action, if any, have you taken to try and resolve the complaint (who did you speak to and what was the response)?

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 acknowledgement sent:

By who:

Complaint referred to:

Date:

